CHAPTER cxliii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Bolton Corporation Tramways Keighley Corporation Tramways Morecambe Corporation Tramways Portsmouth Corporation Tramways and Whitworth Urban District Council Tramways. A.D. 1909.

[20th September 1909.]

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 King'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 Act 1909. 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.

A.D. 1909.

SCHEDULE.

LIST OF ORDERS.

Bolton Corporation Tramways.—Order authorising the Mayor Aldermen and Burgesses of the County Borough of Bolton to construct additional tramways in the said borough.

Keighley Corporation Tramways.—Order authorising the Mayor Aldermen and Burgesses of the Borough of Keighley to construct additional tramways in the said borough.

Morecambe Corporation Tramways.—Order authorising the Corporation of Morecambe to construct and work tramways in the Borough of Morecambe and for other purposes.

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.

Whitworth Urban District Council Tramways.—Order authorising the Urban District Council of the Urban District of Whitworth to construct tramways in their district.

BOLTON CORPORATION.

A.D. 1909.

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

Bolton Corporation.

1. This Order may be cited as the Bolton Corporation Tramways Order 1909. **Short title.**

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

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

Provided that in this Order—

The expression "the Order of 1878" "the Act of 1891" the Act of 1897" "the Act of 1901" mean respectively the Bolton and Suburban Tramway Order 1878 confirmed by the Tramways Orders Confirmation (No. 1) Act 1878 the Bolton Corporation Tramways Act 1891 the Bolton Tramways and Improvement Act 1897 and the Bolton Corporation Act 1901;

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

The expression "the Corporation tramways" has the meaning assigned thereto by the Act of 1901;

The expression "the borough" means the borough of Bolton;

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

4. The mayor aldermen and burgesses of the borough acting by the council shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters." **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 referred to respectively as "the deposited plans" and "the deposited sections") the tramways hereinafter described with all necessary and proper rails plates sleepers channels tubes cables mains wires and electric lines junctions turn- **Construction of tramways.**

A.D. 1909.

Bolton Corporation.

tables turnouts crossings passing-places poles posts conduits section boxes tramway plant machinery apparatus appliances works and conveniences connected therewith or as may be necessary or proper therefor and for connecting and using the same with the Corporation tramways:

Provided that nothing in this Order or in any Act wholly or in part incorporated herewith 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 will be wholly situated within the borough and are as follows:—

Tramway No. 1 5 furlongs 2·09 chains in length (whereof 4 furlongs 5·73 chains are single line and 6·36 chains are double line) commencing in Bradford Street by a junction with Tramway No. 9 constructed under the powers of the Act of 1897 thence passing along Castle Street Radcliffe Road and Hag End Brow and terminating in Hag End Brow at the north-westerly end of Lever Bridge:

Tramway No. 1 shall be laid as a single line except between the points hereinafter specified where it shall be laid as a double line (that is to say):—

In Castle Street between points respectively 1·55 chains and 4·73 chains south-east of the commencement of such tramway;

In Castle Street between points respectively 2 furlongs 2·91 chains and 2 furlongs 6·09 chains south-east of the commencement of such tramway:

Tramway No. 2 1 mile 1 furlong 5·76 chains in length (whereof 1 mile 6·22 chains are single line and 9·54 chains are double line) commencing in St. George's Road by a junction with Tramway No. 20 constructed under the powers of the Act of 1901 thence passing along Vernon Street Merehall Street Yarrow Place Portland Street Homer Street Darley Street and Eskrick Street into and terminating in Halliwell Road by a junction with Tramway No. 19 constructed under the powers of the Act of 1901:

Tramway No. 2 shall be laid as a single line except between the points hereinafter specified where it shall be laid as a double line (that is to say):—

In Vernon Street between points respectively 3·18 chains and 6·36 chains north of the commencement of such tramway;

In Merehall Street between points respectively 1·32 chains east and 1·86 chains north of the east side of Gaskell Street;

In Darley Street between points respectively 1 chain and 4·18 chains west of the west side of Southern Street:

Provided that notwithstanding anything in this Order Tramway No. 2 shall not be constructed unless and until the roadway on which it is to be laid is widened so as to allow of a space of nine feet six inches intervening between the outside of the footpath and the nearest rail of the tramway on either side of the road wherever the said Tramway No. 2 will be laid as single line:

Tramway No. 3 7 furlongs 7·14 chains in length (whereof 6 furlongs 8·64 chains are single line and 8·50 chains are double line) commencing in Chorley Old Road by a junction with Tramway No. 1 constructed under the powers of the Act of 1891 at its termination continuing along that road and terminating at the junction with that road of Bobs Smithy Lane Ends:

Tramway No. 3 shall be laid as a single line except between the points hereinafter specified where it shall be laid as a double line (that is to say):—

In Chorley Old Road between points respectively 2·30 chains east and 2·70 chains west of Boot Lane;

In Chorley Old Road between points respectively 1·30 chains east and 2·20 chains west of the east side of the road leading to Horrobin Farm:

Tramway No. 4 A single line 9 chains in length commencing in Newport Street by a junction with Tramway No. 1 constructed under the powers of the Order of 1878 thence in a southerly direction across Trinity Street and Crook Street and along Thynne Street to Bridgeman Street and terminating in that street by a junction with Tramway No. 10 constructed under the powers of the Act of 1897 about 1 chain westward of the junction of that street and Thynne Street:

Tramway No. 5 A single line 2 furlongs 1·73 chains in length commencing in Manchester Road by a junction with Tramway No. 2 constructed under the powers of the Order of 1878 about 1 chain north of the junction of that road with Lower Bridgeman Street thence into and along that street to and terminating in Bradford Street by a junction about 1 chain westward of Bromwich Street with Tramway No. 9 constructed under the powers of the Act of 1897:

A.D. 1909.

Bolton Corporation.

Tramway No. 5A (junction tramway) A single line 1·50 chains in length commencing in Manchester Road by a junction with the before-mentioned Tramway No. 2 constructed under the powers of the Order of 1878 at a point thereon about 1 chain south of the junction of that road with Lower Bridgeman Street and terminating in Lower Bridgeman Street by a junction with Tramway No. 5 hereinbefore described.

Tramways to form part of Corporation tramways.

