CHAPTER cli.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Blackpool Corporation Tramways Manchester Carriage and Tramways Company's Tramways Manchester Corporation Tramways Moss Side Tramways and Withington District Tramways. [6th August 1897.]

A.D. 1897.

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

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

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

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

Short title.

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

Confirmation of Orders in schedule.

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.

A.D. 1897.

Protection of houses of labouring class.

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

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

SCHEDULE.

LIST OF ORDERS.

BLACKPOOL CORPORATION TRAMWAYS. — Order authorising the Mayor Aldermen and Burgesses of the Borough of Blackpool to construct additional tramways in the said borough.

MANCHESTER CARRIAGE AND TRAMWAYS COMPANY.—Order authorising the Manchester Carriage and Tramways Company to construct tramways.

MANCHESTER CORPORATION TRAMWAYS.—Order authorising the Mayor Aldermen and Citizens of the City of Manchester in the County of Lancaster to construct additional tramways in the said city.

MOSS SIDE TRAMWAYS.—Order authorising the Urban District Council for the District of Moss Side in the County of Lancaster to construct certain tramways in the said district.

WITHINGTON DISTRICT TRAMWAYS.—Order authorising the Council for the Urban District of Withington in the County of Lancaster to construct tramways in the said district.

BLACKPOOL CORPORATION.

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

Blackpool Corporation.

Short title.

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

Incorporation of Acts.

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

Interpretation.

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

Provided that in this Order—

The expression "the Order of 1884" shall mean the Blackpool Corporation Tramways Order 1884;

The expression "the Order of 1893" shall mean the Blackpool Corporation Tramways Order 1893;

The expression "the Order of 1896" shall mean the Blackpool Corporation Tramways Order 1896;

The expression "the Act of 1896" shall mean the Blackpool Improvement Act 1896;

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

The expression "the undertaking" shall mean the undertaking authorised by the Order of 1884 the Order of 1893 the Order of 1896 and this Order;

The expression "the Corporation" shall mean the mayor aldermen and burgesses of the borough of Blackpool in the county palatine of Lancaster acting by the Council; and

The expression "the borough" shall mean the said borough of Blackpool.

The Promoters.

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

Lands by agreement.

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

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the

A.D. 1897.

Blackpool Corporation.

office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates sleepers channels (including in that word where used in this Order channels passages and tubes for ropes cables wires and electric lines) junctions turn-tables turn-outs crossings passing-places offices stables carriage engine boiler and dynamo houses waiting-rooms sheds buildings works carriages horses harness tramways plant engines dynamos appliances machinery and conveniences connected therewith or for the purposes thereof.

The tramways authorised by this Order will be situate wholly within the borough and are the following—

Tramway Number 1 (1 furlong 4·70 chains in length or thereabouts) commencing in Queen Street by a junction with Tramway Number 1 authorised by the Order of 1893 at a point about 0·37 chain west of Parker Street thence proceeding along Parker Street and Abingdon Street and terminating in Church Street at a point about 0·35 chain south-west of the south-west corner of the boundary wall of the churchyard of St. John's Parish Church.

Tramway Number 1 shall be laid as a single line throughout except between a point about 1·90 chains north and a point about 1·10 chains south of Birley Street where it shall be laid as a double line.

Tramway Number 2 (0·50 chain in length or thereabouts and which shall be laid as a single line throughout) commencing in Queen Street by a junction with Tramway Number 1 authorised by the Order of 1893 at a point about 0·30 chain east of Parker Street and terminating in Parker Street by a junction with Tramway Number 1 at a point about 0·33 chain south of Queen Street.

Tramway Number 3 (1 furlong 7·88 chains in length or thereabouts) commencing in Church Street at the termination of Tramway Number 1 thence proceeding along Church Street and Raikes Hill and terminating in Raikes Hill by a junction with Tramway Number 5 authorised by the Order of 1893 at a point in Raikes Hill about 0·25 chain east of Cookson Street.

Tramway Number 3 shall be laid as a single line from its commencement to the junction of Cedar Street with Church Street and shall be laid as a double single line from that junction to the termination of that tramway except between a point about 0·95 chain east and a point 2·05 chains west of Lower King Street where it shall be laid as a double line but no part of Tramway Number 3 shall be worked until the tramway already authorised to be constructed in Queen Street shall have been laid and that in Raikes Hill shall have been commenced.

Extending to this Order certain provisions of the Orders of 1884 and 1896.

7. The following provisions of the Orders of 1884 and 1896 (that is to say) :—

Sections 8 to 14 (both inclusive) 17 to 38 (both inclusive) 40 and 42 to 45 (both inclusive) and Schedules A and B of the Order of 1884 ; and

Sections 11 to 13 both inclusive (relating to the use of mechanical power on the tramways) of the Order of 1896 ;

shall so far as the same are applicable extend and apply to the tramways by this Order authorised in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Orders of 1884 and 1896 and for the purpose of such application the expression "the tramways" in the said provisions shall be construed to include the tramways as defined by this Order.

Tramways to be kept on level of surface of road.

8. If the Promoters or any other road authority hereafter alter the level of any road along or across which any part of the tramways authorised by the Orders of 1884 1893 or 1896 or by this Order is laid or authorised to be laid the Promoters shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the roads as altered.

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

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

For the protection of the Lancashire County Council.

10. The Promoters shall at their own expense pave so much of any road repairable by the inhabitants of the county of Lancaster or of any hundred therein whereon any of the tramways authorised by this Order or by the Order of 1893 are laid as lies between the rails and as extends eighteen inches beyond the rails of and on each side of such tramway with granite cubes or setts or such other paving as the county council of Lancashire may approve and in all cases where the nearest rail of such tramway is of less distance than seven feet from the outer edge of the footpath or boundary of the road on either side the intervening spaces between the tram-rail and the footpath or boundary of the road shall be paved in like manner to the satisfaction of the said county council and the Promoters shall for ever thereafter keep and maintain the same respectively in good repair and condition and all works and materials used in the construction maintenance or alteration of the said road lying adjacent to the said tramway shall be approved by the said county council and in the event of any subsequent deviation or alteration of the said tramway the consent of the said county council shall be obtained before such deviation or alteration is made.

Further extending time for completion of certain tramways authorised by the Order of 1893.

11. The time for the completion of the following tramways authorised by the Order of 1893 that is to say Tramways Numbers 1 to 10 (both inclusive) which time was prolonged by the Order of 1896 to the twenty-fourth day of August one thousand eight hundred and ninety-eight is hereby further extended to the twenty-fourth day of August one thousand eight hundred and ninety-nine after which date the powers for the completion of those tramways shall cease except as to so much of the same as is then completed unless the time be further prolonged by the special direction of the Board of Trade.

Extending time for commencement and completion of tramways authorised by the Order of 1896.

12. The time for the commencement of the tramways authorised by the Order of 1896 is hereby prolonged to the twentieth day of July one thousand eight hundred and ninety-eight and the time for the completion of those tramways is hereby prolonged to the twentieth day of July one thousand eight hundred and ninety-nine after which dates respectively the powers for the commencement and completion respectively of those tramways shall cease except as to so much thereof as is then commenced or completed as the case may be unless the said times respectively be further prolonged by the special direction of the Board of Trade.

A.D. 1897.

Blackpool Corporation.

Corporation may borrow 5500*l.* to be repaid in thirty years.

13. The Corporation may under and according to the provisions contained in section 20 of the Tramways Act 1870 or in manner provided by the Local Loans Act 1875 borrow for the purposes of this Order (in addition to any sum or sums of money they are already authorised to borrow) in one or more sums the sum of five thousand five hundred pounds and such further sum or sums as the Board of Trade may from time to time sanction by order in writing The times for which such moneys may be borrowed shall be:

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

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

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

As to fares on Sundays and holidays.

