



CHAPTER ccviii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Bournemouth Corporation Tramways Houghton-le-Spring and District Tramways Liverpool Corporation Tramways Extensions Portsmouth Corporation Tramways Rothesay Tramways Weston-super-Mare Tramways and Whitefield Urban District Council 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. 5) Act 1900. Short title.

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

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Protection of
houses of
labouring
class.

3. The Promoters mentioned in the said Orders shall not in the exercise of the powers of this Act or of the said Orders purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district in England or in any district in Scotland within the meaning of the Public Health (Scotland) Act 1897 as the case may be ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board or the Secretary for Scotland as the case may be ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. If any Promoters acquire or appropriate any house or houses under the powers of this Act or of the said Orders in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court or by the Secretary for Scotland by action in the Court of Session as the case may be and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the Court may if it think fit reduce such penalty.

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

SCHEDULE.

A.D. 1900.

LIST OF ORDERS.

BOURNEMOUTH CORPORATION TRAMWAYS.—Order authorising the Mayor Aldermen and Burgesses of the Borough of Bournemouth to construct Tramways in their Borough.

HOUGHTON-LE-SPRING AND DISTRICT TRAMWAYS.—Order authorising the construction of Tramways by the United Kingdom Tramway Light Railway and Electrical Syndicate Limited in the Urban Districts of Hetton and Houghton-le-Spring and in the Rural Districts of Easington Houghton-le-Spring and Sunderland all in the County of Durham and for other purposes.

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

PORTSMOUTH CORPORATION TRAMWAYS.—Order authorising the Mayor Aldermen and Burgesses of the Borough of Portsmouth to construct additional Tramways in the said Borough and for other purposes.

ROTHESAY TRAMWAYS.—Order authorising the Rothesay Tramways Company Limited to alter and adapt their Tramways for working and to work the same by mechanical power.

WESTON-SUPER-MARE TRAMWAYS.—Order authorising the construction of Tramways in the Urban District of Weston-super-Mare in the County of Somerset.

WHITEFIELD URBAN DISTRICT COUNCIL TRAMWAYS.—Order authorising the Urban District Council of Whitefield to construct Tramways in their District.

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BOURNEMOUTH CORPORATION.

Bournemouth Corporation.

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

Preliminary.

Short title.

1. This Order may be cited as the Bournemouth Corporation Tramways Order 1900.

Incorporation of Acts.

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

Interpretation.

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

Provided that in this Order—

The expressions “the tramways” and “the undertaking” shall mean respectively the tramways and works and the undertaking by this Order authorised ;

The expression “the borough” shall mean the borough of Bournemouth ;

The expression “the Corporation” shall mean the mayor aldermen and burgesses of the borough of Bournemouth acting by the Council ;

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

Lands by agreement.

5. The Promoters may—

(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

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

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

Construction of Tramways.

6. The Promoters may—

Construction
of tramways

(a) Subject to the provisions of this Order construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order as the same have been amended previous to the passing of the Act confirming this Order (which plans and sections so amended as aforesaid are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails points plates sleepers channels junctions turntables turnouts crossings passing-places 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 (1 mile 1 furlong 1·6 chains in length whereof 3 chains is double line and 1 mile 0 furlongs and 8·60 chains is single line) commencing in the Poole Road at the boundary between the counties of Hants and Dorset and the borough of Bournemouth and the urban district of Branksome and extending thence eastward along the said Poole Road and Commercial Road and terminating in The Square at Bournemouth:

This tramway shall be laid as a single line throughout except at the following passing place at which a double line shall be laid:—

From a point in Poole Road distant 6 furlongs 2·6 chains from the said county and borough boundary and extending thence eastwards for a distance of 3 chains:

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Provided that except in cases of emergency the traffic on Tramway No. 1 between the junctions thereof with Tramway No. 3 shall not be run from east to west :

Tramway No. 2 (a single line 1 furlong 9·10 chains in length) commencing in Poole Road at a point on Tramway No. 1 distant 3·4 chains from the said county and borough boundary and extending thence through Alumhurst Road Seamoor Road and Alum Chine Road for a distance of 1 furlong 9·1 chains to a point in Poole Road on Tramway No. 1 distant 1 furlong 8·4 chains from the said county and borough boundary :

Tramway No. 3 (a single line 1 furlong 0·3 chain in length) commencing in Commercial Road at a point on Tramway No. 1 distant 7 furlongs 2·8 chains from the said county and borough boundary and extending thence in a northerly and easterly direction along the southern side of The Triangle for a distance of 1 furlong 0·3 chain and terminating in Commercial Road at a point on Tramway No. 1 1 mile 0 furlongs 0·3 chain distant from the said county and borough boundary :

Provided that except in cases of emergency the traffic on Tramway No. 3 shall not be run from west to east :

Tramway No. 4 (5 furlongs 7·7 chains in length whereof 3 chains is double and 5 furlongs 4·7 chains is single line) commencing in The Square at the termination of Tramway No. 1 and extending thence in a generally easterly direction along The Square and Old Christchurch Road and terminating in the open space or square known as Lansdowne :

This tramway shall be laid as a single line throughout except at the following passing place at which a double line shall be laid :—

From a point distant 5 furlongs 3·6 chains from the commencement to a point 3 chains eastward therefrom :

Tramway No. 5 (a single line 3 furlongs 6·5 chains in length) commencing in The Square at the termination of Tramway No. 1 and extending thence in a generally easterly and northerly direction through The Square Old Christchurch Road Gervis Place Hinton Road St. Peter's Road and Fir Vale Road and terminating at a point on Tramway No. 4 in Old Christchurch Road distant 3 furlongs 1·2 chains from the commencement of Tramway No. 4 :

Provided that except in cases of emergency the traffic on Tramway No. 5 shall not be run from west to east :

Tramway No. 6 (1 mile 6 furlongs 1·4 chains in length whereof 1 furlong 8 chains is double line and 1 mile 4 furlongs 3·4 chains is single line) commencing in Lansdowne at the termination of Tramway No. 4 and extending thence in an easterly direction along Christchurch Road for a distance of 1 mile 6 furlongs 1·4 chains and terminating at the boundary between the borough of Bournemouth and the urban district of Pokesdown :

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This tramway shall be laid as a single line throughout except at the following passing places at which a double line shall be laid:—

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- (A) From a point in Christchurch Road distant 3·2 chains from the commencement of Tramway No. 6 to a point 3 chains eastward from that point :
- (B) From a point in Christchurch Road distant 3 furlongs 6 1 chains from the commencement of the tramway to a point 3 chains eastward from that point :
- (C) From a point in Christchurch Road distant 6 furlongs 3 chains from the commencement of the tramway to a point 3 chains eastward from that point :
- (D) From a point in Christchurch Road distant 1 mile 0 furlongs 3 chains from the commencement of the tramway to a point 3 chains eastward from that point :
- (E) From a point in Christchurch Road distant 1 mile 2 furlongs 6 chains from the commencement of the tramway to a point 3 chains eastward from that point :
- (F) From a point in Christchurch Road distant 1 mile 5 furlongs 7·5 chains from the commencement of the tramway to a point 3 chains eastward from that point :

Tramway No. 7 (1 mile 2 furlongs 5·5 chains in length whereof 3 furlongs 7·50 chains is double line and 6 furlongs 8 chains is single line) commencing at Lansdowne at the termination of Tramway No. 4 and extending thence along Holdenhurst Road in a north-easterly direction and terminating in that road at a point 1 mile 2 furlongs 5·5 chains from the commencement of Tramway No. 7 :

This tramway shall be laid as a double line from a point in Holdenhurst Road distant 3 chains from the termination of Tramway No. 4 to a point in Holdenhurst Road opposite the centre of the roadway leading to the up platform of the Central Railway Station of the London and South Western Railway Company and throughout the remainder of its length shall be laid as a single line except at the following passing places at which double lines shall be laid:—

- (A) From a point 4 furlongs 2·5 chains from the commencement of the tramway to a point 3 chains eastward or north-eastward from that point :
- (B) From a point 1 mile 0 furlongs 6 chains from the commencement of the tramway to a point 2·5 chains eastward or north-eastward from that point :
- (C) From a point in Holdenhurst Road 1 mile 2 furlongs 2·3 chains from the commencement of the tramway to a point 3 chains eastward or north-eastward from that point :

Tramway No. 7A (a single line 2 chains in length) commencing on Tramway No. 7 at a point distant 2·4 chains from its commencement and

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extending thence along Holdenhurst Road and Christchurch Road and terminating at a point on Tramway No. 6 distant 3 chains from the commencement of Tramway No. 6 :

Tramway No. 8 (5 furlongs 4·3 chains in length whereof 8·40 chains is double and 4 furlongs 5·90 chains is single line) commencing in Holdenhurst Road at the termination of Tramway No. 7 and extending thence southward along Ashley Road and terminating at a point in Christchurch Road on Tramway No. 6 distant 1 mile 3 furlongs 2·4 chains from the commencement of Tramway No. 6 :

This tramway shall be laid as a single line except at the following passing places at which a double line shall be laid :—

- (A) From a point distant 1 furlong 9·5 chains from the commencement of the tramway to a point 3 chains southward from that point :
- (B) From a point distant 4 furlongs 4·65 chains from the commencement of the tramway to a point 5·40 chains southward from that point :

Provided that Tramway No. 8 shall not be constructed until the roadway of Ashley Road between Shelley Road and Gladstone Road has been widened so as to provide a width of 9 feet 6 inches between the edge of the footpath on either side of the road and the nearest rail of the tramway :

Tramway No. 9 (1 furlong 8·8 chains in length) whereof 7·50 chains is double line and 1 furlong 1·30 chains is single line commencing in Ashley Road at a point on Tramway No. 8 4 furlongs 3·7 chains southward from the commencement of Tramway No. 8 extending thence along Gladstone Road and Portman Road and terminating at a point in Christchurch Road on Tramway No. 6 distant 1 mile 4 furlongs 0·9 chain from the commencement of Tramway No. 6 :

Provided that Tramway No. 9 shall not be constructed until the roadway of Portman Road between Gladstone Road and Christchurch Road has been widened so as to provide a width of 9 feet 6 inches between the edge of the footpath on either side of the road and the nearest rail of the tramway :

Tramway No. 10 (5 furlongs 5·4 chains in length whereof 6·8 chains is double line and 4 furlongs 8·6 chains is single line) commencing at a point in Holdenhurst Road on Tramway No. 7 distant 2 furlongs 0·6 chain from the commencement of Tramway No. 7 extending thence in a northerly direction along St. Paul's Road Lansdowne Road and Wimborne Road and terminating in that road at a point on Tramway No. 11 distant 2 furlongs 2·2 chains from the commencement of Tramway No. 11 :

This tramway shall be laid as a double line from its junction with Tramway No. 7 to a point in St. Paul's Road situate 0·8 chain from the centre line of Holdenhurst Road :

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The remainder shall be laid as a single line throughout except at the following passing places at which double lines shall be laid:—

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(A) From a point in Lansdowne Road distant 2 furlongs 2·5 chains from the commencement of the tramway to a point 3 chains northward from that point:

(B) From a point at the junction of Lansdowne Road with Wimborne Road distant 5 furlongs 1·2 chains from the commencement of the tramway to a point 3 chains towards the cemetery northward from that point:

Tramway No. 11 (7 furlongs 0·50 chain in length whereof 3 chains is double line and 6 furlongs 7·5 chains single line commencing at the borough boundary in Wimborne Road and extending along that road in a southerly direction to a point on that road 7 furlongs 0·50 chain from its commencement:

This tramway shall be laid as a single line throughout except at the following passing place at which double lines shall be laid:—

From a point in Wimborne Road distant 7 chains from the commencement of the tramway to a point 3 chains southward from that point:

Tramway No. 12 (a single line 2 furlongs 2·7 chains in length) commencing at a point on Tramway No. 7 distant 2 furlongs 6·8 chains from its commencement extending thence along St. John's Wood Road and Southcote Road and terminating at the Corporation Dépôt in Southcote Road:

Tramway No. 13 (a single line 8·1 chains in length) commencing at a point on Tramway No. 10 distant 1 furlong 3·3 chains from its commencement and extending thence along Littledown Road and terminating at the Corporation East Yard:

Tramway No. 14 (a single line 1 furlong 7·9 chains in length) commencing at a point on Tramway No. 6 at a distance of 1 mile 5 furlongs 2·5 chains from its commencement extending thence along Gloucester Place and terminating at the Corporation Dépôt there:

Tramway No. 15 (1 mile 1 furlong 5·8 chains in length whereof 6 chains is double line and 1 mile 0 furlongs 9·8 chains is single line) commencing at a point on Tramway No. 11 at a distance of 2 furlongs 2 chains from its commencement extending thence along Charminster Road to its junction with Capstone Road thence along Capstone Road and Durnford Road and terminating in Holdenhurst Road at a point on Tramway No. 7 distant 1 mile 0 furlongs 3·5 chains from its commencement:

This tramway shall be laid as a single line throughout except at the following passing places at which double lines shall be laid:—

(A) From a point 3 furlongs 7 chains from the commencement of the tramway to a point 3 chains eastward from that point:

(B) From a point 7 furlongs 1·5 chains from the commencement of the tramway to a point 3 chains southward from that point:

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

Tramway No. 16 (a single line 1 furlong 7·7 chains in length) commencing at a point on Tramway No. 15 2 furlongs 2·2 chains from its commencement extending thence along Iddesleigh Road and terminating at the site of the Corporation refuse destructor.

7. For the protection of the London and South Western Railway Company (in this Order referred to as "the South Western Company") the following provisions shall apply and have effect viz. :—

- (1) The Promoters shall not in working the tramways authorised by this Order obstruct or interfere with the free ingress and egress of passengers carriages or goods at the entrances to or exits from the stations of the South Western Company and carriages used on the said tramways shall not be permitted to pull up opposite to or within ten yards of such entrances or exits :
- (2) The Company shall not construct any works in connection with any tramways passing over the railways of the South Western Company or within ten yards thereof until plans drawings and specifications (in this section referred to as "the said plans") describing the manner of and materials to be used in the construction of the said tramways shall have been delivered to the engineer of the South Western Company (hereinafter referred to as "the railway engineer") and have been approved by him in writing and such works shall not in any way interfere with or damage the structure of the bridges carrying the roads over the railways of the South Western Company and forty-eight hours' notice shall be given to the railway engineer before the construction of any works :
- (3) In the event of the railway engineer failing to approve the said plans for one calendar month after the delivery thereof the same shall be referred for settlement to an engineer to be agreed upon between the Promoters and the railway engineer or failing agreement by the Board of Trade as provided in sub-section (8) of this section and the expenses of such reference shall be in the discretion of the referee and the works shall be executed and subsequently maintained by the Promoters at their sole expense and under the superintendence and to the satisfaction of the railway engineer :
- (4) If and whenever the Promoters do not maintain the said works in accordance with the said plans and to the satisfaction of the railway engineer the South Western Company may in case such failure continues at the expiration of fourteen days' notice in writing to the Promoters to execute the requisite repairs and maintenance (or in case of emergency without notice) make do and execute any works which they think requisite in that behalf and the sums expended and certified by the railway engineer to be the amount of the expenditure in that behalf shall be repaid to the South Western Company by the Promoters and in default of repayment the amount of such expenditure may be recovered with full costs by the South Western Company from the Promoters in any court of competent jurisdiction :

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(5) The South Western Company may if they think fit employ an inspector or watchman to inspect and watch the said works during their execution and the wages of such inspector or watchman shall be borne by the Promoters and shall be paid by them to the South Western Company and the Promoters shall indemnify the South Western Company against all claims and compensate them for any injury which may happen to the property or works of the South Western Company or to any person or persons using their railway in consequence of or during the construction and maintenance of the said works or the working of the said tramways and the appointment by the South Western Company of any such inspector or watchman shall not relieve the Promoters from any liability in connection therewith :

(6) Any additional expense caused to the South Western Company in reference to the maintenance of the structure of the bridges works or roads occasioned for alterations rendered necessary by the said works shall be borne and paid by the Promoters :

(7) The South Western Company shall be at liberty to divert or stop any of the tramways temporarily if required for the purpose of executing repairs alterations extensions or widenings of any of the bridges carrying roads over the railways and the Promoters shall indemnify the South Western Company against any and all claims in respect thereof :

(8) Any difference which may arise between the South Western Company and the Promoters touching any of the matters referred to in this section and not otherwise provided for shall be decided by a single arbitrator to be appointed on the application of either party 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. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing the tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the work shall be executed in accordance in all respects with such plan and statement and (if the Promoters are not the sole road authority) under the

Provisions as to construction of tramways.

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Rails of tramways.

Penalty for not maintaining rails and road in good condition.

Tramways to be kept on level of surface of road.

Alteration of tramways.

Cross-overs to be constructed in certain cases.

superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act.

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

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

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

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

14. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the

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Promoters shall if and where required by the Board of Trade construct a cross-over or cross-overs connecting the one tramway with the other and by the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

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15. 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 tramways or any of them or for facilitating the traffic on the roads in which the same are laid or for providing access to any stables 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.

16. 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 tramways or any part thereof the Promoters may construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway in lieu of the tramways or parts of tramways 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 where necessary.