6. Subject to the provisions of this Order the tramways shall for all purposes form part of the Corporation tramways and the Promoters and their lessees and licencees may in respect of the tramways exercise and enjoy all the like powers rights privileges and authorities which they now may or are empowered to exercise and enjoy and shall be subject and liable to the like penalties conditions restrictions and stipulations as they are subject and liable to with respect to the Corporation tramways and may demand take and recover in respect of the tramways or any part or parts thereof the like tolls rates and charges for the use thereof and for the conveyance thereon of traffic of all kinds and for the use of carriages placed and run thereon by them as they are authorised to demand and take in respect of the tramways authorised by the Act of 1901 Provided that nothing in this Order shall authorise the attachment of brackets wires and apparatus to any house or building without the consent of the owner and occupier thereof or the taking of any lands except by agreement.

For protection of Postmaster-General.

7.—(A) Notwithstanding anything in this Order or in any Act or Order relating to the Corporation tramways contained if any of the works authorised to be executed by this Order or the said Act or 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 seven of the Telegraph Act 1878 shall apply (instead of the provisions of section thirty of the Tramways Act 1870) to any such alteration.

(B) In the event of any tramways of the Promoters 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 His 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 Any difference which arises between the Postmaster-General and the Promoters as to compliance with this subsection shall be determined by arbitration :

(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) Before any electric line is laid down or any act or work for working the Corporation tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) 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 Any difference which arises between the Postmaster-General and the Promoters as to any requirements so made shall be determined by arbitration:

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the tramway works of the Promoters is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such works or to the working of the Promoters' tramway undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated for tramway purposes at any works of the Promoters enter thereon for the purpose of inspecting the plant and the working of the same and the Promoters shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Promoters pursuant to the Board of Trade regulations:

(5) 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:

A.D. 1909.

Bolton Corporation.

(6) 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 any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:

(7) 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:

(8) For the purposes of this section and subject as therein provided sections two ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order:

(9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:

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

(11) 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:

(12) In this section the expression "the Promoters" includes any person owning working or running carriages on any of the tramways of the Promoters.

Use of tramway posts by Postmaster-General.

8.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Promoters in connection with the tramways and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time

to time to alter any telegraph so supported subject to the following conditions:—

(A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways:

(B) The Postmaster-General shall give to the Promoters not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided:

(C) Unless otherwise agreed between the Postmaster-General and the Promoters the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Promoters or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:

(D) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided:

(E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road:

(F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper state of condition and repair:

A.D. 1909.

Bolton Corporation.

(G) The Postmaster-General shall make good to the Promoters and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Promoters their officers or servants:

(H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Promoters and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Promoters or failing agreement determined as hereinafter provided:

(I) The Promoters shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Promoters of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Promoters their officers or servants:

(J) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Promoters the value of the same Provided that if the Promoters or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Promoters from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with their tramways or other municipal undertakings or shall take away any existing right of the Promoters of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise Provided that any difference

A.D. 1909.

Bolton Corporation.

(g) The Postmaster-General shall make good to the Promoters and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Promoters their officers or servants:

(h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Promoters and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Promoters or failing agreement determined as hereinafter provided:

(i) The Promoters shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Promoters of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Promoters their officers or servants:

(j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Promoters the value of the same Provided that if the Promoters or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Promoters from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with their tramways or other municipal undertakings or shall take away any existing right of the Promoters of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise Provided that any difference

between the Postmaster-General and such company or person in relation to the use of posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

(3) All differences arising under this section shall be determined in manner provided by sections four and five of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

The expression "the Promoters" includes their lessees;

The expression "telegraph" has the same meaning as in the Telegraph Act 1869;

Other expressions have the same meaning as in the Telegraph Act 1878.

Conveyance of mails.

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

Passengers' fares.

10. Notwithstanding anything in any Act or Order relating to the Corporation tramways it shall not be lawful to demand and take for any passenger travelling upon such tramways including every expense incidental to such conveyance rates or charges exceeding one penny per mile and for this purpose a fraction of a mile shall be deemed a mile.

Saving for general Acts.

11. 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 tolls or charges authorised by this Order.

KEIGHLEY CORPORATION.

Keighley Corporation.

Order authorising the Mayor Aldermen and Burgesses of the Borough of Keighley to construct additional Tramways in the said Borough.

Short and collective titles.

1. This Order may be cited as the Keighley Corporation Tramways Order 1909 and the Keighley Corporation Tramways Order 1903 confirmed by the Tramways Orders Confirmation (No. 2) Act 1903 (in this Order referred to as "the Order of 1903") the Keighley Corporation Tramways Order 1905 confirmed by the Tramways Orders Confirmation (No. 1) Act 1905 and this Order may be jointly cited as the Keighley Corporation Tramways Orders 1903 to 1909.

A.D. 1909.

Keighley Corporation.

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 Order of 1903 or the Acts in whole or in part incorporated therewith and with this Order meanings are assigned have in this Order the same respective meanings:

Provided that in this Order—

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

The expression "the Corporation tramways" means the tramways and works authorised by the Keighley Corporation Tramways Orders 1903 to 1909 and all other tramways for the time being belonging to the Corporation.

Promoters.

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

Lands.

5. The Promoters may—

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

(B) By agreement from time to time purchase and acquire for the purposes of this Order such lands as they may require and may from time to time sell let or dispose of any such lands as 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 one acre 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.

A.D. 1909.

Keighley Corporation.

Construction of tramways.

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

(A) Construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways hereinafter described with all proper rails plates sleepers junctions turntables turnouts works and conveniences connected therewith or for the purposes thereof:

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

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

The tramways will be wholly situated within the borough and are as follows:—

Tramway No. 1 (7 furlongs 1·3 chains in length whereof 4·9 chains are double line and 6 furlongs 6·4 chains are single line) commencing in Bradford Road by a junction with the existing tramway in that road at a point 20 yards south-west of the south-west side of Dalton Lane thence passing into and along Dalton Lane Marlow Street (as proposed to be widened) and Aireworth Road to and terminating in Bradford Road by a junction with the existing tramway in that road at a point 1·5 yards north-east of the north-east side of Dale Street:

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

(A) From its commencement in Bradford Road to a point in Dalton Lane 0·9 chain south-east of the south-east side of Bradford Road;

(B) In Dalton Lane from a point opposite the east side of Chesham Street to a point 1·3 chains west of the west side of Craven Road:

Tramway No. 2 (single line 8·5 chains in length) commencing in Marlow Street by a junction with Tramway No. 1 at a point opposite the north-east side of Water Street thence passing into and along Airedale Road as far as the Worth Village Council

A.D. 1909.