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

Corporation may work tramways.

15. Section 9 of the Act of 1896 shall extend and apply to the tramways in like manner in every respect as if the tramways formed part of the tramways in that section referred to and for the purposes of such application the expression "any tramways within the borough now belonging to the Corporation or "authorised in or prior to the present session of Parliament to be constructed "by them" in the said section shall be construed to include the tramways as defined by this Order.

Section 265 of the Public Health Act 1875 incorporated.

16. 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.

Provisions as to arbitration.

17. Where under the provisions of the Tramways Act 1870 and this Order or the Order of 1884 or the Order of 1893 or the Order of 1896 any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall except where otherwise specially provided apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Section 18 of the Order of 1896 is hereby repealed.

MANCHESTER CARRIAGE AND TRAMWAYS COMPANY. A.D. 1897.

Manchester Carriage and Tramways Co.

Order authorising the Manchester Carriage and Tramways Company to construct Tramways.

Short title.

1. This Order may be cited as the Manchester Carriage and Tramways Company's Order 1897.

Incorporation of Acts.

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

Interpretation.

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

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

The expressions "the Order of 1877" "the Order of 1878" "the Act of 1878" "the Act of 1879" "the Act of 1880" "the Order of 1882" shall respectively mean the Manchester Suburban Tramways Order 1877 the Manchester Suburban Tramways Order 1878 the Manchester Suburban Tramways Act 1878 the Manchester Suburban Tramways Act 1879 the Manchester Carriage and Tramways Company Act 1880 the Manchester Carriage and Tramways Company's Order 1882.

Promoters.

The Promoters.

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

Tramways to form part of undertaking of Promoters.

5. The tramways by this Order authorised shall be deemed to form part of the undertaking authorised by the Order of 1877 the Order of 1878 the Act of 1878 the Act of 1879 the Act of 1880 and the Order of 1882 and all the provisions of the Order of 1877 the Order of 1878 the Act of 1878 the Act of 1879 the Act of 1880 and the Order of 1882 as amended by this Order shall so far as applicable apply to the tramways by this Order authorised in like manner in every respect as if the same formed part of the tramways authorised by the Order of 1877 the Order of 1878 the Act of 1878 and the Act of 1879 the Act of 1880 and the Order of 1882.

Promoters may apply capital to purposes of this Order.

6. The Promoters may apply to the purposes of this Order and to the payment of the costs of and connected with the application for preparation making and confirmation of this Order and preliminary or incidental thereto any capital or moneys which they are by the several Acts relating to them authorised to raise or borrow and which is not required for the purposes of those Acts or any of them.

A.D. 1897.

Manchester Carriage and Tramways Co.

Lands by agreement.

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

Construction of Tramways.

Construction of tramways.

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

The tramways authorised by this Order are—

Tramway No. 1 2 miles 1 furlong and 0·20 chain in length of which 4 furlongs and 5 · 20 chains is double line and 1 mile 4 furlongs and 5 chains is single line commencing in Chorley Road by a junction with the existing lines authorised by the Act of 1879 in that road at a point 30 yards from the south-easterly corner of the southerly end of Station Road and passing thence along Station Road and the road leading from Manchester to Bolton called Bolton Road and terminating at Irlams-o'-th'-Height by a junction with the existing lines authorised by the Act of 1879 at the boundary of the borough of Salford;

Tramway No. 2 1 mile 4 furlongs and 8 · 5 chains in length of which 3 furlongs and 1 · 5 chains is double line and 1 mile 1 furlong and 7 chains is single line commencing in the Ashton New Road at the boundary of the city of Manchester and the urban district of Droylsden about 44 yards westward from the centre of Edge Lane at its crossing of Ashton New Road and passing thence in an easterly direction along the said road and terminating opposite Audenshaw Railway Station by a junction with the existing tramways in Ashton Old Road authorised by the Act of 1879;

Tramway No. 3 1 furlong and 5 · 5 chains in length the whole of which is double line commencing in Chester Road by a junction with the existing tramways in that road authorised by the Order of 1877 opposite the easterly side of Trafford Road and passing thence in a northerly direction along Trafford Road and terminating at the boundary of the township of Stretford and the borough of Salford on the swing bridge over the Manchester Ship Canal;

Provided always that no part of Tramway No. 3 shall be constructed on the said swing bridge except for the purpose of connecting the same

with a tramway constructed or to be constructed up to the said boundary on the Salford side;

Tramway No. 3A 1 chain in length the whole of which is double line commencing at the northerly side of Chester Road by a junction with Tramway No. 3 and terminating by a junction with the existing tramways in Chester Road authorised by the Order of 1877 opposite the westerly side of Trafford Road;

Tramway No. 4 2 furlongs and 0·7 chain in length the whole of which is double line commencing in Chorlton Road at the boundary of the city of Manchester and the township of Stretford near the end of Clayton Street and passing thence in a southerly direction along Chorlton Road and terminating in the same road at a point 30 yards northward from the drinking-fountain at Brook's Bar;

Tramway No. 5 7 furlongs and 0·7 chain in length of which 1 furlong and 8 chains is double line and 5 furlongs and 2·7 chains is single line commencing at the termination of Tramway No. 4 and passing thence in a south-westerly direction along Upper Chorlton Road and Manchester Road and terminating in Manchester Road at a point 30 yards southward from the southerly end of Seymour Grove by a junction with Tramway No. 6;

Tramway No. 6 7 furlongs in length of which 2 furlongs and 3 chains is double line and 4 furlongs and 7 chains is single line commencing in Manchester Road at a point 40 yards from the southerly end of Seymour Grove and passing thence in a northerly direction along Manchester Road Seymour Grove and Talbot Road and terminating at the easterly end of Talbot Road by a junction with the existing tramway in Chester Road authorised by the Order of 1877;

Tramway No. 6A 1 chain in length the whole of which is double line commencing in Upper Chorlton Road by a junction with Tramway No. 5 and terminating in Seymour Grove by a junction with Tramway No. 6 to form a connexion between the two tramways;

Tramway No. 7 3 furlongs and 6·8 chains in length of which 8·3 chains is double line and 2 furlongs 8·5 chains is single line commencing in Chester Road by a junction with the existing tramways in that road authorised by the Order of 1877 at a point 38 yards or thereabouts south-west of the mile post in the same road 4⅛ miles from St. Ann's Square Manchester and passing thence in a southerly direction along and terminating in Chester Road at the boundaries of the townships of Stretford Sale and Ashton-upon-Mersey and the counties of Lancaster and Chester.

The said tramways will be laid throughout as a single line except where as next described they will be laid as double line.

Tramway No. 1.

(A) For a distance of 66 yards from the commencement of the tramway;

(B) Between points respectively 40 yards south-west and 15 yards north-east of the centre line of Swinton Hall Road at its junction with Station Road;

A.D. 1897.

Manchester Carriage and Tramways Co.

(C) Between points respectively 40 yards and 95 yards northward from the entrance to Swinton Railway Station;

(D) Between points respectively 3 yards and 58 yards northward from the centre line of the entrance gate to Heath House;

(E) Between points respectively 24 yards southward from the northerly end of and in Station Road and 53 yards from the same point in an easterly direction in Bolton Road;

(F) Between points respectively 7 yards and 62 yards south-eastward from the centre line of North Dean Street at its junction with Bolton Road;

(G) Between points respectively 20 yards north-westward and 35 yards south-eastward from the centre line of Heron Street at its junction with Bolton Road;

(H) Between points respectively 3 yards and 58 yards south-eastward from the centre line of New Street at its junction with Bolton Road;

(I) Between points respectively 11 yards north-westward and 55 yards south-eastward from the centre line of the entrance to Pendlebury Colliery;

(J) Between points respectively 10 yards north-westward and 67 yards south-eastward from the centre line of Alice Street at its junction with Bolton Road;

(K) Between points respectively 70 yards and 125 yards north-westward from the milestone in Bolton Road 4 miles from Manchester;

(L) Between points respectively 62 yards and 127 yards south-eastward from the milestone in Bolton Road 4 miles from Manchester;

(M) Between points respectively 15 yards and 70 yards north-westward from the centre line of the principal entrance gate to Shade House;

(N) Between points respectively 15 yards north-westward and 40 yards south-eastward from the centre line of Smithy Brow at its junction with Bolton Road;

(O) Between points respectively 47 yards northward and 8 yards southward from the entrance-gate to Pendlebury Cottage;

(P) Between points respectively 4 yards and 59 yards northward from the centre line of the entrance-gate to St. John's Church Vicarage;

(Q) For a distance of 48 yards northward from the termination of the tramway.