17. 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.

18. 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.

19. 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 :

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

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

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

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

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

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

Mechanical
power works.

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

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

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

Byelaws.

22. 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 :

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

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

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

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

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

23. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the 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.

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

24. 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

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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 their lessees and any person owning working or running carriages over any tramway of the Promoters.

For protection
of Postmaster-
General.

25.—(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

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

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telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :

- (7) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order :
- (8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act :
- (10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid :
- (11) In this section the expression "the Promoters" includes their lessees and any person owning working or running carriages over the tramways (or any part thereof) of the Promoters.

Traffic upon Tramways.

Traffic upon tramways.

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

Promoters not bound to carry animals goods &c.

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

Interchange of traffic.

28. The Promoters or their lessees may with the consent of the Board of Trade from time to time but subject to the provisions of this Order enter into and fulfil contracts and agreements with any company or person authorised to enter into such contracts and lawfully working or using any tramways or light railways for and in relation to the interchange accommodation and forwarding of carriages passengers and traffic on from or to any of such tramways or light railways 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 or light railway undertakings or of any or either of them respectively.

Running powers.

29. When and so soon as the Corporation have completed the portion of the tramways authorised by this Order which will be situate between the termination of Tramway No. 6 and the County Gates the Poole and District Electric Traction Company Limited (hereinafter called "the Company") may

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construct and maintain all works necessary for effecting junctions of Tramway No. 2 (A) authorised by the Christchurch and Bournemouth Tramways Act 1900 and the Railway No. 5 authorised by the Poole and District Light Railways Order 1899 with the tramways so constructed by the Corporation under the powers of this Order and for utilising the plant and machinery for working the same and the Company or any company body or person for the time being working the tramways or light railways of the Company or any part thereof may run over and use with their engines carriages waggons and officers and servants in charge of engines carriages and waggons for the purposes of conveying passengers parcels and passengers' luggage only the tramways of the Corporation between the aforesaid points together with all sidings junctions plant machinery motive power apparatus works and conveniences of and connected with the same and as regards traffic conveyed by the Company or any such company or persons as aforesaid they may demand and take rates and charges upon and in respect of the tramways of the Corporation not exceeding the rates and charges from time to time authorised to be demanded in respect thereof under this Order.

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The terms conditions and regulations in respect of the use and the tolls and other consideration to be paid for the same shall (if not agreed upon between the Company and the Corporation) be from time to time determined in manner provided by the Tramways Act 1870 with respect to differences between promoters and a local authority.

In running over and using the said tramways of the Corporation and in using any conveniences in accordance with the provisions herein-before contained the regulations and byelaws for the time being in force on those tramways shall be at all times observed so far as such byelaws shall be applicable.

Rates.

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

Passengers' fares.

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.

As to fares on Sundays and holidays.

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.

Passengers' luggage.

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Cheap fares for labouring classes.

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

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

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

Rates and charges for animals goods &c.

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.

Payment of rates.

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.

Periodical revision of rates and charges.

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 borough that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such rates or charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided

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always that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Order authorised. Provided also that a copy of this section shall be annexed to every table or list of rates published or exhibited by the Promoters' lessees.

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 —
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Miscellaneous.

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

Power to Corporation to work tramways.

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 Corporation be made by the Corporation alone.

Regulations.

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

Orders &c. of Board of Trade.

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.

Mortgages to include rents and rates.

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

Recovery of penalties.

42. Section 105 of the Bournemouth Improvement Act 1892 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 of an urban authority and its officers under the Public Health Act 1875.

Audit of accounts.

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Protection of local authority.

Power to hold patents.

Form and delivery of notices.

Provisions as to arbitration.

Saving for general Acts.

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

44. 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.

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):—

(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 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.

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.

SCHEDULE.

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Bournemouth Corporation.

RATES AND CHARGES FOR ANIMALS GOODS &c.

		Per mile.	
<i>Animals.</i>		<i>s.</i>	<i>d.</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 coal coke culm charcoal cannel limestone chalk lime salt sand fire-clay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways	per ton	0	2
For all iron iron-ore pig-iron bar-iron rod-iron sheet-iron hoop-iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fire-clay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs - - - - -	per ton	0	2½
For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - -	per ton	0	3
For cotton wools drugs and manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein - - - - -	per ton	0	4
For every carriage of whatever description - - - - -		1	0

		Any distance.	
<i>Parcels.</i>		<i>s.</i>	<i>d.</i>
For any parcel not exceeding 7 lbs. in weight	- - -	0	3
For any parcel exceeding 7 lbs. but not exceeding 14 lbs. in weight	-	0	5
For any parcel exceeding 14 lbs. but not exceeding 28 lbs. in weight		0	7
For any parcel exceeding 28 lbs. but not exceeding 56 lbs. in weight		0	9
For any parcel exceeding 56 lbs. in weight but not exceeding five hundred pounds in weight such sum as the person conveying the same may think fit.			

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

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For the Carriage of Single Articles of Great Weight.

Per mile.

Bournemouth Corporation.

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

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.

HOUGHTON-LE-SPRING AND DISTRICT.

Houghton-le-Spring.

Order authorising the construction of Tramways by the United Kingdom Tramway Light Railway and Electrical Syndicate Limited in the Urban Districts of Hetton and Houghton-le-Spring and in the Rural Districts of Easington Houghton-le-Spring and Sunderland all in the County of Durham and for other purposes.

Preliminary.

Short title.

1. This Order may be cited as the Houghton-le-Spring and District Tramways Order 1900.

Incorporation of Acts,

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect

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to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or are expressly varied by this Order.

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—
*Houghton-
 le-Spring.*

Interpretation.

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

The expressions “the tramways” and “the undertaking” shall each mean respectively the tramways and works and the undertaking by this Order authorised:

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

The expression “engine” includes motor.

Promoters.

4. The United Kingdom Tramway Light Railway and Electrical Syndicate 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 lease or otherwise dispose of any such lands which may not be necessary for such purposes Provided that they shall not at any time hold for such purposes more than 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 taken under the powers of this section.

Lands by
 agreement.

Construction of Tramways.

6. The Promoters may subject to the provisions of this Order construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as “the deposited plans” and “the deposited sections”) the tramways herein-after described with all proper rails points plates sleepers junctions turntables turnouts weighbridges crossings passing places offices stables carriage engine boiler and dynamo houses sheds whether for the purposes of goods traffic or otherwise buildings works apparatus and conveniences connected therewith and for the purposes thereof and may work and use the same The tramways authorised by this Order are—

Construction
 of tramways.

Tramway No. 1 commencing in the parish of Easington-with-Thorpe at a point at the west end of the village of Easington on the highway leading therefrom to Houghton-le-Spring 100 feet or thereabouts

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south-west of the south-west corner of the Mason's Arms Public House and passing thence along the said highway in a westerly and then north-westerly direction through the parish of Hawthorn thence along Hawthorn Terrace and Front Street through the village of South Hetton in the parish of Haswell then along the said highway in the parish of East Murton to its south-western boundary near Snippy's Gate all situate in the district of the Easington Rural Council then along the said highway through the parish and district of the urban council of Hetton-le-Hole in a north-westerly direction and along High Street and Pemberton's Bank in the town of Easington Lane and in a north-westerly direction through Four Lane Ends and in a northerly direction along Station Road and Front Street in the town of Hetton-le-Hole thence along the said highway and into the parish and district of the urban council of Houghton-le-Spring crossing the Gillas Lane and along the said highway to its junction with Durham Road thence along the same to a point 25 feet or thereabouts to the north-west of the north-west corner of the house situate at the junction of Durham Road and Church Street in the town and parish of Houghton-le-Spring at the junction and commencement of Tramways Nos. 2 and 5.

Tramway No. 1 will be laid as a single line throughout excepting between the following points where such tramway will be laid as a double line:—

- (a) From a point 1 chain or thereabouts west from the commencement of the tramway in the village of Easington in the parish of Easington-with-Thorpe to a point situate 3 chains or thereabouts westward therefrom and 230 feet or thereabouts north-east of the north-east corner of the school.
- (b) From a point 510 feet or thereabouts south-east of the south corner of a house described on Ordnance plan as Mount Pleasant in the parish of Easington-with-Thorpe to a point 3 chains or thereabouts further north-west.
- (c) From a point 290 feet or thereabouts south-east of the south corner of Hawthorn Terrace in the village of South Hetton and the parish of Hawthorn to a point 3 chains or thereabouts further north-west.
- (d) From a point 3 chains or thereabouts south-east from the centre of the bridge over the North Eastern Railway at South Hetton station in the parish of Haswell to the centre or thereabouts of the said bridge.
- (e) From a point in the parish of Hetton-le-Hole 600 feet or thereabouts north-west of the north-west corner of Snippy's Gate Farm in the parish of Haswell to a point 3 chains or thereabouts further west.
- (f) From a point 100 feet or thereabouts west of the south corner of house on the north side of Murton Lane at its intersection with High Street in the town of Easington Lane in the parish of

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Hetton-le-Hole to a point 3 chains or thereabouts further north-west.

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(g) From a point 60 feet or thereabouts north-west of the south corner of the Lyons' Tavern public-house Four Lane Ends in the town and parish of Hetton-le-Hole to a point 3 chains or thereabouts further north-west.

(h) From a point 210 feet or thereabouts south-west of the north-west corner of house on south side of Richard Street at its junction with Front Street in the town and parish of Hetton-le-Hole to a point 3 chains or thereabouts further north.

(i) From a point 930 feet or thereabouts north of the north-east corner of Hetton-le-Hole Cemetery in the parish of Hetton-le-Hole to a point 3 chains or thereabouts further north-west.

(j) From a point 70 feet or thereabouts north of the east corner of the Cross House Inn in the parish of Houghton-le-Spring to a point 3 chains or thereabouts further north-west.

The total length of Tramway No. 1 is 6 miles 3 furlongs 7·04 chains of which 6 miles 0 furlongs 6·04 chains is single and 3 furlongs 1 chain is double line.

Provided that the Promoters shall not without the consent of the Board of Trade construct that portion of Tramway No. 1 which crosses or lies within 10 feet on either side of the metals of the Hetton Colliery Railway where such railway crosses Easington Lane on the level.

Tramway No. 2 commencing in the parish of Houghton-le-Spring by a junction with Tramways Nos. 1 and 5 at their termination and commencement respectively thereof in Durham Road in the town of Houghton-le-Spring thence in a northerly direction along Newbottle Street and into the parish of Newbottle in the district of the rural council of Houghton-le-Spring and along Newbottle Lane in a northerly direction to the village of Newbottle thence in a north-easterly and again in a northerly direction along highway to Philadelphia thence in a northerly direction along Raglan Row to Herrington Burn to a point on the road to New Herrington at the boundary of the parishes of Newbottle and West Herrington and junction and commencement of Tramways Nos. 3 and 6.

Tramway No. 2 will be laid as a single line throughout excepting between the following points where such tramway will be laid as a double line:—

(a) From a point 70 feet or thereabouts to the north of junction with Tramways Nos. 1 and 5 in Durham Road Houghton-le-Spring in the parish of Houghton-le-Spring to a point 4 chains or thereabouts to the northward.

(b) From a point 25 feet or thereabouts in a westerly direction from the north-west corner of St. Mark's Church in the town and parish of Houghton-le-Spring to a point 3 chains or thereabouts further north-west.

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(c) From a point 230 feet or thereabouts south-west of the south corner of the public house at top of Philadelphia Lane in the parish and village of Newbottle to a point 3 chains or thereabouts further north-east.

(d) From a point 410 feet or thereabouts south-east of the south corner of the Lambton Castle Hotel in the village of Philadelphia and parish of Newbottle to a point 3 chains or thereabouts further to the north-west.

The total length of Tramway No. 2 is 1 mile 7 furlongs 8·63 chains of which 1 mile 6 furlongs 5·63 chains is single and 1 furlong 3 chains is double line.

Provided that the Promoters shall not without the consent of the Board of Trade construct $2\frac{3}{4}$ chains of Tramway No. 2 measured in a north-westerly direction from the south-western corner of the White Lion Hotel Houghton-le-Spring but they may at any time hereafter construct such portion of the said tramway on widening the roadway throughout to 20 feet or such other widths less than 20 feet as the Board of Trade may approve of Nor shall the Promoters without the sanction of the Board of Trade construct that portion of Tramway No. 2 which crosses or lies within 10 feet on either side of the metals of the Lambton Colliery Railway where such railway crosses Philadelphia Lane on the level.

Tramway No. 3 commencing in the parish of West Herrington in the district of the rural council of Houghton-le-Spring at the termination of Tramway No. 2 and commencement of Tramway No. 6 thence in a north-easterly direction along highway and Fenton Terrace in the village of New Herrington then in an easterly direction along highway to the south of West Herrington Village and across boundary of parishes of West Herrington and East and Middle Herrington then along Battery Road in an easterly and northerly direction to Middle Herrington Village thence in an easterly and south-easterly direction along Crow Lane and across Durham Road to East Herrington Village then in a south-easterly direction crossing the boundary of the parishes of East and Middle Herrington and Silksworth then in a northerly and easterly direction along highway to its junction with Silksworth Lane then in a south-easterly direction and then north-easterly along Mill Hill Bank crossing the boundary of the parishes of Silksworth and Tunstall and of the rural councils of Houghton-le-Spring and Sunderland thence along Silksworth Terrace in the village of New Silksworth to a point 70 feet or thereabouts to the north-east of the north-east corner of the police station New Silksworth in the parish of Tunstall at the junction and commencement of Tramways Nos. 4 and 7.

Tramway No. 3 will be laid as a single line throughout excepting between the following points where such tramway will be laid as a double line:—

(a) From a point 390 feet or thereabouts south-west of the south-east corner of Fenton Terrace in the village of New Herrington in the

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parish of West Herrington to a point 3 chains or thereabouts further north-east.

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(b) From a point 280 feet or thereabouts to the west of the east corner of road leading to West Herrington Village in the parish of West Herrington where the same joins the road from New Herrington to Middle Herrington to a point 3 chains or thereabouts further east.

(c) From a point 100 feet or thereabouts east of the south-east corner of Garden Palisade of Middle Herrington Farm in the parish of East and Middle Herrington to a point 3 chains or thereabouts further east.

(d) From a point in the parish of Silksworth 160 feet or thereabouts to the north-east of the boundary of the parishes of East and Middle Herrington and Silksworth where the same crosses the highway to a point 3 chains or thereabouts further to the north-east.

(e) From a point 22 feet or thereabouts in the parish of Silksworth south of the guide post at junction of Silksworth Lane with road from East Herrington to a point 3 chains or thereabouts further south-east.

(f) From a point 19 feet or thereabouts south of the south-west corner of Stewart Street at its junction with Silksworth Terrace in the village of New Silksworth and parish of Tunstall to a point 3 chains or thereabouts further north-east.

The total length of Tramway No. 3 is 3 miles 6 furlongs 1·21 chains of which 3 miles 4 furlongs 3·21 chains is single and 1 furlong 8 chains is double line.

Tramway No. 4 commencing in the parish of Tunstall in the district of the rural council of Sunderland at the junction with Tramways Nos. 3 and 7 at their termination and commencement respectively thereof then in a north-easterly and southerly direction to Tunstall village thence in an easterly direction through the Green and in a south-easterly direction crossing the boundary of the parishes of Tunstall and Ryhope thence in an easterly and south-easterly direction along Ryhope Street in the village of Ryhope Colliery to the village of Ryhope and through centre of same along Stockton Road in an easterly direction then north along the same road past the Toll Bar Hotel and Ryhope Grange to Grange-town on the north side of the junction of Ocean Road with Stockton Road to a point on the boundaries of the districts of the rural council and of the borough of Sunderland and of the parishes of Ryhope and Sunderland.

Tramway No. 4 will be laid as a single line throughout excepting between the following points where such tramway will be laid as a double line :—

(a) From a point 380 feet or thereabouts to the east of the south-west corner of the Smithy in Tunstall village in the parish of Tunstall to a point 3 chains or thereabouts further east.

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- (b) From a point in Ryhope Street 70 feet or thereabouts to the east of the south-east corner of Brick Row in the village of Ryhope Colliery and parish of Ryhope to a point 3 chains or thereabouts further east.
- (c) From a point 320 feet or thereabouts to the north-west of the north-west corner of Cliff Road in the village and parish of Ryhope to a point 3 chains or thereabouts further south-east.
- (d) From a point 30 feet or thereabouts to the east of the south-east corner of the Toll Bar Hotel in Stockton Road in the parish of Ryhope to a point 3 chains or thereabouts further north-west.
- (e) From a point 5 chains or thereabouts from the termination of this tramway south-east of the boundary of the borough of Sunderland and the district of the rural council of Sunderland in Stockton Road Grangetown in the parish of Ryhope to a point 4 chains or thereabouts further north-west.

The total length of Tramway No. 4 is 2 miles 7 furlongs 4·24 chains of which 2 miles 5 furlongs 9·24 chains is single and 1 furlong 5 chains is double line.