Keighley Corporation.

School in that road thence across land belonging to the Corporation into and along Marley Road as proposed to be widened in front of Belvoir Terrace to and along and terminating in Aireworth Road by a junction in that road with Tramway No. 1 at a point 24 yards south-east of the south-east side of Lorne Street:

Tramway No. 3 (single line 1 furlong 8·3 chains in length) commencing in Airedale Road by a junction with Tramway No. 2 at a point 6 yards west of the east side of Wenning Street passing along Airedale Road and thence across Marley Road to and terminating at the boundary of the land belonging to the Corporation on the north-east side of Marley Road at a point 12 yards north-west of the line of the westerly boundary wall of the gasworks of the Corporation.

As to opening for traffic of certain portions of tramways.

7. So much of Tramway No. 1 as is situate in Marlow Street and so much of Tramway No. 2 as is situate in Marley Road shall not be opened for traffic until those roads respectively have been widened to at least twenty-three feet.

Application of Order of 1903.

8. The provisions of the Order of 1903 (except section 5 (Lands) section 7 (For protection of West Riding County Council) and section 8 (For protection of Midland Railway Company)) shall so far as they are applicable in that behalf and are not inconsistent with the provisions of this Order extend and apply mutatis mutandis to and in relation to the tramways and this Order as if the tramways had formed part of the tramways authorised by the Order of 1903.

Use of tramway posts by Postmaster-General.

9.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Promoters in connection with the Corporation tramways and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

(A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the Corporation tramways:

(B) The Postmaster-General shall give to the Promoters not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any

difference as to any matter referred to in such notice shall be determined as hereinafter provided:

(c) Unless otherwise agreed between the Postmaster-General and the Promoters the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the Corporation tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Promoters or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:

(d) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided:

(e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road:

(f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair:

(g) The Postmaster-General shall make good to the Promoters and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Promoters their officers or servants:

(h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Promoters and the Postmaster-General in the use of the post standard or bracket and to all the

A.D. 1909.

Keighley Corporation.

circumstances of each case may be agreed upon between the Postmaster-General and the Promoters or failing agreement determined as hereinafter provided:

(I) The Promoters shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the Corporation tramways or by any accident arising thereon or by the authorised use by the Promoters of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Promoters their officers or servants:

(J) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Promoters the value of the same Provided that if the Promoters or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Promoters from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with the Corporation tramways or other municipal undertakings or shall take away any existing right of the Promoters of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

The expression "Promoters" includes their lessees;

The expression "telegraph" has the same meaning as in the Telegraph Act 1869;

Other expressions have the same meaning as in the Telegraph Act 1878.

MORECAMBE CORPORATION.

A.D. 1909.

Morecambe Corporation.

Order authorising the Corporation of Morecambe to construct and work Tramways in the Borough of Morecambe and for other purposes.

Short title.

1. This Order may be cited as the Morecambe Corporation Tramways Order 1909.

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 expression "the borough" means the borough of Morecambe;

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

The expression "the company" means the Morecambe Tramways Company;

The expression "the Act of 1886" means the Morecambe Tramways Act 1886;

The expression "the Order of 1892" means the Morecambe Tramways (Extension) Order 1892 confirmed by the Tramways Orders Confirmation Act 1892;

The expression "the Order of 1897" means the Morecambe Urban District Council Tramways Order 1897 confirmed by the Tramways Orders Confirmation (No. 2) Act 1897;

The expression "the company's tramways" means Tramway No. 1 authorised by the Act of 1886 and Tramway No. 3 authorised by the Order of 1892;

The expression "the Corporation tramway" means the tramway authorised by the Order of 1897;

The expression "the existing tramways" means the company's tramways and the Corporation tramway;

A.D. 1909.

Morecambe Corporation.

The expression "the new tramways" means the tramways by this Order authorised to be reconstructed and constructed;

The expression "the tramway undertaking" means the tramway undertaking of the Corporation for the time being authorised.

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 the purposes of the tramway 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 being part of their corporate estate:

(*b*) By agreement from time to time purchase and acquire for the purposes of the tramway 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 under the provisions of this Order more than two acres of land in addition to the lands which they are already authorised to hold for the purposes of their tramway undertaking Provided always that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken or appropriated under the powers of this section.

Powers of Order only to be exercised in certain events.

6. The powers conferred upon the Promoters or their lessees by this Order so far as they affect or relate to the company's tramways shall not be exercised by them unless and until the company's tramways shall have been purchased or acquired by them.

Construction of tramways.

7. The Promoters may subject to the provisions of this Order construct reconstruct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to as "the deposited plans" and "the deposited sections") the tramways hereinafter described with all proper rails plates junctions crossings

passing places offices stables carriage houses 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 herewith 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 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 borough and are as follows (that is to say):—

Tramway No. 1 (partly a reconstruction of part of the existing tramways and partly a new tramway) 1 mile 1 furlong 1·41 chains in length commencing at the boundary of the borough in Marine Road 17 yards or thereabouts north-west of the north-east side of Bold Street by a junction with the existing tramway of the company at the commencement of Tramway No. 2 described in and authorised by the Act of 1886 passing thence in a north-easterly direction along Marine Road and terminating in that road at a point opposite the west side of Clarence Street:

Tramway No. 1 will be laid as a double line throughout:

Tramway No. 2 (partly a reconstruction of part of the existing tramways and partly a new tramway) 3 furlongs 5·10 chains in length commencing in Marine Road by a junction with Tramway No. 1 at the termination thereof as hereinbefore described passing thence in a north-easterly direction along Marine Road and terminating in that road at a point opposite the north-easterly corner or gable of Rossendale House:

Tramway No. 2 will be laid as a double line throughout:

Tramway No. 3 (partly a reconstruction of the Corporation tramway and partly a new tramway) 6 furlongs 5·64 chains in length commencing in Marine Road by a junction with Tramway No. 2 at the termination thereof as hereinbefore described and passing thence in an easterly direction along Marine Road and Victoria Esplanade and terminating in that esplanade at a point 2 chains or thereabouts east of the western side of the road leading from the shore to the village of Bare and 2 chains or thereabouts east of the north-easterly corner of Bare White House:

Tramway No. 3 will be laid as a double line throughout.