Tramway No. 2.

(A) Between points respectively 1 yard and 56 yards eastward from the centre line of Edge Lane at its crossing of Ashton New Road;

(B) Between points respectively 5 yards westward and 50 yards eastward from the westerly end of Yew Tree Terrace;

(C) Between points respectively 37 yards and 92 yards westward from the westerly end of Hope Terrace;

(D) Between points respectively 13 yards and 68 yards eastward from the easterly end of the "Jolly Carter" public-house;

(E) Between points respectively 1 yard and 56 yards westward from the easterly corner of the "Royal Oak Hotel"

(F) Between points respectively 27 yards westward and 28 yards eastward from the centre line of Edmund Street at its junction with Ashton New Road;

(G) Between points respectively 60 yards westward and 28 yards eastward from the centre line of Market Street in Droylsden at its crossing of Ashton New Road;

(H) Between points respectively 10 yards and 65 yards eastward from the easterly corner of St. Mary's Churchyard;

(I) Between points respectively 4 yards and 59 yards eastward from the westerly end of Moss View Terrace in Audenshaw;

(J) Between points respectively 24 yards westward and 31 yards eastward from the centre line of Kershaw Lane at its crossing of Ashton New Road otherwise known as Droylsden Road;

(K) For a distance of 55 yards westward from the centre line of Boggart Lane at its crossing of the said Ashton New Road or Droylsden Road;

(L) For a distance of 55 yards westward from the termination of the tramway.

Tramway No. 3

For the whole length of the tramway.

Tramway No. 3A.

For the whole length of the tramway.

Tramway No. 4.

For the whole length of the tramway to be in lieu of the existing single line of tramway with passing places.

Tramway No. 5.

(A) For a distance of 66 yards from the commencement of the tramway;

(B) Between points respectively 35 yards northward and 20 yards southward from the entrance gate to Wellfield;

(C) Between points respectively 37 yards and 92 yards southward from the entrance gate to Fairfield;

(D) Between points respectively 28 yards northward and 27 yards southward from the entrance gate to Oak Lea;

(E) Between points respectively 7 yards southward and 48 yards northward from the centre line of Wood Road at its junction with Upper Chorlton Road;

(F) Between points respectively 7 yards and 62 yards south-westward from the entrance gate to Whalley Cottage;

(G) For a distance of 55 yards eastward from the termination of the tramway.

Tramway No. 6.

(A) For a distance of 66 yards from the commencement of the tramway;

(B) Between points respectively 28 yards southward and 27 yards northward from the entrance gate to "The Ash";

(C) Between points respectively 13 yards and 68 yards northward from the entrance gate to Basford House;

A.D. 1897.

Manchester Carriage and Tramways Co.

(D) Between points respectively 83 yards and 138 yards southward from the entrance gate to Heather Lea;

(E) Between points respectively 72 yards and 127 yards northward from the entrance gate to Heather Lea;

(F) Between points respectively 22 yards southward and 33 yards northward from the entrance gate to the Sycamores;

(G) Between points respectively 3 yards northward and 52 yards southward from the centre line of Trafford Street at its junction with Seymour Grove;

(H) For a distance of 110 yards southward from the termination of the tramway.

Tramway No. 6A.

The whole length of the tramway.

Tramway No. 7.

(A) Between points respectively 9 yards northward and 35 yards southward from the centre of Eye Platt Bridge;

(B) Between points respectively 135 yards and 190 yards southward from the centre of Eye Platt New Bridge;

(C) Between points respectively 14 yards northward and 41 yards southward from a point opposite the mile-post $4\frac{3}{8}$ miles from St. Ann's Square;

(D) For a distance of 29 yards northward from the termination of the tramway.

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

The parishes of Eccles Manchester and Ashton-under-Lyne all in the county of Lancaster:

The townships of Worsley Pendlebury Droylsden Audenshaw Stretford Moss Side Chorlton-cum-Hardy and Withington all in the county of Lancaster:

Provided always that where according to the deposited plans it is proposed to lay down in any road a single line of tramway and a less space than 9 feet 6 inches intervenes between the outside of the footpath on either side of the road and the nearest rail of the tramway the Promoters shall if required by the Board of Trade in lieu of such single line lay down a double line of tramway with proper passing places and every such double line shall be so laid that only one of such lines can be used at one and the same time.

Widths of engines and carriages.

9. The tramways shall be constructed on a gauge of 4 feet $8\frac{1}{2}$ inches or such other gauge as may from time to time be determined by the Board of Trade with the assent of the local authorities of the districts in which the tramways shall be constructed Provided that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramway beyond the outer edge of the wheels of such carriages shall not apply to carriages used on the tramways but no engine or carriage used on the tramways shall exceed 6 feet in width or such other width as may from time to time be prescribed by the Board of Trade.

A.D. 1897.

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

Manchester Carriage and Tramways Co.

For the protection of the corporation of Manchester.

(1) In the construction of the tramways the Promoters shall deviate in such places to such extent and in such manner as the resident engineer for the time being of the Manchester Corporation Waterworks may certify in writing to be necessary for avoiding interference with any mains pipes or valves or apparatus belonging to the corporation but no such deviation shall be so made as to leave a less space than 9 feet 6 inches between the nearest rail of the tramway to be deviated and the outside of the footpath.

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

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

(4) The corporation shall not be liable for and the Promoters shall indemnify the corporation against all loss to the Promoters by reason of suspension of traffic and all accidents damages or injuries either to the tramways works and property of the Promoters and the persons and property being conveyed on or using the same or to any other person or property whatsoever and all actions suits and costs in respect thereof which may either during the progress of the works of the Promoters or at any time hereafter be caused by the bursting breaking or leakage of or escape of gas or water from any main or pipe or other apparatus of the corporation crossing or being underneath (either wholly or partially) or near to any tramway or work of the Promoters or which may have been affected by the works of the Promoters unless such damages accidents or

A.D. 1897.

Manchester Carriage and Tramways Co.

injuries shall arise as the consequence of any wilful act or default of the corporation or their officers or servants.

(5) All and singular sum and sums of money herein-before provided to be paid by the Promoters to the corporation may be recovered by the corporation by all and the same means as any simple contract debt.

For the protection of the Urban District Council of Droylsden.

11. For the protection of the Urban District Council of Droylsden the following provision shall apply and have effect:—

The provisions of section 30 of the Tramways Act 1870 shall apply for the benefit of the Urban District Council of Droylsden as if the council were a company or person as in the said section referred to.

For protection of the Lancashire and Yorkshire Railway Company.

12. For the protection of the Lancashire and Yorkshire Railway Company (in this section called "the Company") the following provisions shall apply and have effect:—

(1) The Promoters shall not in any way vary alter or interfere with the structure of any bridge or tunnel carrying any road over any railway of the Company or of the approaches thereto and they shall construct and maintain the tramways over such bridge or tunnel and the approach thereto so as not injuriously to affect the same.