Tramway No. 5 commencing in the parish of Houghton-le-Spring and in the district of the urban council of Houghton-le-Spring at the junction of Tramways Nos. 1 and 2 at their termination and commencement respectively thereof thence along the Dairy Lane in a westerly direction to Colliery Row then in a northerly direction crossing the boundaries of the parishes of Houghton-le-Spring and Newbottle and of the urban and rural councils of Houghton-le-Spring to High Dubmire crossing the boundary of parishes of Newbottle and Morton Grange and in a north-westerly direction to a point 40 feet or thereabouts from the centre of the east gate of level crossing over the Lambton and North Eastern Railways at Fence Houses station.

Tramway No. 5 will be laid as a single line throughout excepting between the following points where such tramway will be laid as a double line:—

- (a) From a point 190 feet or thereabouts north-east of the south-west corner of the Moors Farm in the parish of Houghton-le-Spring to a point 3 chains or thereabouts further south-west.
- (b) From a point 4 chains or thereabouts south-east of the termination of this tramway at Fence Houses in the parish of Morton Grange to a point 3 chains or thereabouts further north-west.

The total length of Tramway No. 5 is 1 mile 5 furlongs 0 chains of which 1 mile 4 furlongs 4 chains is single and 6 chains is double line.

Tramway No. 6 commencing in the parish of Newbottle at the junction between Tramways Nos. 2 and 3 at their termination and commencement respectively and also making a forked connection with Tramway No. 2 at a point where it curves to the northward near the west end of Raglan Row thence in a north-westerly direction crossing the boundary of the parishes of Newbottle and Penshaw along highway to Mill Pit and Eden Terrace to Shiney Row then in a south-westerly direction and

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thence in a north-westerly direction along highway between Barrack and Chandler's Rows then along highway in a north-westerly direction past Church Hall then in a northerly direction to a point 200 feet or thereabouts to the south of the north-west corner of the Bird in Hand public house New Penshaw in the parish of Penshaw and the district of the rural council of Houghton-le-Spring.

Tramway No. 6 will be laid as a single line throughout excepting between the following points where such tramway will be laid as a double line:—

- (a) From a point 140 feet or thereabouts in the parish of Penshaw north-west of the boundaries of the parishes of Newbottle and Penshaw at Herrington Burn to a point 3 chains or thereabouts further north-west.
- (b) From a point 250 feet or thereabouts north-east of the south corner of the Swan Inn Shiney Row in the parish of Penshaw to a point 3 chains or thereabouts further south-west.
- (c) From a point 4 chains or thereabouts south of the termination of this tramway in the parish of Penshaw to a point 3 chains or thereabouts further north.

The total length of Tramway No. 6 is 1 mile 1 furlong 0·68 chains of which 1 mile 1·68 chains is single and 9 chains is double line.

Provided that the Promoters shall not without the consent of the Board of Trade construct that portion of Tramway No. 6 which crosses or lies within 10 feet on either side of the metals of the Lambton Colliery Railway where such railway crosses the road in the parish of Penshaw.

Tramway No. 7 commencing in the parish of Tunstall in the district of the rural council of Sunderland at the junction between Tramways Nos. 3 and 4 at their termination and commencement respectively and running in a northerly direction along Blind Lane New Silksworth then north-westerly crossing the boundaries of the parishes of Tunstall and Silksworth and of the districts of the rural councils of Sunderland and Houghton-le-Spring then continuing north-westerly to the Colliery Inn and thence along Silksworth Lane past Low Newport and crossing the boundaries of the parishes of Silksworth and Tunstall in the districts of the rural councils of Houghton-le-Spring and Sunderland thence along Silksworth Lane to a point on the boundaries of the district of the rural council and borough of Sunderland and the parishes of Tunstall and Bishopwearmouth.

Tramway No. 7 will be laid as a single line throughout excepting at the following points where such tramway will be laid as a double line:—

- (a) From a point in the parish of Silksworth 50 feet or thereabouts north-west of the north corner of the Wesleyan Chapel New Silksworth to a point 3 chains or thereabouts further north-west.

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(b) From a point 4 chains or thereabouts south-east of the termination of this tramway in the parish of Tunstall to a point 3 chains or thereabouts further north-west.

The total length of Tramway No. 7 is 1 mile 3 furlongs 0·30 chain of which 1 mile 2 furlongs 4·30 chains is single and 6 chains is double line.

The aforesaid tramways will be made or pass from in through or into the following parishes townlands townships and extra-parochial places or some or one of them (that is to say):—

The parishes of Easington-with-Thorpe Hawthorn Haswell East Murton in the district of the rural district council of Easington in the parish of Hetton-le-Hole in the district of the urban district council of Hetton the parish of Houghton-le-Spring in the district of the urban district council of Houghton-le-Spring the parishes of Newbottle Painshaw (known locally as Penshaw) Morton Grange West Herrington East and Middle Herrington and Silksworth in the district of the rural district council of Houghton-le-Spring and the parishes of Tunstall and Ryhope in the district of the rural district council of Sunderland all in the county of Durham.

Provided always that notwithstanding anything in the deposited plans and sections or this Order contained the aforesaid tramways shall be throughout constructed in accordance with the following provisions:—

- (1) Where the gradients are 1 in 10 they shall be altered to 1 in 11.
- (2) Where the houses are continuous on both sides of the roadway and the road is not more than 18 feet in width double lines shall be constructed.
- (3) Where the houses are not continuous on both sides of the roadway the tramways shall not unless the Board of Trade otherwise order be constructed unless and until the road is widened in places where for a distance of more than 30 feet it is less than 20 feet to a width of 20 feet and subject to the like order such tramways shall be laid:—
 - (a) If the road as so widened is 24 feet in width as a single line in the centre of the said roadway.
 - (b) If the road as so widened is of less width than 24 feet in width as a single line on the side so far as is practicable of the said roadway remote from such houses.

For the pro-
tection of the
North Eastern
Railway Com-
pany.

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

- (1) The Promoters shall so construct maintain and use their tramways and all works connected therewith (in this section referred to as "the tramways") as not to cause damage to any railway or property of the Company.
- (2) In the event of damage being occasioned to any railways or property of the Company by the construction maintenance repair user or removal

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of the tramways the Company may at the reasonable expense of the Promoters restore such railway or property to as good a condition as it was in before such injury was occasioned giving (except in cases of emergency) forty-eight hours' previous notice in writing to the Promoters.

(3) The Promoters shall as early as practicable restore any road damaged by the execution of their works which the Company are under an obligation to maintain and if they fail to do so after forty-eight hours' previous notice in writing from the Company in that behalf the Company may restore such road at the reasonable expense of the Promoters.

(4) The following provisions shall apply to so much of the tramways as shall pass over or be constructed upon any bridge now existing or to be hereafter constructed carrying a road over the railway of the Company (in this subsection referred to as "the bridge") or the approaches to the bridge :—

(i.) Whenever the Company shall require to reconstruct strengthen alter or repair the bridge or the approaches thereto or to widen or alter their railway thereunder the Promoters shall pay to the Company any additional expense which the Company may be put to in carrying out such works by reason of the existence of the tramways and if in the opinion of the Company's engineer it shall be necessary for carrying out such works as aforesaid that the working and user of the tramways over the bridge or the approaches thereto shall be wholly or partially but temporarily stopped up or delayed or that the tramways shall be temporarily diverted or removed and the Company shall (except in cases of emergency) give to the Promoters fourteen clear days' notice in writing requiring such temporary stoppage delay diversion or removal the working and user of the tramways shall be temporarily stopped or delayed or the tramways shall be temporarily diverted or removed accordingly under the superintendence of the engineer of the Company but only for so long as shall be necessary for carrying out such works as aforesaid and the Company shall not be liable for any compensation or claim in respect of such stoppage delay diversion or removal of the tramways as aforesaid ;

(ii.) In case it shall be necessary at any time to reconstruct alter or strengthen the bridge owing to the weight or mode of construction of the carriages or other vehicles used on the tramways or the mode of working the same such reconstruction alteration or strengthening shall be effected in all things at the reasonable expense of the Promoters.

(5) Wherever in this section it is provided that work is to be done under the superintendence of the Company's engineer such superintendence if given shall be at the cost of the Promoters but if after seven days' notice given by the Promoters of their intention to do the work such

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superintendence is refused or withheld it shall be lawful for the Promoters to do the work without such superintendence.

(6) If any difference shall arise under this section between the Promoters and the Company the matter in difference shall unless otherwise agreed be referred to an engineer to be appointed by the Board of Trade whose decision shall be final and if such difference relates to the execution of any work the reference to such engineer shall (except in cases of emergency) if so required by either party be made forthwith and his decision given before anything further is done in relation to such work.

Gauge and
width of
carriages.

8. The tramways shall be constructed on a gauge of 3 feet 6 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 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 engine or carriage used on the tramways shall exceed 6 feet in width or such other width as may from time to time be prescribed by the Board of Trade.

Provisions as
to construction
of tramways.

9. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the tramways lay before the Board of Trade and the road authority 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 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 the road authority and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by section 26 of the said Act.

As to rails of
tramways.

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

Penalty for not
maintaining
rails and road
in good
condition.

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

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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.

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

12. Every sanitary authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Promoters and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the sanitary authority as if the same were a pipe for the supply of gas or water.

Sanitary authority to have access be sewers.

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

Tramways to be kept on level of surface of road.

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

Cross-overs to be constructed in certain cases.

15. The Promoters may subject to the provisions of this Order with the consent of the road authority from time to time make maintain alter and remove all such cross-overs passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the tramways or any of them or for providing access to any stables or carriage-houses sheds or works 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

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

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Temporary tramways.

16. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid it is in the opinion of the road authority necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Promoters may subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued.

Application of road materials excavated in construction of works.

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

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

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

Motive Power.

Provisions as to motive power.

19. The carriages used on the 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 nor unless

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and until the passing places are of a length satisfactory to the Board of Trade ;

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

(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 other 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 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 save under exceptional and temporary circumstances animal power shall not be used on the tramways.

20. For the purpose of working the tramways by mechanical power the Promoters may subject to the provisions of this Order—

Works for
applying
mechanical
power.

(a) erect construct provide and use on any lands acquired under the powers of this Order generating or other stations with all dynamos engines boilers machinery apparatus and things necessary or proper for the working of the tramways ;

(b) construct erect lay down make and maintain on in under or over the surface of any street or road posts electric mains wires apparatus subways tunnels cables tubes and openings and may for that purpose open and break up any street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder.

21. All works to be executed by the Promoters in any street or road or 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

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

[Ch. ccviii.] *Tramways Orders Confirmation* [63 & 64 VICT.]
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Byelaws.

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

22. Subject to the provisions of this Order the Board of Trade may make byelaws with regard to any part of the tramways 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 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 used for propelling such carriages.

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

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

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

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

Special
provisions as
to use of
electrical
power.

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

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

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

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(No. 5) Act, 1900.

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- (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 wire 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 person owning working or running carriages over any tramways of the Promoters.

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

For protection
of the Post-
master-
General.

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

- (1) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be

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

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

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thereof stating the reasons for doing or executing the same without previous notice.

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 le-Spring.*

- (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) of the Promoters.

Traffic upon Tramways.

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

Traffic upon tramways.

27. 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.

28. 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 this provision shall not apply to the carriage of passengers' luggage.

Provision as to carriage of animals goods &c.

29. The Promoters shall run over the entire system of tramways by this Order authorised to be constructed a sufficient and regular daily service of cars and if any difference arise between the local authorities or any of them and the Promoters as to the sufficiency of the service upon the system or any part of the system the same shall from time to time be determined by a fit person to be appointed by the Board of Trade upon the application of any or either of the parties and the decision of the referee shall be given

Promoters to run regular daily services of cars.

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A.D. 1900. effect to by the Promoters or in default the Promoters shall be liable to a
*Houghton- penalty of five pounds for every day during which the default continues and
le-Spring.* such penalty may be recovered by any local authority interested as by this
Order provided The expenses of the reference shall be borne and paid as
the referee directs.

Rates.

Passengers'
fares.

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

As to fares on
Sundays and
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.

Cheap fares
for labouring
classes.

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

Rates and
charges for
animals goods
&c.

34. The Promoters may demand and take in respect of any animals goods minerals or parcels or merchandise conveyed by them on the tramways every expense incidental to such conveyance any rates or charges not

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exceeding the rates and charges specified in the schedule to this Order annexed subject to the regulations in that behalf therein contained.

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

Periodical
revision of
rates and
charges.

Miscellaneous.

37. Notwithstanding anything in the Tramways Act 1870 contained the powers of purchase given by section 43 of that Act shall not be exercisable by any of the local authorities of the districts through which the tramways shall pass until the expiration of a period of forty-two years from the date of 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 forty-two years from the said date and the periods of seven years in the said section mentioned shall be deemed to be periods of seven years subsequent to such period of forty-two years.

As to purchase
of undertaking
by local
authorities.

38. The Promoters may subject to the provisions of this Order and with the consent of the Board of Trade from time to time enter into and carry into effect agreements with any local authority authorised to enter into such agreements or company owning and working tramways in any adjoining district with respect to the combined working by the Promoters and such

Working
agreements.

[Ch. ccviii.] *Tramways Orders Confirmation* [63 & 64 VICT.]
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A.D. 1900. local authority or company of the tramways and such other tramways the granting of running powers over the tramways and obtaining running powers over such other tramways and the fixing collection and apportionment of rates tolls and charges in connection with such combined working.

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Agreements
with road
authorities.

39. The Promoters and any road authority may subject to the provisions of this Order and with the consent of the Board of Trade from time to time enter into and carry into effect agreements or contracts with respect to the laying down renewing removing repairing and maintaining the tramways or any part thereof situate within the district of such road authority with all plates sleepers and works connected therewith and for facilitating the passage of traffic over the same.

Agreements
with respect to
traffic.

40. The Promoters or any person using the tramways under the authority of this Order may with the consent of the Board of Trade but subject to the provisions of this Order enter into agreements with any local or road authority company or person with respect to the receiving from or forwarding to such local or road authority company or person any passengers animals goods minerals parcels or merchandise and the fixing collection and apportionment of rates charges or other receipts in respect of such traffic.

Saving as to
powers of
borrowing on
mortgage.

41. Nothing in this Order or in the Tramways Act 1870 contained shall prevent the Promoters borrowing money 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 authorities under section 43 of the Tramways Act 1870 as amended by this Order 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 authorities under the said section as so amended and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Orders &c. of
the Board of
Trade.

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

Recovery of
penalties.

43. 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.

Power to hold
patents.

44. The Promoters may subject to the provisions of this Order (but only for the purposes of the undertaking and not so as to acquire any exclusive right therein) acquire hold and use any patent or other rights and any licences

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to use patent rights relating to the construction or working of tramways or carriages used thereon.

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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 the Promoters or of such body company or corporation 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.

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 except where otherwise specially provided 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.

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

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Goods and Minerals.

Per mile.
s. d.

For all coal coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways—per ton	- - - - -	0	2
For all iron iron-ore pig-iron bar-iron rod-iron sheet-iron hoop-iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs—per ton	- - - - -	0	2½
For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings—per ton	- - - - -	0	3
For cotton wools drugs and manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein—per ton	- - - - -	0	4
For every carriage of whatever description	- - - - -	1	0

Parcels.

Any distance.
s. d.

For any parcel not exceeding seven pounds in weight	- - - - -	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight	- - - - -	0	5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight	- - - - -	0	7
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight	- - - - -	0	9
For any parcel exceeding fifty-six pounds in weight but not exceeding five hundred pounds in weight such sum as the person conveying the same may think fit.			

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

For the Carriage of Single Articles of Great Weight.

Per mile.
s. d.

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

Regulations as to Rates.

A.D. 1900.

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.

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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.

LIVERPOOL CORPORATION EXTENSIONS.

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

Liverpool Corporation Extensions.

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

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

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

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

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

The expression "the Order of 1883" means the Liverpool Corporation Tramways (Extensions) Order 1883 ;

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

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*Liverpool
Corporation
Extensions.*

The Promoters.

Construction
of tramways.

The expression "the city" means the city of Liverpool; and
The expression "the Corporation" means the mayor aldermen and citizens
of the city acting by the council.

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

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

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

In the township of Everton—

Tramway No. 1 commencing by a junction with the existing tramway
on the west side at the intersection of Robson Street with Walton
Breck Road passing along and terminating in Sleepers Hill by a
junction with the existing tramway at a point 0·4 chain from the
south side of Bodley Street:

Tramway No. 1 will be 8·7 chains in length and will be laid as an
additional single line thus forming a double line of tramway in
Sleepers Hill:

In the township of Walton-on-the-Hill—

Tramway No. 2 commencing in Walton Lane by a junction with the
existing tramway at a point 0·5 chain from the south side of Cockerell
Street passing along and terminating in Walton Lane by a junction
with the existing tramway at a point opposite the south side of
Newby Street:

Tramway No. 2 will be 1 furlong and 6·2 chains in length and will
be laid as a double line throughout and will replace the existing
tramway in Walton Lane authorised by the Liverpool and Walton-on-
the-Hill Tramways Order 1894:

In the township of Everton—

Tramway No. 2A commencing in Anfield Road by a junction with the
existing tramway at a point 0·5 chain from the west side of Sleepers
Hill passing along Anfield Road on the south side of the existing
tramway and terminating in Walton Lane by a junction with the
existing tramway at a point opposite Barry Street:

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Tramway No. 2A will be 3·7 chains in length and will be laid as an additional single line thus forming a double line of tramway in Anfield Road :

A.D. 1900.