Extending to this Order certain sections of Order of 1897.

8. The following sections of the Order of 1897 shall so far as the same are applicable in that behalf extend and apply as varied by this Order to the new tramways the existing tramways and the tramway undertaking in like manner in every respect as if the new tramways the existing tramways and the tramway undertaking had been wholly authorised by the Order of 1897 and formed part of the tramways and

A.D. 1909.

Morecambe Corporation.

the undertaking authorised by that Order and for the purpose of such application the expression "the tramways" and "the undertaking" in the said provisions shall be construed to include the new tramways the existing tramways and the tramway undertaking as defined by this Order (that is to say):—

Section 7 (Provisions as to construction of tramways).
Section 8 (As to rails of tramways).
Section 9 (Penalty for not maintaining rails and road in good condition).
Section 10 (Tramways to be kept on a level with surface of road).
Section 12 (Temporary tramways may be made where necessary).
Section 13 (Application of road materials excavated in construction of Promoters' works).
Section 14 (Tramways not to be opened until certified by Board of Trade).
Section 15 (Traffic upon tramways).
Section 16 (Promoters' lessees not bound to carry small parcels).
Section 17 (Provision as to carriage of parcels &c. in separate carriages).
Section 18 (Promoters' lessees not to use carriages constructed for use on railways).
Section 19 (Interchange of traffic).
Section 21 (As to fares on Sundays and holidays).
Section 22 (Passengers' luggage).
Section 25 (Payment of tolls).
Section 26 (Periodical revision of tolls).
Section 28 (Mortgages to include rents).
Section 29 (Audit of accounts).
Section 30 (Protection of local authority).
Section 32 (Power to hold patents).
Section 33 (Provisions as to arbitration).
Section 34 (Form and delivery of notices).
Section 35 (Power to enter into agreements with respect to traffic).
Section 36 (Saving for general Acts).

Repeal of certain sections of Order of 1897.

9. Section 11 (Power to make additional crossings &c. where necessary) section 20 (Tolls for passengers) section 23 (Cheap fares for labouring classes) and section 24 (Tolls for small parcels) of the Order of 1897 are hereby repealed.

Crossovers to be constructed in certain cases.

10. Where in any road in which a double line of the existing tramways or of the new 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 nine feet six inches the Promoters

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

Power to make additional crossovers and to alter tramway lines.

11.—(1) The Promoters may subject to the provisions of this Order with the consent of the Board of Trade make maintain alter and remove such crossovers 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 existing tramways or the new tramways or any of them or for providing access to any warehouses stables or carriage houses or works of the Promoters.

(2) Notwithstanding anything shown on the deposited plans the Promoters may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the existing tramways or the new tramways and may with the like consent alter the position in the road of any of the said tramways or any part thereof respectively Provided that the uppermost surface thereof shall be on a level with the surface of the road.

(3) Provided that if in the construction of any works under this section any rail is intended to be laid nearer to the footpath than previously authorised in such a manner that for a distance of thirty feet or upwards (whether the alterations extend to the whole thirty feet or not) a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Promoters shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not be so laid if the owners or occupiers of one third of such houses shops or warehouses by writing under their hands addressed and delivered to the Promoters within three weeks after receiving the notice from the Promoters express their objection thereto.

Power to remove existing tramways and utilise materials.

12. In reconstructing the existing tramways or any of them the Promoters may take up and remove the existing tramways so to be reconstructed or any of them and may discontinue and suspend the traffic thereon for such period as may be necessary for reconstructing the existing tramways or any of them and may sell dispose of or utilise in such reconstruction all or any of the materials now forming the existing tramways so to be reconstructed or any of them.

Junctions with tramways which can be worked

13. The Promoters may make junctions within the borough between the new tramways or the existing tramways and the tramway of the company but only with the consent of the company and (where such

A.D. 1909.

Morecambe Corporation.

in connection with new tramways.

junctions are laid upon any road) the provisions of the Tramways Act 1870 incorporated with this Order and of this Order with respect to the construction maintenance and working of the tramways shall apply to such junctions where laid along any road and such junctions when made shall for all purposes be deemed to be part of the tramway undertaking.

For protection of Midland Railway Company.

14. The provisions of section 7 of the Act of 1886 so far as the same are applicable shall apply to the construction reconstruction and maintenance of the tramways and the works of the Corporation connected therewith by this Order authorised.

Conveyance of mails.

15. Notwithstanding any provision in the Act of 1886 the Order of 1892 and the Order of 1897 relating to any of the existing tramways the Conveyance of Mails Act 1893 shall extend and apply to both the existing tramways and the new tramways as if the same had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three and to the Corporation as the body or person owning or working such tramways.

Passengers' fares.

16.—(1) The Promoters' lessees may demand and take for every passenger travelling upon the existing tramways or the new tramways or any part or parts thereof including every expense incidental to such conveyance tolls or charges not exceeding one penny per mile and for this purpose the fraction of a mile shall be deemed a mile.

(2) Provided that the Promoters' lessees may appoint stages upon the existing and new tramways not less than half a mile in length and may demand and take from every passenger travelling upon the existing and new tramways including every expense incidental to the conveyance of such passenger any tolls or charges not exceeding one penny for each two stages (or portion of that distance) travelled and for this purpose the fraction of a stage shall be deemed a stage.

Cheap fares for labouring classes.

17.—(1) The Promoters' lessees at all times upon the existing tramways and after the opening of the new tramways for public traffic upon those tramways 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 tolls or charges not exceeding one halfpenny for every mile or fraction of that distance. In the event of stages of not less than half a mile in length being appointed under the section of this Order of which the marginal note is "Passengers' fares" two such stages (or portion of that distance) shall for the purposes of this section be deemed a mile and a fraction of a stage be deemed a stage 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.

Tolls for small parcels.

18. The Promoters' lessees may demand and take in respect of any small parcels conveyed by them on the existing tramways and the new tramways including every expense incidental to such conveyance any tolls or charges not exceeding the tolls and charges following:—

For any parcel not exceeding seven pounds in weight threepence:

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence:

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence:

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

Provided that no parcel under fifty-six pounds in weight exceed four feet in length or measure more than twelve cubic feet.