(2) Except as in this Order expressly authorised no turn out crossing or passing place shall be constructed on any such bridge or tunnel and any tramway which is a single line shall only be a single line over such bridge or tunnel.

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

(4) Whenever and so often as the Company shall require to strengthen renew or repair any such bridge tunnel or approaches or to lift or support any such bridge tunnel or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and it shall be necessary for effecting any of such purposes that the working and user of any of the said tramways on such bridge tunnel or approaches shall be wholly or partially stopped or delayed or that such tramways shall be temporarily diverted or be wholly or in part taken up or removed and shall except in cases of emergency give to the Promoters seven days clear notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramways shall be stopped or delayed or such tramways shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer (if such engineer shall give such superintendence) but only for so long as it shall be absolutely necessary for effecting such purpose and the Company shall not be liable for any compensation claims demands

damages costs or expenses for or in respect of such stoppage or delay or in any way relating thereto.

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

(6) All works which may be necessary in constructing and maintaining any of the said tramways over any bridge tunnel works or property of the company shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the principal engineer of the Company or in case of difference of an engineer to be appointed by the Board of Trade on the application of the Company or the Promoters.

(7) No engine motor car traincar or vehicle used on the tramway shall (unless with the consent in writing of the Company) be stopped or permitted to stop in front of the entrance to the Company's Swinton goods yard or in front of the entrance to the Company's Swinton passenger station or within ten yards on each side of such entrances respectively except for the purpose of taking up or setting down passengers and for so long only as is necessary for that purpose.

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

13. For the protection of the Cheshire Lines Committee (herein-after called "the committee") the following provisions shall apply and have effect:—

For protection of the Cheshire Lines Committee.

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

Structure of bridges.

(2) In the event of any injury being caused to any such bridge or approaches by the construction maintenance repairing or removal of any of the said tramways the committee may at the expense of the Promoters restore such bridge and approaches or the part or parts thereof

Injury to bridges and repair of roads over same.

A.D. 1897.

Manchester Carriage and Tramways Co.

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

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

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

Strengthening of bridges necessitated by mechanical traction.

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

Superintendence of works affecting railways &c.

(5) All works which may be necessary in constructing and mantaining any of the said tramways over any bridge works or property of the committee shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the principal engineer of the committee or in case of difference of an engineer to be appointed by the Board of Trade on the application of the committee or the Promoters.

Settlement of differences.

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

For the protection of county and hundred bridges in Lancashire.

14. In constructing the tramways by this Order authorised upon or over any bridge or any parts of the road at either end of any bridge under the jurisdiction of the Lancashire County Council the Promoters shall not alter or interfere with the structure of such bridge or of the approaches thereto and shall so construct and maintain the tramways in the road over such bridge and the approaches as not to injuriously affect such bridge and approaches and in the event of any injury being occasioned to any such bridge or approaches or any part or parts thereof respectively by the construction of the tramways on or over the same the county council may restore such bridge and approaches or the part or parts which may be injured to as good a state as they were in before such injury was occasioned at the expense of the Promoters and the Promoters shall recoup to and indemnify the county council against all sums costs and expenses which they may pay or be put to in restoring such bridge and the county council may recover from the Promoters all such sums costs and expenses together with full costs and charges in like manner as any simple contract debt Nothing herein contained shall tend to lessen or control any right power or authority now vested in the county council for altering or rebuilding any bridge and the lengths of roadway adjacent thereto repairable by the inhabitants of the said county or any hundred therein which may be crossed or affected by the works of the Promoters but all such rights powers and authorities shall remain in as full force as if this Order had not been made and the said county council shall not be liable to make any compensation whatever for any damage or injury to the tramways by the altering or rebuilding of any such bridge and lengths of roadway adjacent thereto Provided that in altering or rebuilding such bridge or length of roadway adjacent thereto nothing shall be done to impede or interfere with the tramways for any greater length of time or in any other manner than shall be necessary for the execution of the works and before commencing such alteration or rebuilding ten days' notice thereof shall be given to the Promoters and the said county council shall afford to the Promoters all necessary and reasonable temporary facilities for enabling them to continue the traffic on their tramways during such alteration or rebuilding.

If any bridge repairable by the inhabitants of the said county or of any hundred therein upon or along which any of the tramways are laid be altered or rebuilt by the county council the county council may require the Promoters to alter any such tramways in such manner as the circumstances of the case may reasonably require and the Board of Trade may permit Provided that in case of any difference between the county council and the Promoters as to such alteration the same shall be referred to an arbitrator to be agreed upon between the parties or to be appointed for that purpose by the Board of Trade on the application of either party And provided also that it shall and may be lawful for but not binding upon the Promoters to contribute such sum as they may think proper towards the expense of altering widening and enlarging any of such bridges as in this section mentioned.

A.D. 1897.

Manchester Carriage and Tramways Co.

Provisions as to construction of tramways.

15. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the tramways lay before the Board of Trade and the road authority a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and by the road authority and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act.

As to rails of tramways.

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

Penalty for not maintaining rails and roads in good condition.

17. 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 so much of the paving of any roads upon which the same rest as is required to be maintained by the Promoters If the Promoters at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act:

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

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

Local authority to have access to sewers.

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

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

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

Power to make additional crossings &c.

Provided that in the construction of any such works no rail shall be so laid that a less space than 9 feet 6 inches shall intervene between it and the outside of the footpath on either side of the road if one third of the owners or one third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice in writing of their intention express their objection thereto.

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

Temporary tramways may be made where necessary.

If any difference arise between the Promoters and any road authority with respect to the reasonableness of any conditions or regulations or with respect to the mode of constructing any temporary tramway or tramways under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

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

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

A.D. 1897.

Manchester Carriage and Tramways Co.

Motive Power.

Carriages on tramways may be moved by mechanical or electrical power.

23. The carriages used on the tramways may subject to the provisions of this Order be moved by any animal power or by electrical power applied according to a system approved by the Board of Trade or with the consent of the Board of Trade by any other mechanical power:

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

Provided also that nothing in this Order contained shall authorise the use of any mechanical power or electrical power—

(*a*) On any single line of tramway unless and until all the passing places on such line are of a length of not less than three chains; and

(*b*) Within the following limits without the consent under seal of the urban district council hereunder specified in connexion with such limits and in the event of any such consent being given then only in accordance with the terms and conditions of such consent—

(i.) Within the urban district of Swinton and Pendlebury without the consent of the council of that district;

(ii.) Within the urban district of Droylsden without the consent of the council of that district;

(iii.) On Tramway No. 5 in Upper Chorlton Road without the consent of the councils of the urban districts of Moss Side Withington and Stretford;

(iv.) Within the urban district of Stretford without the consent of the council of that district and subject to the provisions as to Tramway No. 5 herein-before contained.

Power to place posts wires &c.

24. Subject to the provisions of this Order and to the consent of the local authority the Promoters may as regards the roads within the district of such authority place and maintain on any road in which any of the tramways may be laid such posts and overhead electric wires as may be necessary and proper for working such tramways by electrical power Provided always that for the purposes of section 30 of the Tramways Act 1870 such posts and overhead wires shall be deemed to be part of the works of the tramway.

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

25. The Promoters or any person using any power on the tramways contrary to the provisions of this Order or to any of the regulations set forth in the Schedule A. to this Order annexed or to the prescribed regulations shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues after

conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters or any person using any power on the tramways under the authority of this Order have or has made default in complying with the provisions of this Order or with any of the regulations set forth in the Schedule A. to this Order annexed or with the prescribed regulations or in case the said Board is satisfied that the use of such power is a danger to the passengers or the public may by order direct the Promoters or such person to cease to exercise the powers aforesaid and thereupon the Promoters or such person shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such Order.

Byelaws.

26. Subject to the provisions of this Order the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of the tramways for all or any of the following purposes (that is to say) :—

For regulating the use of the bell whistle or other warning apparatus fixed to the 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 and 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 regulations and byelaws in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

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.