*Liverpool
Corporation
Extensions.*

In the township of Walton-on-the-Hill—

Tramway No. 2B commencing in Walton Lane by a junction with the existing tramway at a point 0·4 chain south of the south side of Langham Street passing along Walton Lane and Spellow Lane and terminating by a junction with the existing tramway in Spellow Lane at a point 0·8 chain west of the west side of Goodison Road :

Tramway No. 2B will be 3·6 chains in length and will be laid as a double line throughout and will replace the existing tramway in Walton Lane and Spellow Lane authorised by the Liverpool and Walton-on-the-Hill Tramways Order 1894 :

In the township of Kirkdale—

Tramway No. 4 commencing in Stanley Road by a junction with the existing tramway at a point 0·2 chain north of the north side of Orwell Road passing along Orwell Road and terminating in Westminster Road by a junction with the existing tramway at a point opposite the north side of Bradewell Street :

Tramway No. 4 will be 3 furlongs and 6·9 chains in length and will be double line throughout :

Tramway No. 4A commencing in Stanley Road by a junction with the existing lines at a point 0·5 chain south of the south side of Orwell Road and terminating in Orwell Road by a junction with Tramway No. 4 at a point 0·3 chain east of the east side of Stanley Road :

Tramway No. 4A will be 1·2 chains in length and will be double line throughout :

Tramway No. 4B commencing in Orwell Road by a junction with Tramway No. 4 at a point 0·3 chain west of the west side of Leven Street and terminating in Westminster Road by a junction with Tramway No. 5 at a point 0·3 chain north of the north side of Rockley Street :

Tramway No. 4B will be 1·6 chains in length and will be double line throughout :

Tramway No. 5 commencing in Westminster Road by a junction with the existing tramway at a point 0·2 chain south of the south side of Bousfield Street passing along and terminating in Westminster Road by a junction with the existing tramway at a point 1·1 chains south of Barlow Lane :

Tramway No. 5 will be 3 furlongs and 4·9 chains in length and will be laid as a double line throughout and will replace the existing tramway in Westminster Road authorised by the Liverpool Corporation Tramways (Extension) Order 1881 :

Tramway No. 6A commencing in Bankhall Street at a point 0·3 chain west of the west side of Stanley Road and terminating in Stanley

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Road by a junction with the existing tramway at a point 0·6 chain north of the north side of Bankhall Street :

Tramway No. 6A will be 1·3 chains in length and will be double line throughout :

In the townships of Everton and Kirkdale—

Tramway No. 7 commencing in Walton Road by a junction with the existing tramway and passing along Netherfield Road North Netherfield Road South and Shaw Street and terminating in Shaw Street by a junction with Tramway No. 8 at a point 1·2 chains south of the south side of William Henry Street :

Tramway No. 7 will be laid as a double line except between the points herein-after specified where it will be laid as a single line :—

(a) In Netherfield Road North between a point 0·5 chain south of the south side of Torr Street and a point in line with the north side of Melbourne Street :

(b) In Netherfield Road South between a point 0·4 chain south of the south side of Roscommon Street and a point 0·2 chain south of the south side of China Street :

Tramway No. 7 will be 1 mile 1 furlong and 0·5 chain in length of which 1 mile no furlongs and 2·6 chains will be double line and 7·9 chains single line :

In the township of Everton and parish of Liverpool—

Tramway No. 8 commencing in Eastbourne Street at its junction with Fitzclarence Street passing along Eastbourne Street Shaw Street Moss Street and terminating in London Road by a junction with the existing tramway :

Tramway No. 8 will be 3 furlongs and 4·7 chains in length and will be laid as a double line throughout and will replace the existing tramway in Eastbourne Street Shaw Street and Moss Street authorised by the Liverpool Corporation Tramways (Extension) Order 1881 :

Provided always that the portion of Tramway No. 8 between its commencement at Fitzclarence Street and a point opposite the south side of Westbourne Street shall not be constructed unless and until the roadway of Eastbourne Street has been widened so as to admit of a space of not less than 9 feet 6 inches being left between the kerb of the footway and the nearest rail of the tramway on either side of the road :

In the township of Everton—

Tramway No. 8A commencing in Everton Road by a junction with the existing tramway at a point 0·8 chain north of the north side of Lloyd street passing along Village Street and Eastbourne Street and terminating in Eastbourne Street by a junction with Tramway No. 8 at a point opposite Fitzclarence Street :

Tramway No. 8A will be 1 furlong and 3·7 chains in length and will be single line throughout :

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Tramway No. 8B commencing in Village Street by a junction with
Tramway No. 8A at a point opposite the east side of Kerferd Street
passing into and terminating in Everton Road by a junction with the
existing tramway at a point 0·1 chain north of the north side of
Aubrey Street:

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Tramway No. 8B will be 2·1 chains in length and will be single
line throughout:

In the parish of Liverpool—

Tramway No. 9 commencing in Moss Street by a junction with Tramway
No. 8 at a point 0·3 chain north of the north side of Prescott Street
passing along Daulby Street and terminating in Pembroke Place by a
junction with the existing tramway at a point 0·3 chain east of the
east side of Daulby Street:

Tramway No. 9 will be 1 furlong and 0·3 chain in length and will
be double line throughout:

Tramway No. 9A commencing in Daulby Street by a junction with
Tramway No. 9 at a point 0·1 chain north of the north side of
Pembroke Place and terminating by a junction with the existing
tramway in Pembroke Place at a point 0·1 chain west of the west
side of Daulby Street:

Tramway No. 9A will be 0·9 chain in length and will be double
line throughout:

Tramway No. 10 commencing in Islington by a junction with the
existing tramway at a point opposite the west side of Fraser Street
passing along Islington and terminating at the bottom of Erskine
Street by a junction with the authorised tramway in Brunswick Road
and the proposed Tramway No. 13 at a point opposite the east side
of Moss Street:

Tramway No. 10 will be 3 furlongs and 1·2 chains in length and
will be laid as a double line throughout a portion of which will
replace the existing single line of tramway in Islington authorised
by the Liverpool Corporation Tramways (Extension) Order 1898:

Provided always that the portion of Tramway No. 10 between
Craven Street and Fraser Street shall not be constructed unless and
until the roadway of this portion of Islington has been widened so
as to admit of a space of not less than 9 feet 6 inches on either side
of the road measured from the kerb of the footway to the nearest rail
of tramway:

Tramway No. 10A commencing in Islington by a junction with the
existing tramway at the junction of Commutation Row with Islington
passing along and terminating in Islington by a junction with the
existing line at a point opposite the east side of Camden Street:

Tramway No. 10A will be 4·1 chains in length and will be laid as
a double line throughout and will replace part of the existing single
line in Islington authorised by the Liverpool Corporation Tramways
(Extensions) Order 1891:

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Tramway No. 10B commencing in Islington by a junction with Tramway No. 10 at a point 0·4 chain west of the west side of Moss Street and terminating in Shaw Street by a junction with Tramway No. 8 at a point 1·3 chains north of the south side of Islington:

Tramway No. 10B will be 1·4 chains in length and will be double line throughout:

Tramway No. 11 commencing in Dale Street by a junction with the existing tramway at a point 0·3 chain west of the south-west side of Crosshall Street passing along Crosshall Street Hood Street and Roe Street and terminating in St. George's Place by a junction with the existing tramway at a point 1·3 chains east of the north-west side of Roe Street:

Tramway No. 11 will be 2 furlongs and 3·2 chains in length and will be laid as a double line throughout and will replace the existing single line in Roe Street authorised by the Liverpool Corporation Tramways (Extension) Order 1881:

Tramway No. 11A commencing in Crosshall Street by a junction with Tramway No. 11 at a point 0·3 chain east of the south-east side of Dale Street and terminating in Dale Street by a junction with the existing tramways at a point 0·4 chain north of the north-east side of Crosshall Street:

Tramway No. 11A will be 1·3 chains in length and will be double line throughout:

Tramway No. 12 commencing in Moss Street by a junction with Tramway No. 8 at a point 0·3 chain north of the north side of Prescott Street passing along Boundary Place and Elizabeth Street terminating in Brownlow Hill by a junction with Tramway No. 14 at a point 0·4 chain east of the east side of Elizabeth Street:

Tramway No. 12 will be laid as a double line except between a point opposite the north side of Fairclough Lane and the termination of the tramway:

Tramway No. 12 will be 2 furlongs and 7·4 chains in length of which 1 furlong 3 chains will be double line and 1 furlong 4·4 chains single line:

In the township of West Derby and parish of Liverpool—

Tramway No. 13 commencing in Moss Street by a junction with Tramway No. 8 at a point 0·3 chain south of the south side of Islington passing along and terminating in Erskine Street by a junction with the existing tramway at a point 0·2 chain east of the east side of Harper Street:

Tramway No. 13 will be 1 furlong and 7·6 chains in length and will be single line throughout:

In the parish of Liverpool—

Tramway No. 14 commencing in Brownlow Hill by a junction with Tramways Nos. 12 and 15 at a point 0·3 chain east of the east side of

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Elizabeth Street passing along Brownlow Hill Crown Street Grove Street and terminating in Grove Street by a junction with the existing tramway at a point 0·9 chain south of the south side of Oxford Street :

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Tramway No. 14 will be 2 furlongs and 6·7 chains in length and will be double line throughout :

Provided always that the portion of Tramway No. 14 in Grove Street shall not be constructed unless and until the roadway in Grove Street has been widened so as to admit a space of not less than 9 feet 6 inches on both sides of the roadway measured from the kerb of the footpath to the nearest rail of tramway :

Tramway No. 15 commencing in Ranelagh Place by a junction with the existing tramway at a point opposite the south-west side of Mount Pleasant passing along and terminating in Brownlow Hill by a junction with Tramway No. 14 at a point 0·3 chain east of the east side of Elizabeth Street :

Tramway No. 15 will be 4 furlongs and 2·5 chains in length and will be single line throughout :

Tramway No. 16 commencing in Mount Pleasant by a junction with the existing tramway at a point 0·6 chain west of the west of Arrad Street passing along Oxford Street and Grove Street and terminating in Grove Street by a junction with the existing tramway at a point 0·8 chain south of the south side of Falkner Street :

Tramway No. 16 will be 4 furlongs and 3·8 chains in length and will be laid as a double line throughout and will replace the existing single line in Oxford Street and Grove Street authorised by the Liverpool Corporation Tramways (Extension) Order 1881 :

Tramway No. 17 commencing in Mount Pleasant by a junction with the existing tramway at a point 1·0 chain east of the north-east side of Ranelagh Place passing along and terminating in Mount Pleasant by a junction with the existing tramway at a point 1·0 chain west of the west side of Harford Street :

Tramway No. 17 will be 5·5 chains in length and will be laid as a double line throughout and will replace the existing single line in Mount Pleasant authorised by the Liverpool Corporation Tramways (Extension) Order 1881 :

Tramway No. 17A commencing in Mount Pleasant by a junction with the existing tramway at a point 1·7 chains west of the west side of May Street passing along and terminating in Mount Pleasant by a junction with the existing tramway at a point 0·5 chain east of the east side of Roscoe Street :

Tramway No. 17A will be 5·3 chains in length and will be laid as a double line throughout and will replace the existing single line in Mount Pleasant authorised by the Liverpool Corporation Tramways (Extension) Order 1881 :

Tramway No. 18 commencing in Renshaw Street by a junction with the existing tramway at a point opposite the north-west side of

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St. Luke's Place passing along Leece Street and Hardman Street on the north side of the existing tramway and terminating by a junction with Tramway No. 19 at a point opposite the west side of Hope Street:

Tramway No. 18 will be 1 furlong and 7·8 chains in length and will be laid as a single line throughout and will thus form a double line of tramway in Leece Street and Hardman Street:

Tramway No. 19 commencing in Hardman Street by a junction with Tramway No. 18 and the existing tramway at a point opposite the west side of Hope Street passing along Myrtle Street Catharine Street and terminating in Catharine Street by a junction with the existing lines at a point 0·2 chain south of the south side of Falkner Street:

Tramway No. 19 will be 1 furlong and 9·1 chains in length and will be laid as a double line throughout and will replace the existing single line in Myrtle Street and Catharine Street authorised by the Liverpool Corporation Tramways (Extension) Order 1881:

In the parish of Liverpool and township of Toxteth Park—

Tramway No. 20 commencing in Upper Parliament Street by a junction with the existing tramway at a point 0·3 chain west of the west side of Granby Street passing along Granby Street Princes Avenue and terminating in Princes Road by a junction with Tramway No. 21 at a point 2·7 chains north of the north side of South Street:

Tramway No. 20 will be 4 furlongs and 2·5 chains in length and will be double line throughout:

Tramway No. 20A commencing in Upper Parliament Street by a junction with the existing tramway at a point 0·3 chain east of the east side of Granby Street and terminating in Granby Street by a junction with Tramway No. 20 at a point 0·2 chain south of the south side of Upper Parliament Street:

Tramway No. 20A will be 1·2 chains in length and will be double line throughout:

In the township of Toxteth Park—

Tramway No. 21 commencing in Princes Road by a junction with the existing tramway at a point 0·7 chain west of the west end of the Boulevard passing along Princes Road Devonshire Road Belvidere Road and Ullet Road and terminating in Aigburth Road by a junction with the existing tramway at a point 2·4 chains south-east of the north-west side of Ullet Road:

Tramway No. 21 will be 5 furlongs and 7·8 chains in length and will be double line throughout:

In the townships of West Derby and Toxteth Park—

Tramway No. 22 commencing in Smithdown Road by a junction with the existing tramway at a point opposite the west side of Underley Street passing along Hartington Road and terminating in Croxteth Road by a junction with Tramway No. 23 at a point 0·5 chain west of the west side of Hartington Road:

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Tramway No. 22 will be 4 furlongs and 2·8 chains in length and will be single line throughout: A.D. 1900.

In the township of Toxteth Park—

Tramway No. 23 commencing in Croxteth Road by a junction with the existing tramway at a point 1 chain west of the west side of Lodge Lane passing along Croxteth Road and Croxteth Gate and terminating in Croxteth Drive at a point 0·6 chain south of the south side of Croxteth Drive:

Tramway No. 23 will be 3 furlongs and 0·2 chain in length and will be double line throughout:

In the township of West Derby—

Tramway No. 24 commencing in Wavertree Road by a junction with the existing tramway at a point 0·2 chain east of the east side of Shenstone Street passing along and terminating in Wavertree Road by a junction with the existing tramway at a point opposite Botanic Road:

Tramway No. 24 will be 3 furlongs and 9·3 chains in length and will be laid as a double line throughout and will replace the existing single line of tramway in Wavertree Road authorised by the Liverpool Corporation Tramways Order 1879:

In the townships of West Derby and Wavertree—

Tramway No. 24A commencing in Wavertree Road by a junction with the existing tramway at a point 4·0 chains west of the west side of Spofforth Road passing along Wavertree Road and Picton Road and terminating in Picton Road by a junction with the existing tramway at a point 2·0 chains east of the west side of Spofforth Road:

Tramway No. 24A will be 6·1 chains in length and will be laid as a double line throughout and will replace the existing single line of tramway in Wavertree Road and Picton Road authorised by the Liverpool Corporation Tramways Order 1879 and the Wavertree Tramways Order 1878:

In the township of Wavertree—

Tramway No. 24B commencing in Picton Road by a junction with the existing tramway at a point 0·7 chain east of the east side of Bishopsgate Street passing along and terminating in Picton Road by a junction with the existing tramway at a point 1·7 chains east of the east side of the London and North Western Railway bridge:

Tramway No. 24B will be 7·2 chains in length and will be laid as a double line throughout and will replace the existing single line of tramway in Picton Road authorised by the Wavertree Tramways Order 1878:

In the townships of Wavertree and Toxteth Park—

Tramway No. 25 commencing in Church Road at the termination of the existing tramway at a point 5·3 chains north of the north side of Hunter's Lane passing along Church Road Heathfield Road and Smithdown Road and terminating in Smithdown Road at the

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terminus of the existing tramway at a point immediately below the west side of the London and North Western Railway bridge at Sefton Park station :

Tramway No. 25 will be laid as a double line except between the points herein-after specified where it will be laid as a single line (that is to say) In Smithdown Road from a point immediately below the west side of the London and North Western Railway bridge at Sefton Park station to a point 1·4 chains west of the above-described point :

Tramway No. 25 will be 1 mile 0 furlongs and 0·7 chain in length of which 7 furlongs 9·3 chains will be double line [and 1·4 chains single line :

In the parish of Liverpool—

Tramway No. 26 commencing in Scotland Road by a junction with the existing tramway at a point 0·7 chain south of the south side of Virgil Street passing along Scotland Road Bevington Hill Bevington Bush Gardners Row and Fontenoy Street and terminating in Dale Street by a junction with the existing tramway at a point 0·7 chain east of the east side of Trueman Street :

Tramway No. 26 will be laid as a double line except between the following points where it will be laid as a single line :—