Power to Corporation to work tramways.

19. 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 tolls and charges in respect of the existing tramways and of the new tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks horses harness apparatus plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal power and in such case the several provisions in this Order contained relating to the working of the existing tramways or of the new tramways and the taking of tolls 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 tolls and charges accordingly but nothing in this section shall empower the Corporation to create or permit a nuisance or to manufacture any such plant appliances and conveniences required for the working or user of the said tramways.

Regulations by Corporation.

20. 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.

A.D. 1909.

Morecambe Corporation.

Working agreements.

21.—(1) Subject to the provisions of this Order the Promoters may—

(*a*) Enter into and carry into effect contracts and agreements with the company or any person authorised (whether expressly or otherwise) to enter into such contracts or agreements and owning or working any tramways in the borough or in any adjacent district which can be worked with any of the existing tramways or with any of the new tramways with respect to—

(i) The formation of junctions between the existing tramways or the new tramways and the tramways belonging to the company or to such person;

(ii) The working running over using maintaining and managing by either of the contracting parties of the tramways or any of the tramways of the other and the fixing collecting apportionment and distribution of the rates and profits arising therefrom or of a rent for the same;

(iii) The supply under any agreement for the tramways of either of the contracting parties being worked and used by the other of animal power or of carriages and plant necessary for the purposes of such agreement;

(iv) The management regulation interchange collection transmission and delivery of traffic coming from or destined for the undertakings of the contracting parties;

(v) The appointment of officers and servants and generally all such matters as may be deemed desirable for enabling the tramways of the contracting parties to be worked in connection:

(*b*) Confirm subject to this section any such contracts and agreements entered into before the confirmation of this Order.

(2) Any contract or agreement under this section shall be submitted to and be subject to the approval of the Board of Trade.

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 1909.

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 Tramways Act 1870 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 expressions "the Act of 1898" and "the Order of 1900" mean respectively the Portsmouth Corporation Tramways Act 1898 and the Portsmouth Corporation Tramways Order 1900 confirmed by the Tramways Orders Confirmation (No. 5) Act 1900; and

The expression "the Corporation" means the mayor aldermen and burgesses of the borough of Portsmouth acting by the Council.

Promoters.

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

Construction of tramways.

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 hereinafter described with all proper rails plates sleepers junctions turntables turn-outs crossings passing-places tubes wires stables carriage houses sheds buildings works apparatus 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 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 in the parish and borough of Portsmouth and are—

Tramway No. 1 commencing in Victoria Road North by a junction with the existing tramway in that road at a point thirty-seven yards or thereabouts south-west of the centre of Fratton Bridge passing thence across the south approach of Fratton Bridge and north end of Fawcett Road into and along Goldsmith Avenue and terminating at a point in that avenue in a line with the western sides of Milton Road and Eastney Road:

Tramway No. 1 will be a double line except at the following place where it will be laid as a single line:—

In Goldsmith Avenue between a point forty-eight yards or thereabouts east of the eastern side of Prince Albert Street

A.D. 1909.

Portsmouth Corporation.

and a point in a line with the western sides of Milton Road and Eastney Road:

Tramway No. 1 will be 7 furlongs 4·93 chains in length of which 7 furlongs 3·57 chains will be double line and 1·36 chains single line:

Provided that the Promoters shall construct the portion of Tramway No. 1 opposite the premises at the corner of Victoria Road North and Fawcett Road so that at no part thereof for a distance of thirty feet or upwards shall a less space than nine feet six inches intervene between the outside of the footpath and the nearest rail of the tramway:

Tramway No. 1A commencing in Fawcett Road by a junction with the existing tramway in that road at a point forty-seven yards or thereabouts south of the centre of Fratton Bridge and terminating by a junction with Tramway No. 1 hereinbefore described at a point thirteen yards or thereabouts east of a line drawn between the eastern side of Fratton Bridge and the eastern side of Fawcett Road:

Tramway No. 1A will be 1·12 chains in length and will be double line throughout.

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

6. 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 Tramway No. 1 obstruct or interfere with the free ingress and egress of persons vehicles or goods at the existing entrances to or exits from the railways works or property of the railway companies:

(2) The Promoters shall not construct any works in connection with any portion of Tramway No. 1 passing over the railways of the railway companies or within ten yards thereof respectively until plans drawings and specifications (hereinafter referred to as "the said plans") describing materials to be used in and the manner of construction of the said tramway shall have been delivered to the engineers of the railway companies (hereinafter 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 bridge carrying Goldsmith Avenue over the railway of the railway companies and one week's 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 as hereinafter provided and the works shall be executed and subsequently maintained by the Promoters at their sole expense and under the superintendence of the railway engineers in accordance with the said plans:

(4) If and whenever the Promoters do not maintain the said works in accordance with the said plans the railway companies 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 may from time to time be requisite in that behalf and the sums so 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 Promoters shall bear and on demand pay to the railway companies all reasonable costs of the superintendence by them of the construction of so much of Tramway No. 1 as is laid on the bridge carrying Goldsmith Avenue over the railway of the railway companies and repairs thereof 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 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 railway companies of any inspector or watchman shall not relieve the Promoters from any liability in connection therewith:

(6) Any additional expense caused to the railway companies in reference to the maintenance of the structure of the bridge or road or any other works 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 Tramway No. 1 temporarily if and so far as may be required for the purpose of executing repairs alterations extensions or widenings of the bridge carrying Goldsmith Avenue over the railway and the Promoters shall indemnify the railway companies against any claim in respect thereof:

A.D. 1909.

Portsmouth Corporation.

(8) Any difference which may arise between the railway companies and the Promoters touching any of the matters referred to in this section shall be decided by the Board of Trade.

For protection of Postmaster-General.

7.—(A) Notwithstanding anything in the Act of 1898 the Order of 1900 or this Order contained if any of the works authorised to be executed by the Act of 1898 the Order of 1900 or 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 tramways of the Promoters 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 His 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 Any difference which arises between the Postmaster-General and the Promoters as to compliance with this subsection shall be determined by arbitration:

(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) Before any electric line is laid down or any act or work for working the tramways of the Promoters by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) 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 tele-

graphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Promoters as to any requirement so made shall be determined by arbitration :

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the tramway works of the Promoters is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated for tramway purposes at any works of the Promoters enter thereon for the purpose of inspecting the Promoters' plant and the working of the same and the Promoters shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Promoters pursuant to the Board of Trade regulations :

(5) 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 :

(6) 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 any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

(7) 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 :

A.D. 1909.