As to recovery of penalties.

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

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

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

A.D. 1897.

Manchester Carriage and Tramways Co.

Orders and byelaws to be signed &c.

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

Power to agree for a supply of electric energy by other companies &c.

30. The Promoters may from time to time enter into and carry into effect agreements with any person for the supply by such person of electric energy for the purposes of this Order.

Provisions as to use of electric power.

31 The following provisions shall apply to the use by the Promoters of electric power upon any of the tramways by this Act authorised unless such power is entirely contained in and carried along with the carriages :—

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

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

(3) The powers by this Order conferred with respect to the use of electric power shall be exercised only in accordance with the regulations to be prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations") and to any regulations which may be added thereto or substituted therefor respectively by any Order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return ;

(4) If the Promoters use electric power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Promoters in the use of electric power under the authority of this Order have made default in complying with the provisions of this Order or with any of the prescribed regulations or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to

cease to use electric power and thereupon the Promoters shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such Order;

(5) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of two years from the passing of the Act confirming this Order nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Promoters and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be;

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

For protection of the Postmaster-General.

32. 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 Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction

A.D. 1897.

Manchester Carriage and Tramways Co.

or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Promoters have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator;

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

(3)—(*a*) Before any electric line is laid down or any act or work for working the tramways by electricity is done within 10 yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of 6 feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work;

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

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

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

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

induction or otherwise in any manner affected by such act or work or by any use made of such work ;

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

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

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

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

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

Traffic upon Tramways.

Traffic upon tramways.

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

Promoters not bound to carry animals goods &c.

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

Heavy traffic confined to certain hours.

35. No goods animals articles or things other than passengers and passengers' luggage and parcels not exceeding 56 pounds in weight shall be conveyed on the tramways between the hours of eight in the morning and eight in the evening without the consent of the local authority and the road authority.

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

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

As to use of bells.

37. The Promoters shall not use or permit to be used in any road within the district of any local authority any bell or other continuous sounding instrument

A.D. 1897.

Manchester Carriage and Tramways Co.

in or upon the carriages running on the tramways or upon the horses attached thereto except with the approval of such authority or under a regulation or byelaw of the Board of Trade.

Railway carriages not to be used on tramways.

38. No carriages or trucks adapted for use upon railways shall be used upon the tramways.

Tolls.

Tolls for passengers.

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

As to fares on Sundays and holidays.

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

Passengers' luggage.

41. 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 personal luggage to be carried by hand and at the responsibility of the passenger and not to occupy any part of a seat nor to be of a form bulk or description to annoy or inconvenience other passengers.

Cheap fares for labouring classes.

42. The Promoters at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run at least one carriage each way every morning in the week and every evening (except Saturday evening) in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than six in the morning or earlier than five in the evening respectively as the Promoters think most convenient for artisans mechanics and daily labourers at fares not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny) and the Promoters shall be liable to a penalty not exceeding one pound for every day except as aforesaid on which they do not run such number of carriages as aforesaid in accordance with the provisions of this section Provided always that the Promoters shall not be liable to any such penalty if the failure to run such number of carriages arises from circumstances over which the Promoters have no control Provided that in case of any complaint made to the Board of Trade as to the number of such carriages run by the Promoters or as to the hours appointed by the Promoters for running such carriages the said Board shall have power to fix and regulate the same from time to time.

Tolls for animals goods &c.

43. The Promoters may demand and take in respect of any animals goods minerals or parcels conveyed by them on the tramways or any part thereof (except as is by this Order specially provided) including the tolls and charges for the use of the tramways and for waggons trucks and motive power and

every other expense incidental to such conveyance any tolls or charges not exceeding the tolls and charges specified in the Schedule B. to this Order annexed subject to the regulations in that behalf therein contained.

Payment of tolls.

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

Periodical revision of tolls.

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

Miscellaneous.

Agreement between Promoters and road authorities.

46. The Promoters and any road authority may subject to the provisions of this Order from time to time enter into any agreements with respect to the alteration of the widths or levels of any road along which any of the tramways are made and with respect to the construction maintaining removing renewing repairing and using of the tramways situated within the district of such road authority and the rails plates sleepers and works connected therewith and the facilitating the passage of the traffic over the same.

Power to enter into agreements with respect to traffic &c.

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

Provisions in case of discontinuance

48. The time at which the powers of the Promoters shall cease and determine under section 42 of the Tramways Act 1870 shall be the

A.D. 1897.

Manchester Carriage and Tramways Co.

of tramways or insolvency of Promoters.

expiration of three months from the making of an order by the Board of Trade under that section and the said section shall be read and construed accordingly.

Notwithstanding anything in the Tramways Act 1870 or in this Order contained if at any time after the opening of any of the tramways in any district for traffic the Promoters discontinue working such tramways or any part thereof for the space of three calendar months or if at any time after such opening it appears to the local authority of such district and to the Board of Trade that the Promoters are insolvent and an order is made by the Board of Trade under section 41 or section 42 of the Tramways Act 1870 the local authority of such district may (if they think fit) in lieu of exercising the powers conferred upon such local authority by the said sections cause a valuation of such tramways and an estimate of the cost of the removal of the same and of the reinstatement of the roads within such district upon which the same are laid to be made and thereupon and upon payment by such local authority to the Promoters or other the person or persons for the time being entitled to give a legal discharge for the same of such a sum as will represent the excess of the said valuation over the said estimate such tramways and all the rights powers and authorities in respect of such tramways of the Promoters previous to the making of such Order by the Board of Trade shall be transferred to vested in and exerciseable by such local authority and in case any difference arises as to the amount of any such valuation or estimate the same shall be referred to and settled by a referee to be appointed by the Board of Trade in manner provided by section 33 of the Tramways Act 1870 Provided that if the amount of such estimate in any case exceeds the amount of such valuation such local authority may take possession of such tramways within their district and such tramways and all such rights powers and authorities as aforesaid in respect of such tramways shall be transferred to vested in and exerciseable by such local authority Provided that nothing in this section shall authorise the local authority to themselves work the tramways.

As to future purchase of undertaking by local authorities.

49. The powers of purchase given by section 43 of the Tramways Act 1870 shall as regards the following portions of the undertaking be exerciseable by the respective local authorities of the respective districts herein-after referred to as follows :—

(*a*) As regards Tramway No. 1 (within the urban district of Swinton and Pendlebury) as if the construction of that tramway had been authorised by the Act of 1879.

(*b*) As regards so much of the undertaking as is situate within the urban district of Stretford as if the construction of that portion had been authorised at the same time as the existing tramways within that district were authorised.

(*c*) As regards so much of the undertaking as is situate within the urban district of Moss Side and Withington at the same time and upon the same conditions as the powers vested in the urban district council of Stretford in respect of so much of the undertaking in Upper Chorlton Road by this Order authorised as is within the district of the said urban district council

of Stretford and also at the same time and upon the same conditions as any powers which may hereafter be vested in such last-mentioned council by statute agreement or otherwise in respect of such last-mentioned portion of the undertaking.

Provided always that the powers of purchase conferred on each of the said local authorities by section 43 of the Tramways Act 1870 and as extended by this section shall be exerciseable only in respect of the whole of the undertaking in their respective districts.

Approval of Board of Trade to sale to be in writing.

50. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing signed by a secretary or an assistant secretary of the said Board.

Saving as to powers of borrowing on mortgage.

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

Form and delivery of notices.

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

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

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

Provisions as to arbitration.

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

A.D. 1897.

Manchester Carriage and Tramways Co.

Carriage of mails on existing tramways.

54. The Conveyance of Mails Act 1893 shall extend and apply to the existing tramways of the Promoters as if those tramways had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three.

Saving for general Acts.