(a) In Gardners Row and Fontenoy Street between the end of Cherry Lane and the north side of Harrison Street :

(b) In Fontenoy Street between the south side of Addison Street and the north side of Primrose Hill :

Tramway No. 26 will be 5 furlongs and 3·5 chains in length of which 3 furlongs 5·3 chains will be double line and 1 furlong 8·2 chains single line :

Tramway No. 27 commencing in Gardners Row by a junction with Tramway No. 26 at a point 0·2 chain south of the north side of Naylor Street passing along Marybone and terminating in Tithebarn Street by a junction with the existing tramway at a point 1·0 chain west of the east side of Vauxhall Road :

Tramway No. 27 will be laid as a single line except between its commencement and the south side of Stockdale Street where it will be laid as a double line :

Tramway No. 27 will be 2 furlongs and 3·8 chains in length of which 9·0 chains will be double line and 1 furlong 4·8 chains single line :

Tramway No. 28 commencing in Tithebarn Street by a junction with the existing tramway at a point 0·4 chain north-east of the north-east side of Moorfields passing along Tithebarn Street Chapel Street and George's Dock Gates and terminating in Water Street by a junction with Tramway No. 29 at a point 0·5 chain south-west of the north-east side of Goree :

Tramway No. 28 will be 2 furlongs and 9·5 chains in length and will be single line throughout :

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Tramway No. 29 commencing at the George's Pierhead by a junction with the existing tramway at a point 0·5 chain north of the south end of the George's Baths passing along the George's Pierhead the proposed new street and Water Street and terminating in Dale Street by a junction with the existing tramways at a point 0·2 chain east of the east side of Castle Street :

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Tramway No. 29 will be 2 furlongs and 6·8 chains in length and will be laid as a double line throughout and will replace the existing single line in Water Street authorised by the Liverpool Corporation Tramways Order 1879 :

Tramway No. 29A commencing in Water Street by a junction with Tramway No. 29 at a point 0·1 chain west of the west side of Castle Street and terminating in Castle Street by a junction with the existing tramways at a point 0·8 chain south of the south side of Water Street :

Tramway No. 29A will be 1·4 chains in length and will be double line throughout :

Tramway No. 30 commencing at the George's Pierhead by a junction with Tramway No. 29 at a point 1·5 chains north of the north end of the George's Baths passing along George's Pierhead Saint Nicholas Place and George's Dock Gates and terminating in George's Dock Gates by a junction with Tramway No. 28 at a point 2·3 chains north of the north side of Water Street :

Tramway No. 30 will be 1 furlong and 3·6 chains in length and will be laid as a single line throughout and will replace the existing tramway in Saint Nicholas Place and George's Dock Gates authorised by the Liverpool Corporation Tramways Order 1879 :

Tramway No. 30A commencing in George's Dock Gates by a junction with Tramway No. 28 at a point 0·6 chain north of the north side of Water Street and terminating in Water Street by a junction with Tramway No. 29 at a point opposite the east side of Back Goree :

Tramway No. 30A will be 1·5 chains in length and will be single line throughout :

Tramway No. 30B commencing at the George's Pierhead by a junction with Tramway No. 30 at a point 3·3 chains north of the north end of the George's Baths and terminating in George's Pierhead by a junction with Tramway No. 29 at a point 0·2 chain west of the new street line of the George's Pierhead :

Tramway No. 30B will be 1·8 chains in length and will be single line throughout.

6. No apparatus shall be affixed or attached to any house building or property belonging to the Liverpool Overhead Railway Company or to any structure or bridge belonging to or maintainable or repairable by the Company without the consent in writing of that Company.

For the pro-
tection of
Liverpool
Overhead
Railway
Company.

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For the pro-
tection of the
Leeds and
Liverpool
Canal Com-
pany.

7. For the protection and benefit of the Leeds and Liverpool Canal Company (in this section called "the company") the following provisions shall apply namely:—

- (1) The Corporation shall not under any circumstances decrease the height of the arch of the bridge by which Bankhall Street is carried over the canal and towing-path of the company or diminish the waterway under such archway:
- (2) The Corporation shall make good all damage that may be occasioned to the canal towing-path works or property of the company by or during the execution of the works or the making and use of the said tramways either by non-compliance with the foregoing provisions of this section or otherwise:

Provided that—

- (a) In every case of pressing necessity; and
- (b) In every other case if for seven days after notice in writing thereof given to the Corporation by the company the Corporation neglect to proceed with due diligence to make good any such damage;

the company may if they think fit make good such damage and the amount expended by them in so doing shall be repaid to them by the Corporation:

- (3) If and whenever any damages or other sums payable by the Corporation to the company or any such owner as aforesaid by virtue of this section are not paid on demand made on the Corporation the same may be recovered by the company or such owner from the Corporation with full costs in any court of competent jurisdiction:
- (4) All questions and differences which may at any time arise between the Corporation and the company as to the construction or effect of this section or the performance observance non-performance or non-observance of any of the provisions thereof or any matters connected therewith or consequent thereon shall be determined by arbitration before an arbitrator to be appointed by the Corporation and the company or (if for fourteen days after the question of differences arises the Corporation and the company do not agree upon an arbitrator) by the Board of Trade upon the application in writing of both or either of the parties and the decision of every such arbitrator (by whomsoever appointed) shall be binding and conclusive upon both the parties in difference and the costs of such arbitration shall be borne in such manner as such arbitrator may in his discretion think fit.

For the pro-
tection of the
Lancashire and
Yorkshire
Railway
Company.

8. 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 Corporation and the company be observed and have effect (that is to say):—

- (1) In this section the word "apparatus" includes wire ropes or cables chains electric wires mains and conductors (whether overhead or in on or underground) posts brackets supports and any similar appliances to be

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used as or for the purposes of a motive power for the carriages running on the tramways and includes also any excavations channels tubes and pipes for the purposes of such apparatus :

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

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

- (9) Whenever and so often as the company shall require under their existing powers to lengthen strengthen reconstruct alter or repair any bridge over which any tramway of the Corporation is laid or the approaches thereto and they shall find it necessary for effecting any of such purposes that the working and user of any of the said tramways over any such bridge or approaches shall be wholly or partly stopped or delayed or that the tramways or any apparatus connected therewith shall be wholly or in part temporarily diverted taken up or removed and shall except in cases of emergency give to the Corporation seven clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working or user of the tramways shall be stopped or delayed or the tramways or apparatus shall be diverted or taken up or removed accordingly by and at the expense in all things of the Corporation and under the superintendence of the engineer of the company (if such engineer shall give such superintendence) but only for so long as the company may find it to be absolutely necessary for effecting such purpose and the company shall not be liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto In cases of emergency or in other cases if the Corporation after such notice make default in diverting taking up or removal of any such tramway or apparatus the company may at the expense of the Corporation effect such diversion taking up or removal :
- (10) All moneys payable to the company by the Corporation under the provisions of this section shall be recoverable by all and the same means as any simple contract debt of like amount is recoverable :
- (11) In working Tramway No. 28 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 between the commencement of the tramway and a point forty yards south-west thereof except for so long as shall be absolutely necessary for the purpose of taking up and setting down passengers :
- (12) If any difference shall arise under this section between the Corporation and the company touching anything to be done or omitted to be done or not to be done or the reasonableness of any requirements or of any charges or in any manner in connection with the foregoing provisions of this section the matter in difference shall unless otherwise agreed be determined by a referee to be nominated by the Board of Trade under section 33 of the Tramways Act 1870.

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

9. For the protection of the London and North Western Railway Company (in this section called "the company") the following provisions shall apply and have effect:—

[63 & 64 VICT.] *Tramways Orders Confirmation* [Ch. ccviii.]
(No. 5) Act, 1900.

A.D. 1900.

*Liverpool
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- (1) No additional crossing passing place siding or turnout shall under this Order be made in connection with so much of Tramway No. 24 as will extend over the distance in front of the entrance to the company's station in Wavertree Road and as will extend for a distance of ten yards from each end of such distance and in working the said Tramway No. 24 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 within such distance and lengths except for and only for so long as may be absolutely necessary for the purposes of setting down and taking up passengers :
- (2) The Promoters shall not in connection with any work by this Order authorised in any way vary alter or interfere with the structure of any tunnel or bridge carrying any road over any railway of the company and they shall so construct and maintain the tramways over such tunnel or bridge as not injuriously to affect the same :
- (3) In the event of any injury being caused to any such tunnel or bridge by the construction maintenance repairing user or removal of any of the tramways the company may at the expense of the Promoters restore such tunnel or bridge 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 tunnel or bridge 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 :
- (4) Whenever and so often as the company shall require to widen lengthen strengthen reconstruct alter or repair any such tunnel or bridge or to widen or alter their railways or to lift or support any such tunnel or bridge owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and they shall find it necessary for effecting any of such purposes that the working and use of any of the tramways over such tunnel or bridge should be wholly or partly stopped or delayed or that such tramways should be temporarily diverted or wholly or in part taken up or removed and shall except in cases of emergency give to the Promoters seven clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramways shall be stopped or delayed or such tramways shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer if such engineer shall give such superintendence but only for so long as the company may find it to be absolutely necessary for effecting such purpose and without their

[Ch. ccviii.] *Tramways Orders Confirmation* [63 & 64 VICT.]
(No. 5) Act, 1900.

A.D. 1900.

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being liable for any compensation claims demands charges costs and expenses for or in respect of such stoppage or delay or in any way relating thereto :

(5) In case the principal engineer of the company shall be of opinion that any such strengthening is desirable or necessary owing to the carriages or other vehicles on any of the tramways being or being intended to be moved by steam electrical 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 expense which they may incur or be put to in effecting any such widening lengthening strengthening reconstruction alterations repairs lifting or supporting by reason of the existence of the tramways 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 :

(6) All works which may be necessary in constructing and maintaining any of the tramways 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 engineer of the company :

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

Extending to
this Order
certain
provisions of
Order of 1883.

10. The following provisions of the Order of 1883 (that is to say) sections 8 to 15 22 to 25 27 28 30 to 39 47 and 48 and the Schedule B to the said Order annexed shall so far as the same are applicable extend and apply to the tramways and undertaking by this Order authorised in like manner in every respect as if the tramways and undertaking by this Order authorised formed part of the tramways and undertaking authorised by the Order of 1883 and for the purpose of such application the expressions "the tramways" and "the undertaking" in the said provisions shall be construed to include the tramways and the undertaking as defined by this Order and section 38 of the Order of 1883 shall be construed as though the Arbitration Act 1889 were therein referred to in lieu of the Common Law Procedure Act 1854.

Extending to
this Order
certain
provisions of
Act of 1897.

11. The provisions of sections 19 22 23 and 24 and of Part II. of the Act of 1897 shall so far as applicable extend and apply to the tramways by this Order authorised.

Cheap fares
for labouring
classes.

12.—(1) Notwithstanding anything in any Act or Order relating to the Promoters' tramways contained the Promoters' lessees at all times after the

[63 & 64 VICT.] *Tramways Orders Confirmation* [Ch. ccviii.]
(No. 5) Act, 1900.

opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily 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.

A.D. 1900.

Liverpool Corporation Extensions.

(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.

13. 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.

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 their tramways 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.

Alteration of tramways.

15. The tramways and works by this Order authorised shall be deemed to be for the extension and improvement of the undertaking for which the Promoters are by section 39 of the Act of 1897 authorised to borrow money.

Application of provisions of Act of 1897 as to borrowing.

16. The accounts of the receipts and expenditure of the Promoters with respect to the tramways and their tramway undertaking shall be audited in like manner as the city fund is audited.

Audit.

[Ch. c̄cviii.] *Tramways Orders Confirmation* [63 & 64 VICT.]
(No. 5) Act, 1900.

A.D. 1900.

PORTSMOUTH CORPORATION.

Portsmouth Corporation. Order authorising the Mayor Aldermen and Burgesses of the Borough of Portsmouth to construct additional Tramways in the said Borough and for other purposes.

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

Incorporation of Acts. 2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order Provided that the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any alteration of or interference with any telegraphic line belonging to or used by the Postmaster-General The expression "telegraphic line" in this Order has the same meaning as in the Telegraph Act 1878.

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

The expression "the borough" means the county borough of Portsmouth;

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

The expression "the Act of 1898" means the Portsmouth Corporation Tramways Act 1898.

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 the purposes of the undertaking 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 forming 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

[63 & 64 VICT.] *Tramways Orders Confirmation* [Ch. ccviii.]
(No. 5) Act, 1900.

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: A.D. 1900.
Portsmouth Corporation.

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

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 as the same have been amended previous to the passing of the Act confirming this Order (which plans and sections so amended as aforesaid are in this Order respectively referred to as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates sleepers junctions turn-tables turnouts crossings passing-places 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 stations for generating power works engines machinery dynamos and apparatus for the production storage and supply of electrical and other power and offices buildings and other conveniences for the purposes of the undertaking:

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

The tramways authorised by this Order will be wholly situate within the parish of Portsea within the borough and are as follows:—

Tramway No. 1 commencing in Commercial Road by a junction with the existing tramway in that road at a point opposite the Town Hall three yards or thereabouts south of the southern side of Greetham Street passing thence into and along Greetham Street Blackfriars Road Somers Road Bradford Road Victoria Road North and Rugby Road and terminating in Fawcett Road by a junction with Tramway No. 2 herein-after described at a point 7 yards or thereabouts south of the southern side of Rugby Road.

Tramway No. 1 will be a double line except at the following places where it will be an interlacing line:—

(a) In Blackfriars Road between a point 23 yards or thereabouts south of the southern side of Greetham Street and a point 23 yards or thereabouts south of the southern side of Hyde Park Road;

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—
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- (b) In Blackfriars Road between a point 20 yards or thereabouts south of the southern side of Omega Street and a point 20 yards or thereabouts west of the western side of Alpha Street ;
- (c) In Blackfriars Road Somers Road and Bradford Road between a point 7 yards or thereabouts west of the eastern end of Blackfriars Road and a point in Bradford Road 37 yards or thereabouts east of the eastern side of Somers Road ;
- (d) In Bradford Road between a point 104 yards or thereabouts east of the eastern side of Somers Road and a point 52 yards or thereabouts west of the western side of Northumberland Road ; and
- (e) In Rugby Road from a point 20 yards or thereabouts east of the western end of Rugby Road and a point 28 yards or thereabouts west of the eastern end of the same road.

Tramway No. 1 will be 6 furlongs and 2·94 chains in length of which 4 furlongs and 0·66 chain will be double line and 2 furlongs 2·28 chains interlacing line.

Tramway No. 1A commencing in Commercial Road by a junction with the existing tramway in that road at a point opposite the Town Hall 29 yards or thereabouts north of the northern side of Greetham Street and terminating at or near the western end of Greetham Street by a junction with Tramway No. 1 herein-before described.

Tramway No. 1A will be 1·74 chains in length and will be double line throughout.

Tramway No. 1B commencing in Bradford Road by a junction with Tramway No. 1 herein-before described at a point 8 yards or thereabouts west of the western side of Victoria Road North and terminating at a point 13 yards or thereabouts south of the southern side of Bradford Road by a junction with the existing tramway in Victoria Road North.

Tramway No. 1B will be 1·29 chains in length and will be double line throughout.

Tramway No. 2 commencing in Victoria Road North by a junction with the existing tramway in that road at a point on the south side of Fratton Bridge passing thence into and along Fawcett Road Lawrence Road Saxe Weimar Road and Waverley Road and terminating in Clarendon Road by a junction with the existing tramway in that road at a point 18 yards or thereabouts south-east of the eastern side of Waverley Road.

Tramway No. 2 will be a double line except at the following places where it will be interlacing and single line respectively viz. :—

- (a) Interlacing line in Lawrence Road between a point 27 yards or thereabouts north of the northern side of Campbell Road and a point directly opposite the northern side of Darlington Road.
- (b) Interlacing line in Lawrence Road between a point 29 yards or thereabouts south of the southern side of Norman Road and a point 63 yards or thereabouts north of the northern side of Albert Road.

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(c) Single line in Saxe Weimar Road between a point 3 yards or thereabouts south of the northern side of Albert Road and a point 32 yards or thereabouts north of the northern side of Gains Road. A.D. 1900.
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(d) Interlacing line in Saxe Weimar Road between a point 20 yards or thereabouts south of the southern side of Gains Road and a point 60 yards or thereabouts south of the southern side of the same road.

Tramway No. 2 will be 1 mile and 8·24 chains in length of which 6 furlongs and 7·8 chains will be double line 1 furlong and 4·99 chains will be interlacing line and 5·45 chains will be single line.

Tramway No. 2A commencing in Waverley Road at the southern end thereof by a junction with Tramway No. 2 herein-before described and terminating in Clarendon Road by a junction with the existing tramway in that road at a point 13 yards or thereabouts west of the western side of Waverley Road.

Tramway No. 2A will be 1·22 chains in length and will be double line throughout.

Tramway No. 3 commencing in Fratton Road by a junction with the existing tramway in that road at a point 21 yards or thereabouts north of the northern side of St. Mary's Road passing thence into and along St. Mary's Road and terminating at the eastern end of that road on the south-western side of Milton Road.