Portsmouth Corporation.

(8) 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:

(9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:

(10) 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:

(11) 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:

(12) In this section the expression "the Promoters" includes any person owning working or running carriages on any of the tramways of the Promoters:

(13) Section 30 of the Act of 1898 and section 8 of the Order of 1900 so far as it applies the first-mentioned section are hereby repealed.

Use of tramway posts by Postmaster-General.

8.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Promoters in connection with the tramways and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

(A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways:

(B) The Postmaster-General shall give to the Promoters not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any

difference as to any matter referred to in such notice shall be determined as hereinafter provided:

(c) Unless otherwise agreed between the Postmaster-General and the Promoters the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Promoters or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:

(d) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided:

(e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road:

(f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper state of condition and repair:

(g) The Postmaster-General shall make good to the Promoters and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Promoters their officers or servants:

(h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Promoters and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the

A.D. 1909.

Portsmouth Corporation.

Postmaster-General and the Promoters or failing agreement determined as hereinafter provided:

(1) The Promoters shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Promoters of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Promoters their officers or servants:

(2) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Promoters the value of the same Provided that if the Promoters or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Promoters from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with their tramways or other municipal undertakings or shall take away any existing right of the Promoters of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

The expression "the Promoters" includes their lessees;

The expression "telegraph" has the same meaning as in the Telegraph Act 1869;

Other expressions have the same meaning as in the Telegraph Act 1878.

As to alteration of tramayw lines &c.

9. The power of the Promoters under section 19 of the Act of 1898 to make additional crossovers &c. and to alter tramway lines shall from

and after the date of this Order be as regards any of the tramways of the Promoters subject to the consent of the Board of Trade.

Portsmouth Corporation.

Passengers' fares.

10. Notwithstanding anything in any Act or Order relating to the tramways of the Promoters it shall not be lawful to demand or take for any passenger travelling upon any of such tramways including every expense incidental to such conveyance rates or charges exceeding one penny per mile and for this purpose the fraction of a mile shall be deemed a mile.

Extending to this Order certain provisions of Order of 1900.

11. Subject to the provisions of and the amendments made by this Order the hereinafter mentioned provisions of the Order of 1900 and the provisions thereby applied 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 the Order of 1900 and for the purpose of such application the expressions "the tramways" and "the tramway undertaking" and "the undertaking" in the said provisions shall be construed to include the tramways and the undertaking as defined by this Order.

The provisions of the Order hereinbefore referred to are—

Section 5 (Lands).

Section 8 (Extending to this Order certain provisions of the Act of 1898).

Section 9 (Tolls rates and charges).

Section 10 (Cheap fares for labouring classes).

Section 11 (Mechanical power works to be subject to section 30 of Tramways Act 1870).

WHITWORTH URBAN DISTRICT COUNCIL.

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

Whitworth Urban District Council.

Preliminary.

Short title.

1. This Order may be cited as the Whitworth Urban District Council Tramways Order 1909.

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.

A.D. 1909.

Whitworth Urban District Council.

Interpretation.

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

Provided that in this Order—

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

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

The expression "the tramways" means the tramways and works by this Order authorised or (as the case may be) any part thereof;

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

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

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 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.

A.D. 1909.

Whitworth Urban District Council.

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 hereinafter described with all proper rails plates sleepers junctions turntables turnouts works and conveniences connected therewith or for the purposes thereof:

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

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

Tramway No. 1 (2 miles 7 furlongs 0·70 chain in length whereof 1 mile 7 furlongs 3·90 chains are single line and 7 furlongs 6·80 chains are double line) commencing in Market Street Healey in the township or parish and urban district of Whitworth by a junction with the existing tramway of the Rochdale Corporation at a point 2·90 chains northward of the northern side of Ending Rake and passing thence in a northerly direction into and along Market Street Whitworth Market Street Facit and Market Street Shawforth and terminating therein by a junction with Tramway No. 2 hereinafter described at a point opposite the north-eastern side of Land Gate.

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

In Market Street Healey—

(A) Between points respectively 5·60 chains and 2 furlongs 3 chains from the commencement of the tramway:

(B) Between points respectively 3 furlongs 4 chains and 3 furlongs 7 chains from the commencement of the tramway:

(C) Between points respectively 4 furlongs 5·60 chains and 4 furlongs 8·60 chains from the commencement of the tramway:

A.D. 1909.

Whitworth Urban District Council.

(D) Between points respectively 1 furlong 1 chain and 8 chains southward of the eastern side of Old Road:

(E) Between points respectively 1·20 chains and 4·20 chains north-eastward from the eastern side of Old Road:

(F) From a point in line with the northern side of Albert Street for 3 chains in a northerly direction.

In Market Street Whitworth—

(G) Between points respectively 1·30 chains southward to a point 1 furlong ·90 chain northward from the northern side of Hall Street:

(H) Between points respectively 1·30 chains south-westward from the south-eastern side of South Street to a point ·70 chain north-eastward from the south-eastern side of Middle Street:

(I) Between points respectively 1·90 chains south-westward and 3·60 chains north-eastward from the north-eastern side of Tong Lane:

(J) Between points, respectively 1 chain south-westward and 2 chains north-westward from the south-western side of Ethel Street.

In Market Street Facit—

(K) Between points respectively 1 chain south-westward and 2 chains north-eastward from the northern side of Edward Street:

(L) Between points respectively ·50 chain south-westward and 2·50 chains north-eastward from the south-western side of Station Road:

(M) Between points respectively 4 chains and 1 furlong 2·70 chains northward from the southern side of Buxton Avenue:

(N) Between points respectively 3 chains and 6 chains north-eastward from the north-eastern side of Oak Street:

(O) Between points respectively 4 chains and 1 chain south-westward from the south-western side of Land Gate.