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

SCHEDULES.

SCHEDULE A.

Brake power of engines.

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

As to fittings of engines &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

As to carriages.

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

A.D. 1897.

Manchester Carriage and Tramways Co.

Inspection of engines and carriages.

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

As to speed.

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

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

SCHEDULE B.

Rates and Charges for Animals Goods &c.

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

Goods and Minerals.

For all coals coke culm charcoal cannel limestone chalk lime salt and 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 sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slags and stone stones for building pitching and paving tiles slates and clay (except 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 dye-woods 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

A.D. 1897.

Manchester Carriage and Tramways Co.

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

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

For the Carriage of Single Articles of Great Weight.	Per Mile. s.	d.
For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the Promoters may think fit not exceeding - - - - - per ton	2	0
For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons such sum as the Promoters may think fit.		

Regulations as to Rates.

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

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

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 14 cubic feet of stone 40 cubic feet of oak mahogany teak beech or ash 50 cubic feet of any other timber shall be deemed one ton weight and so on in proportion for any smaller quantity.

MANCHESTER CORPORATION.

Order authorising the Mayor Aldermen and Citizens of the City of Manchester in the County of Lancaster to construct additional Tramways in the said City. *Manchester Corporation.*

1. This Order may be cited as the Manchester Corporation Tramways Order 1897. Short title.

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

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

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

The expression "the Corporation" shall mean the mayor aldermen and citizens of the city of Manchester in the county of Lancaster;

The expression "the city" shall mean the said city of Manchester;

The expression "the Order of 1878" shall mean the Manchester Corporation Tramways Order 1878;

The expression "the Order of 1881" shall mean the Manchester Corporation Tramways Order 1881;

The expression "the Order of 1893" shall mean the Manchester Corporation Tramways Order 1893; and

The expression "the Order of 1896" shall mean the Manchester Corporation Tramways Order 1896.

Promoters.

4. The Corporation 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.

Construction of Tramways.

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

The tramways authorised by this Order are—

Tramway No. 1 (4·01 chains in length) being a double line commencing in Cross Street opposite the end of South King Street by a junction with Tramway No. 2 authorised by the Order of 1881 and passing thence in a

A.D. 1897.

Manchester Corporation.

northerly direction along and terminating in Cross Street on the northerly side of King Street by a junction with Tramways Nos. 2 and 2A authorised by the said Order of 1881.

Tramway No. 2 (1·09 chains in length) being a double line commencing in Chorlton Road at a point about a quarter of a chain north of Clayton Street by a junction with the existing Tramways Nos. 28 and 28A authorised by the Order of 1878 and passing thence in a southerly direction along and terminating in Chorlton Road at the city boundary at a point about a quarter of a chain south of Clayton Street.

Tramway No. 3 (6 furlongs 6·38 chains in length of which 5 furlongs 2·75 chains is single line and 1 furlong 3·63 chains is double line) commencing in Ashton New Road near the end of West Street by a junction with the existing tramways therein of the Manchester Carriage and Tramways Company and passing thence in a south-easterly direction along Ashton New Road and terminating at the city boundary in such road at a point about one and a half chains west of Edge Lane.

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

(*a*) From its commencement near the end of West Street to a point about one chain south-east of the junction of Ashton New Road with North Road.

(*b*) A length of about two and a quarter chains opposite the church of the Holy Cross.

(*c*) From a point about one chain south-east of Turner Street to a point about three and a quarter chains south-east of the same street.

(*d*) From a point about one and a half chains north-west of Stokes Street to a point about a quarter of a chain south-east of Stokes Street.

(*e*) From a point about three and three-quarter chains north-west of the termination of the tramway at the city boundary to a point about three-quarters of a chain north-west of such termination.

Tramway No. 4 (2·74 chains in length of which 1·74 chains is single line and 1·00 chain is double line) commencing in Moss Lane East at the city boundary therein opposite the end of Parker Street by a junction with the tramway proposed to be laid in Moss Lane East by the Moss Side Urban District Council and passing thence in an easterly direction along and terminating in Moss Lane East at the city boundary at a point about two and three-quarter chains from the east side of Parker Street.

Tramway No. 4 will be laid as a double line from its commencement to a point about one chain therefrom and the remaining length will be laid as a single line.

Tramway No. 5 a short curve of double line in Wilmslow Road (0·75 chains in length) commencing at the end of Moss Lane East by a junction with the tramway proposed to be laid therein by the Moss Side Urban District Council and passing thence in a northerly direction and terminating by a junction with Tramways Nos. 1 and 1A authorised by the Rusholme Local Board of Health Tramways Order 1877.

Tramway No. 6 a short curve of single line in Wilmslow Road (0 · 80 chains in length) commencing at the end of Moss Lane East by a junction with the tramway proposed to be laid therein by the Moss Side Urban District Council and passing thence in a southerly direction and terminating by a junction with Tramway No. 1 authorised by the said Rusholme Local Board of Health Tramways Order 1877.

Tramway No. 7 (2 furlongs 5 · 94 chains in length of which 2 furlongs 3 · 46 chains is single line and 2 · 48 chains is double line) commencing in Denmark Road at the city boundary opposite the end of Carlton Street by a junction with the tramway proposed to be laid in Denmark Road by the Moss Side Urban District Council and passing thence into and along Greenheys Lane and Burlington Street and terminating in Burlington Street at the north-east side of Carter Street by a junction with Tramway No. 24A authorised by the Order of 1878.

Tramway No. 7 will be laid as a single line throughout except the portion in Denmark Road and Greenheys Lane extending from the commencement of the tramway to a point about three-quarters of a chain south-west of Abbey Street where it will be laid as a double line.

Tramway No. 8 a single line (1 furlong 7 · 21 chains in length) commencing in Greenheys Lane opposite the end of Pigott Street by a junction with Tramway No. 7 and passing thence in a northerly direction along Greenheys Lane and into and along Coupland Street and terminating in Coupland Street at the north-east side of Lloyd Street by a junction with Tramway No 24A authorised by the Order of 1878.

The said intended tramways will be situate wholly in the townships of Manchester North Manchester and South Manchester in the parish of Manchester in the county of Lancaster.

Extending provisions of Order of 1881 as to construction.

6. The following provisions of the Order of 1881 (that is to say) sections 7 to 9 and 11 and 12 of the said Order shall so far as the same are applicable extend and apply to the tramways and undertaking by this Order authorised in like manner in every respect as if the tramways and undertaking by this Order authorised formed part of the tramways and undertaking authorised by the Order of 1881.

Power to make additional crossings &c.

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

A.D. 1897.

Manchester Corporation.

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

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

Traffic and Tolls.

Tramways for purposes of tolls &c. to form part of authorised tramways.

9. The tramways authorised by this Order shall for the purposes of traffic thereon and of the tolls and charges to be demanded and taken thereon and the opening of the same to the public be deemed to form part of the tramways authorised by the Order of 1878 the Order of 1881 the Order of 1893 and the Order of 1896 and sections 14 to 25 of the Order of 1878 and the schedule to the said Order annexed and sections 10 to 13 of the Order of 1896 shall so far as the same are applicable extend and apply to the tramways by this Order authorised in like manner in every respect as if the tramways authorised by this Order formed part of the tramways authorised by the Order of 1878 the Order of 1881 the Order of 1893 and the Order of 1896 and as if the said sections had been re-enacted in this Order with reference thereto.

Miscellaneous.

Corporation may borrow 6000*l.* repayable in 30 years.