Tramway No. 3 will be a double line except at the following places where it will be interlacing and single line respectively viz. :—

- (1) Interlacing line In St. Mary's Road between a point 6 yards or thereabouts east of the west side of Shearer Road and a point 1 yard or thereabouts east of the western side of Adames Road.
- (2) Interlacing line In St. Mary's Road between a point 3 yards or thereabouts east of the eastern side of Samuel Road and a point 1 yard or thereabouts east of the western side of Cuthbert Road.
- (3) Single line Between termination of tramway and a point 20 yards or thereabouts west thereof.

Tramway No. 3 will be 4 furlongs and 7·67 chains in length of which 4 furlongs and 1·63 chains will be double line 5·13 chains interlacing line and 0·91 chain single line.

Tramway No. 3A commencing in Fratton Road by a junction with the existing tramway in that road at a point 26 yards or thereabouts south of the southern side of St. Mary's Road and terminating in St. Mary's Road by a junction with Tramway No. 3 herein-before described at a point 14 yards or thereabouts east of the eastern side of Fratton Road.

Tramway No. 3A will be 2·19 chains in length and will be double line throughout.

Tramway No. 4 commencing in Kingston Road by a junction with the existing tramway in that road at a point 8 yards or thereabouts south

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of the southern side of New Road passing thence into and along New Road and terminating at the eastern end of that road at a point 34 yards or thereabouts west of the railway level crossing of that road at Copnor.

Tramway No. 4 will be a double line throughout except between its termination and a point 20 yards or thereabouts west thereof where it will be a single line.

Tramway No. 4 will be 4 furlongs and 9·97 chains in length of which 4 furlongs and 9·06 chains will be double line and 0·91 chain single line.

Tramway No. 4A commencing in Kingston Road by a junction with the existing tramway in that road at a point 10 yards or thereabouts north of the northern side of New Road and terminating in New Road by a junction with Tramway No. 4 herein-before described at a point 7 yards or thereabouts east of the eastern side of Kingston Road.

Tramway No. 4A will be 0·95 chain in length and will be double line throughout.

Tramway No. 5 commencing in Victoria Road South by a junction with the existing tramway in that road at a point 13 yards or thereabouts north of the northern side of Victoria Grove passing thence into and along Albert Road and Highland Road and terminating at the eastern end of Highland Road on the western side of Eastney Road.

Tramway No. 5 will be a double line except at the following places where it will be interlacing and single line viz. :—

- (1) Interlacing line In Highland Road between a point 3 yards or thereabouts east of the western side of Wainscott Road and a point 15 yards or thereabouts east of the eastern side of Owen Street.
- (2) Single line In Highland Road between a point 5 yards or thereabouts west of the eastern side of Prince Albert Street and a point 11 yards or thereabouts west of the western side of Kassassin Street and
- (3) Single line between the termination of tramway and a point 27 yards or thereabouts west thereof.

Tramway No. 5 will be 1 mile 1 furlong and 9 chains in length of which 1 mile 0 furlongs 6·66 chains will be double line 5·55 chains will be interlacing line and 6·79 chains will be single line.

7. For the protection of the London and South Western Railway Company and the London Brighton and South Coast Railway Company (in this section referred to as "the railway companies") the following provisions shall apply and have effect viz. :—

- (1) The Promoters shall not in working Tramways No. 1 and No. 1A obstruct or interfere with the free ingress and egress of persons vehicles or goods at the entrances to or exits from the goods yard of the railway companies in Greetham Street and at the corner of Greetham Street and Commercial Road and carriages used on the said tramways

For protection of London and South Western and London Brighton and South Coast Railway Companies.

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shall not be permitted to pull up opposite or within fifteen feet of either side of the entrance in Greetham Street or within twenty feet of either side of a point on the said Tramway No. 1A opposite the centre of the entrance at the corner of Greetham Street and Commercial Road.

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- (2) The Promoters shall not construct any works in connection with any portion of Tramways Nos. 1 1A 2 3 and 5 nor any other tramways passing over the railways of the railway companies or either of them or within ten yards thereof respectively until plans drawings and specifications (herein-after referred to as "the said plans") describing materials to be used in and the manner of construction of the said tramways shall have been delivered to the engineers of the railway companies (herein-after referred to as "the railway engineers") and have been examined and approved in writing by them and such works shall not in any way interfere with or damage the structure of the bridges carrying the roads over the railways of the railway companies and forty-eight hours' notice shall be given to the railway engineers before the commencement of any works.
- (3) In the event of the railway engineers failing to approve the said plans for twenty-one days after the delivery thereof the same shall be referred for settlement to an engineer to be agreed upon between the Promoters and the railway engineers or failing agreement by an engineer to be appointed by the Board of Trade and the expenses of such reference shall be paid by the Promoters and the works shall be executed and subsequently maintained by the Promoters at their sole expense and under the superintendence and to the reasonable satisfaction of the railway engineers.
- (4) If and whenever the Promoters do not maintain the said works in accordance with the said plans and to the satisfaction of the railway engineers the railway companies or either of them may in case such failure continues at the expiration of fourteen days' notice in writing to the Promoters to execute the requisite repairs and maintenance (or in case of emergency without notice) make do and execute any works which they from time to time think requisite in that behalf and the sums from time to time reasonably expended in that behalf by the railway companies shall be repaid to them by the Promoters and in default of repayment the amount of such expenditure may be recovered with full costs by the railway companies from the Promoters in any court of competent jurisdiction.
- (5) The railway companies (or either of them as the case may be) may if they think fit employ an inspector or watchman to inspect and watch the said works during their execution and the wages of such inspector or watchman shall be borne by the Promoters and shall be paid by them to the railway companies and the Promoters shall indemnify the railway companies or either of them as the case may be against all claims and compensate them for any injury which may from time to time happen to the property or works of the railway companies or to either of them

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Portsmouth Corporation.

as the case may be or to any person or persons using their railway in consequence of or during the construction and maintenance of the said works or the working of the said tramways but the appointment by the railway companies of such inspector shall not relieve the Promoters from any liability in connection with the construction of the works.

(6) Any additional expense caused to the railway companies in reference to the maintenance of the structure of the bridges works or roads occasioned or alterations rendered necessary thereby shall be borne and paid by the Promoters.

(7) The railway companies shall be at liberty to divert or stop any of the tramways temporarily if required for the purpose of executing repairs alterations extensions or widenings of any of the bridges carrying roads over the railway and the Promoters shall have no claim against the railway companies in respect thereof.

(8) Any difference which may arise between the railway companies and the Promoters touching any of the matters referred to in this section and not otherwise provided for shall be decided by a single arbitrator to be appointed on the application of either party by the Board of Trade.

Extending to this Order certain provisions of the Act of 1898.

8. The following provisions of the Act of 1898 (that is to say) sections 13 15 to 21 24 to 27 29 to 35 and 56 to 60 and the provisions of section 26 of the Portsmouth Corporation Act 1899 shall so far as the same are applicable extend and apply to the tramways and undertaking by this Order authorised in like manner in every respect as if the tramways and undertaking by this Order authorised formed part of the tramways and tramway undertaking authorised by the Act of 1898 and for the purpose of such application the expressions "the tramways" and "the tramway undertaking" in the said provisions shall be construed to include the tramways and the undertaking as defined by this Order.

Tolls rates and charges.

9. Subject to the provisions of this Order the Promoters' lessees may demand and take in respect of the tramways the tolls rates and charges authorised to be taken in respect of the tramways authorised by the Portsmouth &c. Tramways Act 1879.

Cheap fares for labouring classes.

10.—(1) Notwithstanding anything in any Act or Order 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 artisans 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.

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 (No. 5) Act, 1900.

(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. A.D. 1900.
Portsmouth Corporation.

(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.

11. 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 s. 30 of Tramways Act 1870.

ROTHESAY.

Order authorising the Rothesay Tramways Company Limited to alter and adapt their Tramways for working and to work the same by Mechanical Power. *Rothesay.*

Preliminary.

1. This Order may be cited as the Rothesay Tramways Order 1900. Short title.
2. The provisions of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order. Incorporation of Acts.
3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings Provided that in this Order— Interpretation.

The expression "the Order of 1880" means the Rothesay Tramways Order 1880:

The expressions "the tramways" and "the undertaking" mean respectively the tramways and works and the undertaking authorised by the Order of 1880 as the same respectively are altered and adapted by the provisions of this Order:

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

The expression "engine" includes motor.

Promoters.

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

Reconstruction of Tramways.

5. The Promoters may subject to the provisions of this Order relay the plates and rails of the tramways or otherwise alter the present construction Reconstruction of tramways.

[Ch. ccviii.] *Tramways Orders Confirmation* [63 & 64 VICT.]
(No. 5) Act, 1900.

A.D. 1900. thereof for the purpose of adapting the tramways for working by mechanical power.

Rothesay.

Provided as follows:—

- (1) The provisions of the Order of 1880 as amended by this Order shall apply to the works by this Order authorised.
- (2) A substantial fence satisfactory to the Board of Trade shall be erected alongside the road between the tramways and the shore with such intervals only as may be allowed by the local authority and the Board of Trade.
- (3) When the road along which the tramway is laid is of a width of 23 feet 3 inches or more throughout the tramway shall be relaid in the centre of the road.
- (4) Where any part of any road along which the tramway is laid is of a less width than 23 feet 3 inches the tramway shall be relaid as a double line.
- (5) 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.

Gauge and width of carriages.

6. The tramways shall be relaid on a gauge of four feet or such less gauge as may be determined by the Board of Trade on the application of the Promoters Provided that so much of section 34 of the Tramways Act 1870 and of section 7 of the Order of 1880 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways but no engine or carriage used on the tramways shall exceed six feet six inches in width or such less width as may from time to time be prescribed by the Board of Trade.

Mode of laying tramways to be approved by road authority and uniform throughout.

7. Subject to the provisions of the Order of 1880 and this Order the mode of laying down the tramways and the forms of the rails sleepers fastenings and grooves (if any) shall unless the Board of Trade shall otherwise direct be such as the road authorities shall approve but so that such mode and form shall be the same throughout the whole length of the tramways and in case of difference between the road authorities such mode and form shall be such as the Board of Trade shall determine.

Penalty for not maintaining rails and road in good condition.

8. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramway and the substructure upon which the same rest and if the Promoters at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are

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

A.D. 1900.
Rothesay.

9.—(1) The Promoters may with the consent of the Board of Trade and of the road authority lay down in any road a double line in lieu of a single 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 Company may with the like consents take up and remove such tramway or any part thereof and reconstruct the same in such position in the road as they may think fit.

Alteration of
tramways.

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.

10. 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 where required by the Board of Trade construct a cross-over or cross-overs connecting the one tramway with the other and by means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

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

11.—(1) 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) from time to time make maintain alter and remove such cross-overs 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 carriages-houses sheds or works of the Promoters.

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

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

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Rothsay.

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.

(2) Section 13 of the Order of 1880 is hereby repealed.

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

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

Motive Power.

Provisions as
to motive
power.

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

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

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

(3) The Promoters or any 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 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 other 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.

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14. For the purpose of working the tramways by mechanical power the Promoters may from time to time subject to the provisions of this Order— A.D. 1900.

(1) Make such alterations of the tramways or any part or parts thereof and execute all such works on or in connection therewith and in over or under the streets and roads in which the same are laid as may be necessary or expedient for adapting the tramways to be worked by mechanical power as aforesaid.

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Rothesay.
 Works for
 applying
 mechanical
 power.

(2) Construct erect lay down make and maintain on in under or over the surface of any street or road such posts conductors wires mains plates ropes and apparatus subways tunnels cables tubes and openings and with the consent in writing of the owners and occupiers of any houses or buildings attach to such houses or buildings and maintain such brackets rosettes electric conductors wires and apparatus as may be necessary or convenient for the aforesaid purposes.

(3) Any question as to any such necessity expediency or convenience shall be determined by the Board of Trade whose decision shall be final.

(4) Nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them under the powers in this section contained.

15. The Promoters may erect and maintain upon the lands specified in the schedule to this Order or on any part thereof a station or stations for generating transforming applying and distributing electrical energy or power with all necessary dynamos 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.

Power to
 construct
 generating
 station.

16.—(1) Subject to the provisions of this Order and of any Board of Trade regulations the size position design and construction of all posts standards and brackets and their several attachments erected in the district of any road authority shall be such as the authority and the Promoters may agree or as in case of difference between them may be determined by the Board of Trade— Provided that—

As to posts
 standards
 and brackets.

(a) If before the erection of any such posts standards brackets and attachments in the district of a road authority the Promoters deliver to the authority a drawing and a description of the same and a plan showing the proposed position thereof and the authority do not within fourteen days (or where the authority is a county council within twenty-eight days) give notice to the Promoters of any objection such authority shall be taken to have agreed to the size position design and construction of such posts standards brackets and attachments as shown by the said drawing description and plan; and

(b) If any post or overhead wire becomes owing to the construction of any new road or otherwise in the opinion of the road authority an

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obstruction the Promoters shall alter the position thereof in such manner as the road authority direct but the Promoters may appeal against such direction to the Board of Trade and the decision of the Board shall be final.

(2) The local authority shall upon giving not less than fourteen days' notice to the Promoters of their desire to do so have the right to use any posts standards and brackets erected in the streets within their area for the support of any electric wires or lamps or any gas lamp belonging to the local authority or to any contractor with them for the lighting of street lamps Provided that in placing maintaining or altering such wires or lamps no damage shall be caused to such posts standards or brackets and no obstruction shall be caused to the working by the Promoters of the undertaking.

(3) Before commencing to erect any posts standards or brackets and before any electric wires of the local authority are supported on any such posts standards or brackets under this section plans showing the position design and construction of the posts standards or brackets and where electric wires of the local authority are to be supported on any such posts standards or brackets the method and position in which they are to be so supported shall be sent to the Board of Trade and the posts standards or brackets shall not be erected nor shall the electric wires of a local authority be supported on any such posts standards or brackets except according to plans approved by the Board of Trade.

(4) Advertisements shall not be displayed upon any such posts standards or brackets.

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

Byelaws.

18. 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 ;

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 :

A.D. 1900.

Rothsay.

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.

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.

Amendment
of the Tram-
ways 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 pro-
visions as to
use of elec-
trical 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 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

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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 "Promoters" in this section shall include licencees and any person owning working or running carriages over any tramways of the Promoters.

For protec-
tion 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 being worked by electricity the following provisions shall have effect :—

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

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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 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

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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) of the Promoters.

Miscellaneous.

Tolls for
passengers.

22. Notwithstanding anything contained in any Act or Order relating to the tramways the Promoters shall not demand or take from any passenger using the tramways any greater tolls or charges than one penny per mile (and for this purpose the fraction of a mile beyond an integral number of miles shall be deemed a mile).

As to purchase of the
undertaking
by the local
authorities.

23. Notwithstanding anything in the Order of 1880 or the Tramways Act 1870 contained the powers of purchase given by section 43 of that Act shall not as regards the undertaking as by this Order defined be exercisable until the expiration of a period of thirty-five years from the date of the first opening of any portion of the tramways for public traffic by electric traction. The period of twenty-one years in the said section mentioned shall in respect of the undertaking be deemed to be the period of thirty-five years from the said date and the periods of seven years in such section mentioned shall be deemed to be periods of seven years subsequent to such period of thirty-five years.

Cheap fares for
labouring
classes.

24.—(1) Notwithstanding anything in the Order of 1880 contained the Promoters at all times after the opening of the tramways as altered and adapted under the powers of this Order for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays and New Year's Day 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.

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(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. A.D. 1900.
 —
Rothsay.

25. 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.

26. 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 (Scotland) Acts. Recovery of
 penalties.

27.—(1) Where under the provisions of the Tramways Act 1870 and the Order of 1880 or this Order any question is to be referred to or determined by arbitration that question shall unless otherwise agreed be referred to the Board of Trade or if the Board of Trade think fit to an engineer or other fit person appointed as arbiter by the Board. Provisions
 as to arbi-
 tration.

(2) The Board of Trade Arbitrations &c. Act 1874 shall apply with reference to the determination by the Board of any such question or of any other matter under this Order and to the appointment of an arbiter as if this Order were a special Act within the meaning of section 4 of that Act.

(3) The costs of and incidental to any such arbitration and award shall be paid as directed by the arbiter and shall if either party so require be taxed and settled as between the parties by the auditor of the Court of Session in Scotland.

28. The Conveyance of Mails Act 1893 shall extend and apply to the tramways as if those tramways had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three and to the Promoters as the body or person owning or working such tramways. Carriage of
 mails on
 tramways.

29. 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 tolls or charges authorised by this Order. Saving for
 general Acts.

SCHEDULE.

Lands on which Generating Stations may be constructed.

Certain lands now in the occupation of the Company and forming the site of their existing depôt in Port Bannatyne Road in the parish of North Bute.

[Ch. ccviii.] *Tramways Orders Confirmation* [63 & 64 VICT.]
(No. 5) Act, 1900.

A.D. 1900.

WESTON-SUPER-MARE.

*Weston-
super-Mare.*

*Order authorising the construction of Tramways in the Urban
District of Weston-super-Mare in the County of Somerset.*

Preliminary.

Short title.

1. This Order may be cited as the Weston-super-Mare Tramways Order 1900.

Incorporation
of Acts.