Tramway No. 2 (7 furlongs 0·70 chain in length whereof 4 furlongs 9·20 chains are single line and 2 furlongs 1·50 chains are double line) wholly in Market Street Shawforth in the said township or parish of Whitworth commencing by a junction with Tramway No. 1 at a point opposite the north-eastern side of Land Gate and terminating at the boundary of the urban district of Whitworth and the borough of Bacup.

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

In Market Street Shawforth—

(A) Between points respectively 6·30 chains and 9·30 chains north-eastward from the north-eastern side of Land Gate:

(B) Between points respectively 6·60 chains and 9·60 chains north-westward from the northern side of Quarry Street:

(C) Between points respectively ·70 chain south-eastward and 9·30 chains south-westward from the northern side of Peel Terrace:

(D) Between points respectively 1 furlong 6·70 chains north-westward and 1 furlong 9·20 chains north-westward from the northern side of Peel Terrace:

(E) From a point 2 chains or thereabouts south-eastward from the urban district boundary to the termination of the tramway at the boundary of the urban district.

Gauge of tramways.

7. The tramway shall be constructed on a gauge of four feet eight-and-a-half inches but carriages and trucks adapted for use on railways shall not be run on the tramways.

Provisions as to construction of tramways.

8. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down 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 and renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by the said section.

Rails of tramways.

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

Penalty for not maintaining rails and roads.

10.—(1) 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 liable to a penalty not exceeding five pounds and to a penalty not exceeding five pounds for every day on which such non-compliance continues.

(2) 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 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

A.D. 1909.

Whitworth Urban District Council.

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

Tramways to be kept on level of surface of road.

11. If 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.

Crossovers to be constructed in certain cases.

12. 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 crossover or crossovers connecting the one tramway with the other and by the means of such crossover or crossovers the traffic shall when necessary be diverted from one tramway to the other.

Power to make additional crossovers and to double tramway lines.

13.—(1) The Promoters may subject to the provisions of this Order with the consent of the Board of Trade make maintain alter and remove such crossovers 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 for providing access to any warehouses stables or carriage-houses or works of the Promoters.

(2) Notwithstanding anything shown on the deposited plans the Promoters may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and may with the like consent at any time alter the position in the road of any of the tramways or any part thereof Provided that the uppermost surface thereof shall be on a level with the surface of the road.

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid that for a distance of 30 feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Promoters shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops and warehouses abutting on the place where such less space would intervene and such rail shall not be so laid if the owners or

occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Promoters within three weeks after receiving the notice from the Promoters express their objection thereto.

(4) In places where the Promoters may not be the road authority the construction of any works under this section shall be subject to the approval of that authority.

Temporary tramways may be made when necessary.

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

Shelters or waiting-rooms.

15. The Promoters may erect and maintain shelters or waiting-rooms for the accommodation of passengers and may with the consent of the local authority and road authority use for that purpose portions of the public streets or roads.

Application of road materials excavated in construction of works.

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

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

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

Motive Power.

Provisions as to motive power.

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

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

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

A.D. 1909.

Whitworth Urban District Council.

(3) The Promoters or any 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 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 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 person shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Mechanical power works.

19. For the purpose of working 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—

(A) construct provide maintain and use on any lands appropriated or acquired by them under the powers of this Order stations for transforming electrical power with all necessary or proper machinery dynamos engines buildings works and conveniences:

(B) place construct erect lay down make and maintain on above or below the surface of any street or road within the district posts brackets electric conductors wires boxes apparatus subways tunnels cables tubes and openings:

(C) with the consent of the owners and occupiers of any houses or buildings within the district affix to such houses or buildings or maintain brackets wires and apparatus.

Mechanical power works to be subject to Tramways Act 1870.

20. All works to be executed by the Promoters or their lessees 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 the Tramways Act 1870 as in this Order incorporated as if they had been therein expressly mentioned

Provided always that nothing in this Order contained shall authorise the opening or breaking up of any street or road outside the district.

Byelaws.

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

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

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

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

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

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

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

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

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

Special provisions as to use of electrical power.

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

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

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

A.D. 1909.

Whitworth Urban District Council.

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 expenses 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 maintenance 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 hereinbefore 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) In this section the expression "the Promoters" includes any person owning working or running carriages over the tramways.

A.D. 1909.

Whitworth Urban District Council.

Alteration of telegraph lines of Postmaster-General.

24. Notwithstanding anything in this Order contained if any of the works by this Order authorised involves or is likely to involve any alteration of any telegraphic line belonging to or used by His Majesty's 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 Post Office telegraph lines.

25. 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 the undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the 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 Any difference which arises between the Postmaster-General and the Promoters as to compliance with this sub-section shall be referred to arbitration:

(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 expenses of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

(3) 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) 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 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 Any difference which arises between the Postmaster-General and the Promoters as to any requirement so made shall be referred to arbitration:

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works by this Order authorised

A.D. 1909.

Whitworth Urban District Council.

is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such works or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated for the purposes of this Order at any works of the Promoters enter thereon for the purpose of inspecting the plant and the working of the same and the Promoters shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electric tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Promoters pursuant to the Board of Trade regulations:

(5) 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:

(6) 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 any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:

(7) 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:

(8) 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:

(9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:

(10) Any question or difference arising under this section which is directed to be referred to 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:

(11) 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:

(12) In this section the expression "the Promoters" includes any person owning working or running carriages over any of the tramways of the Promoters.

Use of tramway posts by Postmaster-General.

26.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Promoters in connection with the tramways and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

(A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways:

(B) The Postmaster-General shall give to the Promoters not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided:

(c) Unless otherwise agreed between the Postmaster-General and the Promoters the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-

A.D. 1909.

Whitworth Urban District Council.

General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Promoters or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section :

(D) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided :

(E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road :

(F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper state of condition and repair :

(G) The Postmaster-General shall make good to the Promoters and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Promoters their officers or servants :

(H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Promoters and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Promoters or failing agreement determined as hereinafter provided :

(I) The Promoters shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Promoters of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Promoters their officers or servants ;

A.D. 1909.

Whitworth Urban District Council.

(j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Promoters the value of the same Provided that if the Promoters or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Promoters from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with their tramways or other undertakings or shall take away any existing right of the Promoters of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

The expression "the Promoters" includes their lessees;

The expression "telegraph" has the same meaning as in the Telegraph Act 1869;

Other expressions have the same meaning as in the Telegraph Act 1878.