10. The Corporation may under and according to the provisions contained in section 20 of the Tramways Act 1870 borrow for the purposes of this Order any sum or sums of money not exceeding in the whole the sum of six thousand pounds in addition to any sum or sums of money they are already authorised to borrow and the time for which the said sum of six thousand pounds may be borrowed shall be thirty years and for the purpose of such borrowing the Corporation may include in any mortgage of the city fund and city rate the rents reserved under any lease made under the authority of the Order of 1878 or of the Order of 1881 or of the Order of 1893 or of the Order of 1896 or of this Order and the tolls charges and sums authorised to be taken or received by them under the provisions of the said Orders respectively subject to all charges affecting the same at the time of the making of such mortgage.

Audit of accounts.

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

Saving for general Acts.

12. Notwithstanding anything in this Order contained the Promoters lessees and any person using the tramways shall be subject and liable to the provisions of any general Act now in force or which may hereafter be passed during this or any future session of Parliament relating to tramways or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon and to any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges authorised by the Order of 1878 and this Order and to any condition regulation or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power steam power or any mechanical power by any such general Act as aforesaid.

MOSS SIDE.

A.D. 1897.

Moss Side.

Order authorising the Urban District Council for the District of Moss Side in the County of Lancaster to construct certain Tramways in the said District.

Short title.

1. This Order may be cited as the Moss Side Tramways Order 1897.

Incorporation of Acts.

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

Interpretation.

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

Provided that in this Order the expressions "the tramways" and "the undertaking" shall mean respectively the tramways and works and the undertaking by this Order authorised;

The expression "the Council" shall mean the urban district council for the district of Moss Side;

The expression "the district" shall mean the urban district of Moss Side;

The expression "the Order of 1878" shall mean the Moss Side Local Board Tramways Order 1878.

Promoters.

The Promoters.

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

Land by agreement.

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

Construction of Tramways.

Construction of tramways.

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

A.D. 1897.

Moss Side.

The tramways authorised by this Order are situate wholly within the district and are—

Tramway No. 1 (7 furlongs 3·91 chains in length of which 6 furlongs 1·91 chains are single line and 1 furlong 2 chains are double line) commencing at a junction with the existing tram lines in Withington Road at a point 1·78 chains south of the drinking trough thence passing southwardly along Withington Road to Raby Street thence passing eastwardly along Raby Street to and along Moss Lane East to and terminating at the junction of Monton Street with Moss Lane East by joining the existing tramway there This line will be laid as a single line throughout except at the following passing places namely :—

Tramway No. 1A (3 chains in length) between points 1·50 chains west and 1·50 chains east of the central intersection of Raby Street and Heywood Street:

Tramway No. 1B (3 chains in length) between points 1·50 chains west and 1·50 chains east of the central intersection of Raby Street and George Street:

Tramway No. 1C (3 chains in length) from a point 3 chains west of the central intersection of Moss Lane East and St. Bee's Street to such intersecting point:

Tramway No. 1D (3 chains in length) between points 1·50 chains west and 1·50 chains east of the central intersection of Moss Lane East and Fernleaf Street:

Tramway No. 2 (1 furlong 4·32 chains in length of which 1 furlong 1 chain are single line and 4·50 chains are double line) commencing in Moss Lane East at its junction with Lloyd Street by joining the existing tramway there and thence passing eastwardly along Moss Lane East to its junction with Parker Street and terminating at the boundary of the district by joining an intended tramway of the Manchester Corporation:

Tramway No. 2A (1·18 chains in length) between a point in Lloyd Street 85 chains north and a point in Moss Lane East ·63 chains east of the central intersection of Lloyd Street and Moss Lane East:

Tramway No. 2 will be laid as a single line throughout except at the following passing places namely :—

Tramway No. 2B (3 chains in length) between points 1·50 chains west and 1·50 chains east of the central intersection of Moss Lane East and Cecil Street:

Tramway No. 2C (1·50 chains in length) from a point 1·50 chains west of the district boundary at Parker Street to the district boundary:

Tramway No. 3 (1 furlong 3 chains in length of which 1 furlong is single line and 3 chains are double line) commencing in Moss Lane East at the district boundary 60 yards or thereabouts east of the south-easterly corner of Parker Street by joining an intended tramway of the Manchester Corporation and thence passing eastwardly along Moss Lane East to its junction with Wilmslow Road and terminating at the district boundary there by a junction of another tramway of the Manchester Corporation This line will be laid as a single line throughout except at the following passing place namely :—

A.D. 1897.

Moss Side.

Tramway No. 3A (3 chains in length) between points 3 · 19 chains west and · 19 chains west of the district boundary at Wilmslow Road:

Tramway No. 4 (3 furlongs 4 · 91 chains in length of which 3 furlongs 1 · 73 chains are double line and 3 · 18 chains are single line) commencing at the junction of Bradshaw Street with Denmark Road by joining the existing tramway there and thence passing southwardly to and along Bradshaw Street and Prince's Road to and terminating at the junction of Prince's Road with Claremont Road This line will be laid as a single line except where the following line will cause it to be double namely:—

Tramway No. 4A (3 furlongs 1 · 73 chains in length) from the termination of existing tramway at the intersection of Moss Lane East with Bradshaw Street and thence proceeding southwardly to and along Prince's Road to a point therein 1 chain north of the terminus of Tramway No. 4:

Tramway No. 5 (1 furlong 3 · 63 chains in length) of which 1 furlong 2 · 72 chains are single line and · 91 chains are double line commencing by a junction with the existing tram lines in Bradshaw Street at a point opposite the entrance gate to the Moss Side Brewery and thence passing into and along Denmark Road to and terminating at the district boundary near the junction of Denmark Road with Greenheyes Lane Tramway No. 5 will be laid as a single line except at the following passing-place namely:—

Tramway No. 5A (· 91 chains in length) commencing at a point in Tramway No. 5 · 91 chains south-west of the termination thereof and thence passing north-eastwardly in a curve to the district boundary:

Tramway No. 6 (2 furlongs 5 · 95 chains in length) of which 2 furlongs 2 · 18 chains are single line and 5 chains are double line commencing at a point · 78 chains north of the central intersection of Upper Lloyd Street with Moss Lane East by joining the existing tramway lines there and thence passing along Upper Lloyd Street to and terminating at the district boundary at the southerly end of that street:

Tramway No. 6A (1 · 83 chains in length) between a point in Moss Lane East · 68 chains west and a point in Upper Lloyd Street · 68 chains south of the central intersection of Moss Lane East with Upper Lloyd Street namely:—

Tramway No. 6 will be laid throughout as a single line except at the following passing-places:

Tramway No. 6B (3 chains in length) between points 1 · 50 chains north and 1 · 50 south of the central intersection of Birch Street with Upper Lloyd Street:

Tramway No. 6C (2 chains in length) between points 2 · 82 chains and · 82 chains north of the district boundary.

For the protection of the Corporation of Manchester.

7. The following provisions for the protection of the mayor aldermen and citizens of the city of Manchester in the county of Lancaster (hereinafter referred to as "the corporation") shall apply and have effect:—

(1) In the construction of the tramways the Promoters shall deviate in such places to such extent and in such manner as the resident engineer for the time being of the Manchester Corporation Waterworks may certify in writing to be necessary for avoiding interference with any mains pipes or valves or apparatus belonging to the corporation but no such deviation

A.D. 1897.

Moss Side.

shall be so made as to leave a less space than 9 feet 6 inches between the nearest rail of the tramway to be deviated and the outside of the footpath.

(2) Nothing in this Order contained shall authorise the Promoters to interfere with or without the consent of the corporation under their corporate seal to use any tramway or tramways already or hereafter to be laid within the city of Manchester.

(3) Sections 30 32 and 33 of the Tramways Act 1870 shall (subject to the other provisions of this section) extend and apply to the corporation with reference to the gas and water mains pipes and apparatus belonging to the corporation in like manner as the same apply to a company or person being the owner of gas or water mains or pipes Provided that all works or interference with or in connexion with the gas and water mains pipes or apparatus of the corporation under the thirtieth section of the Tramways Act 1870 or otherwise shall be made and executed by the corporation and not otherwise upon the request and at the cost of the Promoters.