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

Interpretation.

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

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

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

The expression "engine" includes motor.

Promoters.

The Pro-
moters.

4. The Weston-super-Mare and District Electric Supply Company Limited of Surrey House Victoria Embankment in the county of London shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Lands.

Lands by
agreement.

5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let or dispose of any such lands 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 nuisance in the event of any nuisance being caused or permitted by them upon any land acquired by them under this section.

Construction of Tramways.

Power to
construct
tramways.

6. The Promoters may within two years from the commencement of this Order or within such extended time as the Board of Trade and the local authority shall approve (such approval of the local authority not to be unreasonably withheld) construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the

[63 & 64 VICT.] *Tramways Orders Confirmation* [Ch. ccviii.]
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office of the Board of Trade for the purposes of this Order as the same have been amended previous to the passing of the Act confirming this Order (which plans and sections so amended as aforesaid are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails points cross-overs plates sleepers offices weighbridges stables carriage-houses engine-sheds warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same The tramways authorised by this Order will be situate wholly in the urban district of Weston-super-Mare in the county of Somerset and are—

A.D. 1900.

Weston-
super-Mare.

Tramway No. 1—7 furlongs 0·6 chains in length consisting of 4 furlongs 7·7 chains of single line and 2 furlongs 2·9 chains of double line commencing in Regent Street at a point distant 12 yards or thereabouts measured in an easterly direction from the centre of the south end of the road called Salisbury Terrace passing thence along the south end of the Marine Parade Carriage Drive Knightstone Road and Birnbeck Road and terminating at the posts defining the entrance to the private approach road to the pier.

This tramway will be laid as a single line except between the following points where it will be laid as a double line:—

- (a) In Marine Parade carriage drive between points distant 37 yards measured in a south-easterly direction and 29 yards measured in a north-westerly direction from the centre of the roadway called St. Margaret's Terrace at its junction with the said Marine Parade carriage drive.
- (b) In Marine Parade carriage drive and Knightstone roads between points distant 79 yards and 13 yards respectively measured in a south-easterly direction from a point opposite the eastern corner of Victoria Buildings.
- (c) In Knightstone Road for a distance of 66 yards measured eastwards from a point opposite the east side of Upper Church Road.
- (d) In Knightstone and Birnbeck roads between points distant 6 yards or thereabouts measured in a south-easterly direction and 60 yards measured in a westerly direction from a point opposite the corner of Knightstone Road at its junction with Birnbeck Road.
- (e) In Birnbeck Road for a distance of 240 yards between a point distant 15 yards measured in a westerly direction from the corner of Kewstoke Road at its junction with Birnbeck Road and the terminus of Tramway No. 1.

Tramway No. 2—7 furlongs 3·7 chains in length consisting of 5 furlongs 8·7 chains of single line and 1 furlong 5·0 chains of double line commencing in Regent Street by a junction with Tramway No. 1 at its commencement passing along Beach Road and terminating at the southern end of the above-named road This tramway will be laid as a single line except between the following points where it will be laid as a double line:—

- (a) In Beach Road between points distant 38 yards measured in a northerly direction and 28 yards measured in a southerly direction from the centre of Carlton Street at its junction with Beach Road.

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—
Weston-
super-Mare.

- (b) In Beach Road for a distance of 66 yards measured in a southerly direction from the centre of the roadway known as Ellenborough Park (north) at its junction with Beach Road.
- (c) In Beach Road between points distant 33 yards measured in a northerly direction and 33 yards measured in a southerly direction from the centre of Clifton Road at its junction with Beach Road.
- (d) In Beach Road between points distant 61 yards and 127 yards respectively measured in a southerly direction from the centre of Clarence Road (north) at its junction with Beach Road.
- (e) In Beach Road for a distance of 66 yards from the terminus of the said Tramway No. 2.

Tramway No. 2A—3·7 chains in length single line throughout commencing in Beach Road by a junction with Tramway No. 2 at a point distant 23 yards measured in a southerly direction from the junction of Regent Street and Salisbury Terrace Road and proceeding thence along the south side of the island pathway opposite Huntley's Beach Restaurant and terminating by a junction with Tramway No. 1 at a point in the Marine Parade carriage drive opposite the frontage line of Huntley's Beach Restaurant.

Tramway No. 3—5 furlongs 0·3 chains in length consisting of 2 furlongs 9·3 chains of single line and 2 furlongs 1 chain of double line commencing in Regent Street by a junction with Tramways No. 1 and No. 2 at their commencements passing thence along Regent Street Alexandra Parade and Locking Road and terminating at a point in the Locking Road distant 12 yards or thereabouts measured in a westerly direction from the centre of Ashcombe Road at its junction with Locking Road.

The Promoters shall if and when required by the local authority widen Locking Road from the junction therewith of Walliscote Road to the eastern end of Alexandra Parade by setting back the kerb of such parade so as to give an additional width to such portion of Locking Road as the local authority shall require not exceeding four feet.

This tramway will be laid as a single line except between the following points where it will be laid as a double line:—

- (a) In Regent Street for a distance of 150 yards measured in an easterly direction from the corner of Meadow Street.
- (b) In Alexandra Parade for a distance of 66 yards measured in a westerly direction from the centre of the road leading to Anstice Terrace at its junction with Locking Road.
- (c) In Locking Road for a distance of 180 yards measured in a westerly direction from the western side of Little George Street.
- (d) In Locking Road for a distance of 66 yards measured in an easterly direction from the centre of the Swiss Road at its junction with Locking Road.

Tramway No. 4—1 furlong 6·3 chains in length consisting of 1 furlong 3·3 chains of single line and 3 chains of double line commencing in Alexandra Parade by a junction with Tramway No. 3 at a point distant 33 yards measured in a westerly direction from the centre of Orchard Street at its

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junction with Alexandra Parade passing thence along Walliscote Road and Station Road and terminating in the last-mentioned road at a point five yards west of the gates at the entrance of the Great Western Railway Station yard.

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This tramway will be laid as a single line except between the following points where it will be laid as a double line viz. :—

- (a) In Walliscote and Station roads for a distance of 66 yards measured southerly and easterly from a point in Walliscote Road situate 47 yards south of the centre of Oxford Street at its junction with Walliscote Road.

Tramway No. 5—2 furlongs 4·0 chains in length consisting of 1 furlong 7·5 chains of single line and 6·5 chains of double line commencing in Locking Road by a junction with Tramway No. 3 at its termination proceeding along Ashcombe Road and terminating in Milton Road at its junction with Ashcombe Road.

This tramway will be laid as a single line except between the following points where it will be laid as a double line :—

- (a) In Ashcombe Road between points distant respectively 17 yards and 83 yards measured in a northerly direction from the centre of Locking Road at its junction with Ashcombe Road.
- (b) In Ashcombe Road and Milton Road for a distance of 77 yards measured in a southerly direction from the terminus of the said Tramway No. 5.

Tramway No. 6—3 furlongs 9·4 chains in length consisting of 3 furlongs 3·4 chains of single line and 6 chains of double line commencing in Locking Road by a junction with Tramway No. 3 at its termination and with Tramway No. 5 at its commencement proceeding along Locking Road in an easterly direction and terminating in the said Locking Road at a point distant 465 yards or thereabouts from the centre of Langford Road at its junction with Locking Road.

This tramway will be laid as a single line except between the following points where it will be laid as a double line viz. :—

- (a) In Locking Road for a distance of 66 yards measured in a westerly direction from a point opposite the eastern corner of Langford Road where it joins Locking Road.
- (b) In Locking Road for a distance of 66 yards from the terminus of the said Tramway No. 6 measured in a westerly direction.

7. Notwithstanding anything in this Act contained or shown on the deposited plans and sections the Promoters shall not without the previous consent in writing of the Great Western Railway Company construct so much of Tramway No. 4 as is proposed to be laid upon the private road of the Great Western Railway Company between the junction of Walliscote Road with Station Road and the termination thereof other than and except a passing place or turnout which shall be constructed in the positions and of the length shown on the plan signed by James Charles Inglis on behalf of the Company and Stephen Sellon on behalf of the Promoters.

For protection
of Great
Western Rail-
way Company.

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Position in
road of tram-
ways.

8. The tramways shall be laid throughout along the centre of the road in such a manner that a line drawn midway between the external lines of the tramways which are next the kerb of the footpath may coincide as nearly as may be with the centre line of the carriageway. Provided that any portion or portions of the tramways may be laid otherwise than along the centre of the road if the Board of Trade and the local authority at any time sanction their being so laid and provided also that where according to the deposited plans it is proposed to lay down in any road a single line of tramway and a less space than 9 feet 6 inches intervenes between the outside of the footpath on either side of the road and the nearest rail of the tramway the Promoters shall if required by the Board of Trade lay down in lieu of such single line a double line of tramway with proper cross-overs and every such double line shall be so laid that only one of such lines can be used at one and the same time.

Gauge and
width of
carriages.

9. The tramways shall be constructed on a gauge of 4 feet 8½ inches or such other gauge as may from time to time be determined by the Board of Trade on the application of the Promoters and with the consent of the local authority. 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 carriage shall not apply to carriages used on the tramways but no engine or carriage used on the tramways shall exceed 6 feet 6 inches in width or such other width as may from time to time be prescribed by the Board of Trade.

Provisions as
to construc-
tion of tram-
ways.

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

The Board of Trade may upon the application of the road authority require the Promoters to adopt and apply such improvements in the tramways so far as the same are laid along the carriageway of any street or road as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic of such street or road and the Promoters shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out such improvements.

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11. The Promoters and any road authority may subject to the provisions of this Order from time to time enter into any agreements with respect to the constructing maintaining removing renewing and repairing of the tramways situate within the district of such road authority and the rails plates sleepers and works connected therewith provided that the expense of carrying out such agreements shall be borne by the Promoters.

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Promoters and road authority may contract for repairing road and constructing tramways.

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

Application of materials excavated in construction of works.

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

Rails of tramways.

14. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Promoters at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

Penalty for not maintaining rails and road in good condition.

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

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Sanitary
authority to
have access
to sewers.

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.

15. Every sanitary authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Promoters and the provisions contained in the 32nd and 33rd sections of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the sanitary authority as if the same were a pipe for the supply of gas or water.

Tramways to
be kept on
level of
surface of
road.

16. If any road authority hereafter alter the level of any road along or across which any portion 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 the rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

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

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

Temporary
tramways
may be made
when neces-
sary.

18. When by reason of the execution of any work affecting the surface or soil of any road along or across which any of the tramways are laid it is in the opinion of the road authority necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Promoters may subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct on the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued If any difference arises between the Promoters and the road authority with respect to the reasonableness of any conditions or regulations or with respect to the mode of constructing any temporary tramway or tramways under the authority of this section the same shall be deemed a matter in difference within section 33 of the Tramways Act 1870 and the provisions as to arbitration of the said section and of this Order shall apply accordingly.

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19. 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.

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As to removal
of snow &c.

20. 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
the Board of
Trade.

Motive Power.

21. The carriages used on the tramways may subject to the provisions of this Order be moved 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 and no mechanical power other than electrical power shall be used except with the consent of the local authority Provided always that no steam locomotives shall be used ;

(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 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 any other 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 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.

(5) The Promoters may use animal power upon the tramways for shunting purposes but not for any other purpose.

22. The Promoters may lay down construct erect and maintain on in under or over the surface of any street road or place and may with the

Power to erect
posts &c.

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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 connections with any generating station or stations engines machinery or apparatus.

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):—

Their position material and design shall be subject to the approval of the local authority in whose district they are erected.

They shall not be used for purposes of advertising.

They shall be painted with good oil paint of a colour or colours to be approved by such authority and shall be kept in good substantial and decorative repair to the reasonable satisfaction of the local authority.

If any post arms or brackets or overhead wire after it has been erected shall in the opinion of the local authority be an obstruction the Promoters shall alter the position thereof in such manner as the local authority shall reasonably direct.

Any difference between the local authority and the Promoters under this proviso shall be determined in the manner provided by section 33 of the Tramways Act 1870 as if such difference were a matter in difference within the purview of that section.

As to street
lamps.

23.—(1) The local authority shall upon giving not less than fourteen days' notice to the Promoters of their desire to do so have the right to use any posts standards and brackets erected in the streets within their area for the support of any electric wires or lamps or any gas lamp belonging to the local authority or to any contractor with them for lighting the street lamps Provided that in placing maintaining or altering such wires or lamps no damage shall be caused to such posts standards or brackets and no obstruction shall be caused to the working by the Promoters of the undertaking.

(2) Before commencing to erect any posts standards or brackets and before any electric wires of the local authority are supported on any such posts standards or brackets under this section plans showing the position design and construction of the posts standards or brackets and where electric wires of the local authority are to be supported on any such posts standards or brackets the method and position in which they are to be so supported shall be sent to the Board of Trade and the posts standards or brackets shall not be erected nor shall the electric wires of a local authority be supported on any such posts standards or brackets except according to plans approved by the Board of Trade.

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

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

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25. 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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super-Mare.
Byelaws.

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

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

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

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

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

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

26. 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 Tramways
Act 1870 as
to byelaws
by local
authority.

27. 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 pro-
visions as to
use of elec-
trical 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

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

For the pro-
tection of the
Postmaster-
General.

28.—(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 portion thereof being worked by electricity the following provisions shall have effect (that is to say):—

- (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 referred to arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed on that arbitration ;

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

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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" shall include any company or person owning working or running carriages on the tramways or any portion thereof.

Traffic upon Tramways.

As to the submarine cable of the Commercial Cable Company.

29. This Order shall not be construed so as to prejudice or interfere with any rights which the Commercial Cable Company may by any court of law having jurisdiction in the matter be held to possess under the common law by statute or otherwise with regard to the uninterrupted user and enjoyment of their submarine telegraph cable now running under the Bristol Channel between Weston-super-Mare and Waterville in Ireland Provided always that due regard be paid to the provisions of Clause 26 of this Order so far as such clause is applicable to submarine cables.

Traffic on tramways.

30. The tramways may be used for the purpose of conveying passengers passengers' luggage and parcels not exceeding 56 pounds in weight.

Railway carriages not to be used on tramways.

31. No carriages or trucks adapted for use upon railways shall be used upon the tramways The Promoters shall not use upon the tramways any trucks or carriages other than tramway passenger cars or passenger luggage cars and shall not without the consent of the local authority attach more than one car to any motor or combined motor and passenger car used upon the tramways Provided that the Promoters shall not run any cars upon the tramways on Sundays before the hour of 2 p.m. and that in the event of the Promoters establishing fixed stopping-places the same shall be subject to the reasonable approval of the local authority.

Service of cars.

32. The Promoters shall unless prevented by circumstances over which they have no control and except on Sundays at all times after the opening of the tramways or any part thereof for public traffic give a daily service upon

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each section of the tramways of not less than six cars in each direction and the Promoters shall be liable to a penalty of not exceeding five pounds for every day on which they shall fail to comply with the provisions of this section Any question which may arise as to the service of cars required in the public interests may be determined on the application of the Promoters or of the local authority or other body or person by the Board of Trade whose decision shall be final.

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33. The Promoters shall not use or permit to be used in any road any bell or other continuous sounding instrument in or upon the carriages running on the tramways except with the approval of the local authority or by the direction of the Board of Trade.

As to use of bells.

34. Subject to the provisions of this Order and of any regulations made under this Order by the Board of Trade and of any byelaws for the time being in force with respect to the tramways any local authority or road authority may at such times and in such manner as they think fit between the hours of twelve at night and five in the morning but so as not to unduly impede obstruct or interfere with the ordinary traffic on the tramways use the tramways within their district by carriages moved by horses or otherwise for the removal of night soil and house refuse and for the conveyance of scavenging stuff road metal and other materials required by the works of such authority free of all rates and charges in respect of such use Subject as aforesaid any local authority or road authority may enter into agreements with the Promoters for the purposes of this section and such authority shall have power to form connections between the tramways and any yards or works belonging to such authority provided that in the construction of any such connection no damage shall be done to the tramways and they shall have first submitted to the Promoters plans showing such connections or works and the mode of constructing the same and if any question arises as to such plans or the mode of constructing such works that question shall be referred to arbitration under this Order Provided that such authority shall not save by agreement with the Promoters be entitled to use or employ for such purposes any carriages trucks horses electric current or other motive power or officers and servants of the Promoters Provided also that such authority shall indemnify the Promoters against any damage done to the permanent way by such use.

Local authorities and road authorities may use tramways for certain purposes.

35. The Promoters and any local or road authority may subject to the provisions of this Order from time to time enter into any agreements with respect to the user of the tramways situate within the district of such local or road authority and for facilitating the passage of the traffic over the same.

Agreements between Promoters and road authorities as to user and for facilitating traffic on tramways.

Rates.

36. The Promoters may demand and take for every passenger travelling upon the tramways or any portion thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile

Tolls for passengers.

[Ch. ccviii.] *Tramways Orders Confirmation* [63 & 64 VICT.]
(No. 5) Act, 1900.

A.D. 1900. and in computing the said rates and charges a fraction of a mile shall be deemed a mile but the Promoters may charge for any distance exceeding half a mile and not exceeding two miles any sum not exceeding twopence.