Traffic upon tramways.

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

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

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

Provisions as to carriage of animals goods &c.

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

A.D. 1909.

Whitworth Urban District Council.

Rates.

Passengers' fares.

30.—(1) The Promoters' lessees may demand and take for every passenger travelling upon the tramways including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile and for this purpose a fraction of a mile shall be deemed a mile.

(2) Provided that the Promoters' lessees may appoint stages upon the tramways not less than half a mile in length and may demand and take for every passenger travelling upon the tramways including every expense incidental to the conveyance of such passenger any rates or charges not exceeding one penny for each two stages (or portion of that distance) travelled and for this purpose the fraction of a stage shall be deemed a stage.

As to fares on Sundays and holidays.

31. The Promoters' lessees shall not take or demand on Sunday or any public or local 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 All such luggage is to be carried by hand and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers.

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 artizans 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. A.D. 1909. *Whitworth Urban District Council.*

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

36. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by the Promoters or by their lessees or by twenty 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 the referee reports that it has been proved to his satisfaction that all or any of the rates and charges should be revised the said Board may make an order in writing ordering 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.

37. As regards so much of any deficiency in the revenue of the tramway undertaking of the mayor aldermen and burgesses of the borough of Rochdale (in this section referred to as "the Corporation") paid or required to be paid by the Corporation out of their borough fund as may arise in respect of the tramways authorised by this Order the Corporation shall and they are hereby required to allow or repay to the occupiers of any land used as a railway constructed under the powers of any Act of Parliament for public conveyance a sum equivalent to three-fourths of so much of the deficiency as shall arise as aforesaid as the said occupiers respectively shall be liable to pay or shall have paid by reason and in respect of their assessment to the said borough rate and in order to give effect to this section the Corporation shall keep separate accounts of receipts and expenditure in connection with the Provisions in case of deficiency in respect of tramways.

A.D. 1909.

Whitworth Urban District Council.

tramways authorised by this Order and such accounts shall at all reasonable times be open to the inspection of the railway company occupying any such land and their officers.

Miscellaneous.

Power to Promoters to work tramways.

38. Notwithstanding anything in the Tramways Act 1870 to the contrary the Promoters may place and run carriages on and may work and may demand and take tolls 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 electric 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 Promoters and the Promoters may work such tramways and demand and recover such rates and charges accordingly but nothing in this section shall empower the Promoters to create or permit a nuisance or to manufacture any such plant appliances and conveniences required for the working or user of the said tramways.

Regulations.

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

Working agreements.

40.—(1) Subject to the provisions of this Order the Promoters may—

(A) Enter into and carry into effect contracts and agreements with any person authorised (whether expressly or otherwise) to enter into such contracts or agreements and owning or working any tramways connecting with any of the tramways of the Promoters with respect to—

(i) The construction and equipment of the tramways by this Order authorised;

(ii) The formation of junctions between the tramways and the tramways belonging to such person;

(iii) The working running over using maintaining and managing by either of the contracting parties of the tramways or any of the tramways of the other and the fixing collecting apportionment and distribution of the rates and profits arising therefrom or of a rent for the same;

(iv) The supply under any agreement for the tramways of either of the contracting parties being worked and used

by the other of motive power or of engines carriages and plant necessary for the purpose of such agreement Provided that no electrical energy shall be supplied or shall continue to be supplied by the Promoters under this section in any district in which any local authority company or person shall be supplying energy under statutory authority without the consent in writing of such local authority company or person;

(v) The management regulation interchange collection transmission and delivery of traffic coming from or destined for the undertakings of the contracting parties;

(vi) The appointment of officers and servants and generally all such matters as may be deemed desirable for enabling the tramways of the contracting parties to be worked in connection:

(B) Confirm subject to this section any such contracts and agreements entered into before the confirmation of this Order.

(2) Any contract or agreement under this section shall be submitted to and be subject to the approval of the Board of Trade.

(3) In this section the word "tramways" includes light railways and parts of tramways and light railways.

Mortgages to include rents and rates.

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

Orders &c. of 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.

Audit of accounts.

44. Sections 246 and 250 of the Public Health Act 1875 and section 58 (1) of the Local Government Act 1894 shall apply to the accounts of the receipts and expenditure of the Promoters and of their

A.D. 1909.

Whitworth Urban District Council.

committees and officers with respect to the tramways and the undertaking and to the audit thereof as if such accounts related to receipts and expenditure under the Public Health Act 1875.

Protection of local authority.

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

Power to hold patent rights.

46. 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 and hold any patent or other rights and any licences to use patent rights relating to the use of electrical power.

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 consent or approval 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) Notices and other documents required or authorised to be served under this Order may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any authority or company any such notice or other document shall be delivered or sent by post in a prepaid letter addressed to the clerk to the authority at his office or to the secretary of the company at their registered or 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 as if the arbitration were pursuant to a submission.

Saving for general Acts.

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

SCHEDULE.

Maximum Rates and Charges for Animals Goods &c.

	Per Mile. s.	d.
Animals.		
For every horse mule or other beast of draught or burden - per head	0	4
For every ox cow bull or head of cattle - - -	0	3
For every calf pig sheep or other small animal - - -	0	1½
Goods and Minerals.		
For all coals coke culm charcoal cannel limestone chalk lime salt sand 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 brick 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 and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things - per ton	0	4
For every carriage of whatever description - - -	1	0

	Any Distance. s.	d.
Small Parcels.		
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	4
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - -	0	6
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - - -	0	9
For any parcel exceeding fifty-six pounds in weight such sum as the Promoters may think fit:		

A.D. 1909.

Whitworth Urban District Council.

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

For the Carriage of single Articles of great Weight.

	Per Mile. s.	d.
For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the Promoters may think fit not exceeding - - - per ton	1	0
For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons such sum as the Promoters may think fit.		

Regulations as to Tolls.

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

For a fraction of a ton the Promoters may demand and take tolls and charges according to the number of the quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

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.

Printed by Eyre and Spottiswoode, Ltd.,
FOR
Rowland Bailey, Esq., M.V.O., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, Ltd., Fetter Lane, E.C.; or
OLIVER AND BOYD, Tweeddale Court, Edinburgh; or
E. PONSONBY, 116, Grafton Street, Dublin.