Weston-super-Mare.

As to fares on Sundays and holidays.

37. 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.

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

Cheap fares for labouring classes.

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

Rates and charges for parcels.

40. The Promoters may demand and take in respect of any parcels conveyed by them on the tramways including every expense incidental to such conveyance any rates or charges not exceeding those specified in the schedule to this Order.

Payment of rates.

41. 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 may by notice to be annexed to the list of rates and charges appoint.

Periodical revision of rates and charges.

42. 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 local authority of the district in which the tramways or such portion of the tramways are or is wholly or partially situate or by twenty inhabitant

[63 & 64 VICT.] *Tramways Orders Confirmation* [Ch. ccviii.]
(No. 5) Act, 1900.

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

A.D. 1900.
—
*Weston-
super-Mare.*

Miscellaneous.

43. Notwithstanding anything in this Order or in the Tramways Act 1870 contained—

As to purchase of the undertaking by the local authority.

(1) The powers of purchase given by section 43 of the Tramways Act 1870 shall not as regards the undertaking be exercisable by the local authority in whose district such tramways are situate on the terms of purchase in the said section mentioned 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 43rd section of the Tramways Act 1870 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 periods of twenty-eight years.

(2) The powers of purchase given by section 43 of the Tramways Act 1870 shall be exercisable as regards the undertaking at the expiration of periods of ten sixteen and twenty-two years respectively from the 31st day of December 1899 upon payment to the Promoters of the fair market value thereof 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 in such cases the period and the terms of purchase in the said section 43 mentioned shall as regards the said undertaking be deemed to be the respective periods of ten sixteen and twenty-two years and the terms of purchase by this subsection prescribed.

[Ch. ccviii.] *Tramways Orders Confirmation* [63 & 64 VICT.]
(No. 5) Act, 1900.

A.D. 1900.

*Weston-
super-Mare.*
Saving as to
powers of
borrowing on
mortgage.

44. Nothing in this Order 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 to the local authority under section 43 of the Tramways Act 1870 as hereby varied and that any mortgage granted by the Promoters shall not be a charge upon the undertaking in the event of the undertaking being purchased by the local authority under the provisions of section 43 of the Tramways Act 1870 as hereby varied and that every mortgage deed granted by the Promoters shall be indorsed with notice to that effect.

Orders &c. of
the Board of
Trade.

45. 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 purporting to be so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly.

Recovery of
penalties.

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

Form and
delivery of
notices.

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

- (1) Every notice shall be in writing and if given by the Promoters or by any local or road authority or company shall be signed by their clerk or secretary.
- (2) Any notice to be delivered by or to the Promoters to or by any body or any company or corporation may be delivered by being left at the principal office of the Promoters or of such body company or corporation 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.

Provisions as
to arbitration.

48. 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

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(No. 5) Act, 1900.

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

49. 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.

A.D. 1900.

*Weston-
super-Mare.*

Saving for
general Acts.

SCHEDULE.

Rates and Charges for Parcels.

For any parcel not exceeding seven pounds in weight twopence.

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fourpence.

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sixpence.

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence.

WHITEFIELD URBAN DISTRICT COUNCIL.

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

*Whitefield
Urban District
Council.*

Preliminary.

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

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.

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

Provided that in this Order—

The expression "the district" means the urban district of Whitefield in the county of Lancaster.

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(No. 5) Act, 1900.

A.D. 1900.

Whitefield
Urban District
Council.

The expression "the council" means the urban district council of Whitefield.

The expression "the existing tramway" means so much of the existing tramway in Bury New Road as is within the district.

The expressions "the tramways" and "the undertaking" mean respectively the tramways and works and the undertaking by this Order authorised and from and after the purchase by the council of the existing tramway such expression shall include that tramway.

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 not dedicated to public use from time to time vested in them :

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

Provided that they shall not at any time hold for such purposes more than 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.

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-

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places works and conveniences connected therewith or for the purposes thereof: A.D. 1900.

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

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

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

Tramway No. 1 (double line 7 furlongs 0·85 chain in length).—To be situate in the Bury New Road commencing at the termination of the existing tramway in that road and terminating at the boundary of the district with the urban district of Prestwich.

Tramway No. 2 (1 mile 3 furlongs 3·70 chains in length whereof 6 furlongs 9·70 chains will be single line and 4 furlongs 4 chains will be double line).—To be situate in Church Lane Higher Lane and Bury Old Road commencing by a junction with Tramway No. 1 at the intersection of the centre lines of Bury New Road and Church Lane and terminating in Bury Old Road at the boundary of the district with the urban district of Prestwich.

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

- (a) In Church Lane from the commencement of the tramway to a point 25 yards from the intersection of the centre lines of Church Lane and Bury New Road.
- (b) In Church Lane between the points 185 yards and 251 yards respectively south-west of the intersection of the centre lines of Church Lane and Bury New Road.
- (c) In Higher Lane from the junction of the centre lines of Higher Lane and Church Lane to a point 43 yards south of such junction.
- (d) In Higher Lane from the junction of the centre lines of Higher Lane and Park Lane to a point 420 yards south of such junction.
- (e) In Bury Old Road between the points 185 yards and 251 yards respectively south-east of the junction of the centre lines of Bury Old Road and Clegg Street.
- (f) In Bury Old Road from the railway bridge to the junction of the centre lines of Nursery Road with Bury Old Road.
- (g) In Bury Old Road between the points 109 yards and 175 yards respectively south-east of the junction of the centre lines of Nursery Road with Bury Old Road.

Tramway No. 2a (double line 2·10 chains in length) to be situate in Bury New Road and Church Lane commencing by a junction with Tramway

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Council.*

No. 1 at a point 33 yards south of the junction of the centre lines of Bury New Road with Church Lane and terminating by a junction with Tramway No. 2 at a point 33 yards south-west from the junction of the centre lines of Bury New Road with Church Lane.

Tramway No. 2b (double line 2·50 chains in length) to be situate in Bury New Road and Bury Old Road commencing by a junction with Tramway No. 1 at a point 27 yards north of the intersection of Bury Old Road and Bury New Road and terminating by a junction with Tramway No. 2 at the junction of the centre lines of Bury Old Road and Clegg Street.

Tramway No. 2c (double line 2·25 chains in length) to be situate in Higher Lane and Bury New Road commencing by a junction with Tramway No. 2 at a point 25 yards west from the intersection of Higher Lane and Bury New Road and terminating by a junction with Tramway No. 1 at a point 26 yards south thereof.

Tramway No. 3 (4 furlongs 2·75 chains in length whereof 3 furlongs 2·35 chains will be single line and 1 furlong 0·40 chain will be double line) to be situate in Moss Lane and Bury New Road commencing in Moss Lane at the boundary of the district with the township of Unsworth and terminating by a junction with Tramway No. 1 in Bury New Road at a point 23 yards south of the junction of the centre lines of Bury New Road with Moss Lane.

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

- (a) In Moss Lane between the points 19 yards and 85 yards respectively south-west of the commencement of the tramway.
- (b) In Moss Lane between the points 486 yards and 538 yards respectively south-west of the commencement of the tramway.
- (c) In Moss Lane between the points 763 yards and 829 yards respectively south-west of the commencement of the tramway.
- (d) In Moss Lane and Bury New Road from a point 940 yards south-west of the commencement of the tramway to the termination thereof.

Tramway No. 4 (double line 2 furlongs 2·90 chains in length) to be situate in Radcliffe New Road and Bury New Road commencing in the former road at the boundary of the district with the Radcliffe Urban District and terminating in Bury New Road by a junction with Tramway No. 1 at a point opposite the junction of Bury New Road with Green Lane.

Provided that Tramway No. 4 shall not be constructed unless and until the road in which it will be situate is widened so that a space of not less than 9 feet 6 inches will intervene between the outside of the footpath on each side of the road and the nearest rail of the tramway.

Tramway No. 4A (double line 2·70 chains in length) to be situate in Radcliffe New Road and Bury New Road commencing by a junction

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with Tramway No. 4 at a point 421 yards from the commencement of such tramway and terminating by a junction with Tramway No. 1 at a point 80 yards north of the junction of the centre lines of Bury New Road with Green Lane.

A.D. 1900.

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Council.

Provided that until the purchase of the existing tramway by the Promoters they shall not construct junctions or otherwise interfere with any tramway in Bury New Road existing at the date of this Order and that on such purchase the provisions of this Order shall mutatis mutandis apply to the existing tramway instead of the provisions of the Bury and District Tramway Order 1881 as if the same were authorised by this Order and for such purposes section 18 of the Tramway Act 1870 shall apply and be construed as if the date of such purchase were substituted for the date of this Order.

7.—(1) From and after the date on which Tramway No. 1 shall be opened for traffic the annual sums of 430*l.* and 500*l.* which the Lancashire County Council have agreed to pay to the Promoters in respect of the repavement and permanent improvement of Bury New Road shall be reduced in the proportion that the superficial area of that portion of such road maintained by the Promoters under the Tramways Act 1870 which has been so repaved and permanently improved as aforesaid bears to the superficial area of that part of the carriageway of the said road which has been so repaved and permanently improved as aforesaid.

For the
protection of
the Lancashire
County
Council.

(2) The Promoters shall at their own expense pave so much of any main road whereon or over which any tramway authorised by this Order is 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 said County Council may approve.

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

For the
protection of
the Lancashire
and Yorkshire
Railway
Company.

(1) In this section the word "apparatus" includes posts brackets electric conductors wires apparatus subways tunnels cables tubes and openings and any similar appliances to be used as or for the purposes of a motive power for the carriages running on the tramways.

(2) Where any tramway by this Order authorised or any tramway on or in connection with which any apparatus is to be constructed or used is laid along a road which is carried by means of a bridge over any railway of the Company the Promoters shall so construct maintain and use the said tramway and apparatus as not to alter or interfere with the structure of any such bridge or of the approaches thereto.

(3) In the event of any injury being caused to any such bridge or the approaches thereto by the construction maintenance repairing user or removal of the tramways or apparatus the Company may at the expense in all things of the Promoters forthwith in case of emergency and in other cases after giving seven clear days' notice in writing of their

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intention so to do restore such bridge and approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned.

- (4) All works which may be necessary in constructing and maintaining the tramways or apparatus over any such bridge and the approaches thereto shall be constructed and maintained in all things at the expense of the Promoters and under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the Company.
- (5) In case it shall become necessary in consequence of the existence or user of the tramways or apparatus to strengthen the fabric of any such bridge the Company may after giving to the Promoters fourteen clear days' notice thereof execute such works as their engineer may reasonably deem necessary but in all things at the expense of the Promoters.
- (6) If it shall become necessary for effecting such strengthening that the working and user of any portion of the tramways shall be wholly or in part stopped or delayed and the Company shall (except in cases of emergency when they shall give the longest notice practicable) give the Promoters fourteen clear days' notice in writing requiring such stoppage or delay the working or user of such portion of the tramway shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the Company shall not be liable for any compensation claim demand damages costs or expenses for or in respect of such stoppage or delay.
- (7) The sleepers and other materials forming the substructure of the tramways where the same cross any such bridge over the railway or are laid along the approaches thereto shall subject to the provisions of this section be such as shall be reasonably approved of by the Company.
- (8) Whenever and so often as the Company shall require under their existing powers to lengthen strengthen reconstruct alter or repair any bridge over which any tramway of the Promoters is laid or the approaches thereto and they shall find it necessary for effecting any of such purposes that the working and user of any of the said tramways over any such bridge or approaches shall be wholly or partly stopped or delayed or that the tramways or any apparatus connected therewith shall be wholly or in part temporarily diverted taken up or removed and shall except in cases of emergency give to the Promoters seven clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working or user of the tramways shall be stopped or delayed or the tramways or apparatus shall be diverted or taken up or removed accordingly by and at the expense in all things of the Promoters and under the superintendence of the engineer of the Company (if such engineer shall give such superintendence) but only for so long as it shall be absolutely necessary for effecting such purpose and the Company shall not be liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto In cases of emergency or in other cases if the Promoters

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after such notice make default in diverting taking up or removal of any such tramway or apparatus the Company may at the expense of the Promoters effect such diversion taking up or removal.

A.D. 1900.

*Whitefield
 Urban District
 Council.*

(9) 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.

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

9. The tramways shall be constructed on a gauge of 4 feet 8½ inches or such other gauge as may from time to time be determined by the Board of Trade on the application of the Promoters.

Gauge and width of carriages.

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 tramways 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 6 feet 6 inches in width or such other width as may from time to time be prescribed by the Board of Trade.

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

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.

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

Penalty for not maintaining rails and roads in good condition.

[Ch. ccviii.] *Tramways Orders Confirmation* [63 & 64 Vict.]
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A.D. 1900. 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.

*Whitefield
Urban District
Council.*

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.—(1) The Promoters may with the consent of the Board of Trade lay down double lines in lieu of single or single lines in lieu of double or interlacing lines in lieu of double or single lines on any of the tramways and may with the like consent subject in places where the Promoters may not be the road authority to the approval of that authority alter the position in the road of any of the tramways or any part thereof respectively Provided that the uppermost surface thereof shall be on a level with the surface of the road Provided further that in the exercise of the powers of this section no rail shall (except as herein-after mentioned) be so laid that a less space than 9 feet 6 inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

(2) The Promoters may notwithstanding the second proviso to subsection (1) of this section if and when they have purchased the existing tramway lay down double lines in lieu of single lines on such tramway in the situations shown on the deposited plans.

Cross-overs to
be constructed
in certain
cases.

15. Where in any road in which a double line of tramways is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than 9 feet 6 inches the Promoters shall if 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.

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

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 any of them 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

[63 & 64 VICT.] *Tramways Orders Confirmation* [Ch. ccviii.]
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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 9 feet 6 inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

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

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.
- (2) The Board of Trade shall make regulations (in this Order referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Order of mechanical power on the tramways and for regulating the use of electrical power.
- (3) The Promoters or any company or person using any mechanical power on the tramways contrary to the provisions of this Order or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof.

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

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

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

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

Mechanical
power works

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

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

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

Byelaws.

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:

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.

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

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

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

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 pro-
 visions 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 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.

[Ch. ccviii.] *Tramways Orders Confirmation* [63 & 64 VICT.]
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- (5) At the expiration of two years from the passing of the Act confirming this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents.
- (6) If any difference arises between the Promoters and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.
- (7) The expression "the Promoters" in this section shall include their lessees and any person owning working or running carriages over any tramways of the Promoters.

For protection
of 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 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 any of the tramways being worked by electricity the following provisions shall have effect:—

- (1) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Promoters have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection.
- (3)—(a) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any

[63 & 64 VICT.] *Tramways Orders Confirmation* [Ch. ccviii.]
(No. 5) Act, 1900.

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.

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

- (4) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.
- (5) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reasons for doing or executing the same without previous notice.
- (6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.
- (7) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order.
- (8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.
- (9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the

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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.

Rates.

Passengers' fares.

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

As to fares on Sundays or holidays.

30. 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.

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

Cheap fares for labouring classes.

32.—(1) The Promoters' lessees at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily 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 5 o'clock in the evening shall run the same at such hours

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between noon and 2 o'clock in the afternoon as may be most convenient for the said purposes. A.D. 1900.

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

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

33. 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.

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

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

Miscellaneous.

36. Notwithstanding anything in the Tramways Act 1870 to the contrary the council may place and run carriages on and may work and may demand and take rates and charges in respect of any of the tramways and in respect Power to council to work tramways.

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A.D. 1900. 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.

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Regulations.

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

Working
agreements.

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

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

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

Orders &c. of
the Board of
Trade.

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

Mortgages 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.

[63 & 64 VICT.] *Tramways Orders Confirmation* [Ch. ccviii.]
(No. 5) Act, 1900.

A.D. 1900.

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

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Recovery of
penalties.

42. 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.

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

Protection of
local authority.

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

Form and
delivery of
notices.

(1) Every notice 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.

45. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration 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.

46. 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.

		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 coal coke culm charcoal cannel limestone chalk lime salt sand fire-clay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways	per ton	0	2
For all iron iron-ore pig-iron bar-iron rod-iron sheet-iron hoop-iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fire-clay) and for wrought-iron not otherwise specifically classed herein and for heavy iron castings including railway chairs	per ton	0	2½
For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings	- - - - per ton	0	3
For cotton wools drugs and manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein	- - - - per ton	0	4
For every carriage of whatever description	- - - -	1	0

		Any Distance.	
		s.	d.
<i>Parcels.</i>			
For any parcel not exceeding 7 lbs. in weight	- - - each	0	3
For any parcel exceeding 7 lbs. but not exceeding 14 lbs. in weight	each	0	5
For any parcel exceeding 14 lbs. but not exceeding 28 lbs. in weight	each	0	7
For any parcel exceeding 28 lbs. but not exceeding 56 lbs. in weight	each	0	9
For any parcel exceeding 56 lbs. in weight but not exceeding 500 lbs. in weight such sum as the persons conveying the same may think fit:			

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

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 (No. 5) Act, 1900:

For the Carriage of Single Articles of Great Weight.

Per Mile.
s. d.

A.D. 1900.

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

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

Regulations as to Rates.

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

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

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

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

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

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