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

(5) The corporation shall not be liable for and the Promoters shall indemnify the corporation against all loss to the Promoters by reason of suspension of traffic and all accidents damages or injuries either to the tramways works and property of the Promoters and the persons and property being conveyed on or using the same or to any other person or property whatsoever and all actions suits and costs in respect thereof which may either during the progress and in consequence of the works of the Promoters or at any time hereafter in consequence thereof be caused by the bursting breaking or leakage of or escape of gas or water from any main or pipe or other apparatus of the corporation crossing or being underneath (either wholly or partially) or near to any tramway or work of the Promoters or which may have been affected by the works of the Promoters unless such accidents damages or injuries shall arise as the consequence of any act or default of the corporation or their officers or servants Provided always that the corporation shall at the cost of the Promoters and without unnecessary delay execute and do all things necessary to make good any such bursting breaking leakage or escape.

(6) All and singular the sum or sums of money herein-before provided to be paid by the Promoters to the corporation may be recovered by the corporation by all and the same means as any simple contract debt.

Extending to this Order certain provisions of the Order of 1878.

8. The following provisions of the Order of 1878 that is to say sections 7 9 10 12 and 13 (relating to the construction of the tramways) sections 15 to 22 both inclusive and the schedule (relating to traffic and to tolls) and sections 29 and 31 (relating to miscellaneous matter) shall so far as the same are applicable extend and apply to the tramways by this Order authorised in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Order of 1878 and for the purposes of such application the expression "the tramways" in the said provisions shall be construed to include the tramways as defined by this Order.

Provided always that notwithstanding anything in the said Order of 1878 contained the toll for a passenger traversing a distance of not more than two miles on the tramways by this Order authorised shall not exceed twopence.

Further provisions as to construction of tramways.

9. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the tramways authorised by the Order of 1878 or this Order lay before the Board of Trade and the road authority a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and the road authority and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act.

Penalty for not maintaining rails and road in good condition.

10. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger to the ordinary traffic the rails of which any of the tramways authorised by the Order of 1878 or this Order for the time being consist and the substructure upon which the same rest and if the Promoters at any time make default in complying with this provision or with any of the requirements of section 28 of the Tramways Act 1870 they shall for every such offence be subject on information laid or complaint made to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues after conviction thereof and such penalty may be recovered as by section 56 of the said Act is provided.

In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Promoters have made any such default as aforesaid the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said

A.D. 1897.

Moss Side.

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

Section 8 of the Order of 1878 is hereby repealed.

Additional crossings &c. may be made where necessary.

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

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

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

Tolls.

As to tolls if tramways are worked with tramways under Order of 1878.

13. If the tramways are worked by the persons working the tramways authorised by the Order of 1878 the tramways shall be deemed for the purpose of tolls to be part of the tramways authorised as aforesaid and the provisions as to tolls of the said Order shall apply accordingly Provided always that in the event of the tramways being worked as aforesaid notwithstanding anything in the said Order contained where the whole distance traversed is upon the tramways by this Order authorised the toll for a passenger traversing a distance of not more than two miles shall not exceed twopence.

As to fares on Sundays and holidays.

14. It shall not be lawful for the Promoters or their lessees or any other company or person working or using the tramways or the tramways authorised by the Order of 1878 to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days Provided that the provisions of this section shall not apply to the tramways authorised by the Order of 1878 during the continuance of any lease of those tramways subsisting at the passing of the Act confirming this Order.

Periodical revision of tolls.

15. If at any time after the passing of the Act confirming this Order so far as regards the tramways authorised by the Order of 1878 or at any time after three years from the opening for public traffic of the tramways or any portion of the tramways authorised by this Order so far as regards those tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways authorised by this Order or by the Order of 1878 it is represented in writing to the Board of

A.D. 1897.

Moss Side.

Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate or by twenty inhabitant ratepayers of any such district or by the Promoters that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the 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 tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised Provided further that the provisions of this section shall not apply to the tramways authorised by the Order of 1878 during the continuance of any lease of those tramways subsisting at the passing of the Act confirming this Order Provided also that a copy of this section shall be annexed to every table or list of tolls published or exhibited by the Promoters.

Miscellaneous.

Power to enter into agreements with respect to traffic &c.

16. Any person using the tramways under the authority of this Order on the one hand and any other person on the other hand may with the consent of the Board of Trade from time to time but subject to the provisions of this Order enter into agreements with respect to the receiving from or forwarding to any such other person any passengers animals goods minerals or parcels and the fixing collecting and apportionment of tolls charges rents or other receipts arising in respect of such traffic.

Provisions as to arbitration.

17. Where under the provisions of the Tramways Act 1870 and this Order or the Order of 1878 any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Section 28 of the Order of 1878 is hereby repealed.

Carriage of mails on tramways.

18. The Conveyance of Mails Act 1893 shall extend and apply to the tramways authorised by the Order of 1878 as if those tramways had been authorised by an Act of Parliament passed after the first day of January 1893.

A.D. 1897.

Moss Side.

Saving for general Acts.

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

WITHINGTON DISTRICT.

Withington District.

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

Short title.

1. This Order may be cited as the Withington District Tramways Order 1897.

Incorporation of Acts.

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

Interpretation.

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

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

The expression "the Council" shall mean the Urban District Council for the District of Withington in the county of Lancaster;

The expression "the district" shall mean the district of the Council;

The expression "mechanical power" includes steam power and electrical power and means any power (other than animal power) which can be used or applied directly or indirectly for the purpose of moving carriages or trucks upon the tramways.

Promoters.

The Promoters.

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

Lands by agreement.

5. The Promoters may by agreement from time to time purchase and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell or dispose of any such lands which may not be necessary for such purposes Provided that they shall not at any time hold for such purposes more than five acres of land Provided always that nothing in this

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

A.D. 1897.

Withington District.

Construction of Tramways.

Construction of tramways.

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

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

Tramway No. 1 (1 mile 0 furlongs 2·99 chains in length) of which 7 furlongs 5·32 chains are double line and 7·67 chains are single line commencing in Wilmslow Road Withington by a junction with the existing tramway ·90 chains north of the Police Station doorway and proceeding thence southwardly along Wilmslow Road to and terminating at a point in that road 1·60 chains south-east of the nearest corner of the Wellington Inn This tramway will be laid as a double line except in the following instances where it will be single :—

(*a*) For a length of 6·47 chains from a point in Wilmslow Road 1·55 chains north-east of the north-easterly corner of Ballbrook House and terminating at a point 7·25 chains north of Cavendish Road late Lapwing Lane :

(*b*) For a length of 1·20 chains from a termination of the tramway to the said termination.

Tramway No. 2 (3 furlongs 1·80 chains in length) of which 2 furlongs 5·17 chains are single line and 6·63 chains are double line commencing in Palatine Road by a junction with the existing tramways at a point 1·30 chains north-east of the central intersection of Palatine Road and Cavendish Road late Lapwing Lane and thence proceeding in a south-westerly direction along Palatine Road to and terminating at a point in Palatine Road 0·80 chains south of the centre of Barlow Moor Road This tramway will be laid as a single line except in the following instances where it will be double :—

(*a*) For a length of 2·50 chains from a point in Palatine Road 7·60 chains south-west of the centre of the junction of Palatine Road with Cavendish Road to a point 10·10 chains south-west of the said centre :

(*b*) For a length of 2·50 chains from a point in Palatine Road ·50 chains north-east of the centre of the junction of Parkfield Road with Palatine Road to a point 2 chains south-west of the said centre :

A.D. 1897.

Withington District.

(*c*) For a length of 1·63 chains from a point in Palatine Road 1·28 chains north-east of the centre of Barlow Moor Road to a point ·36 chains south-west of the said centre.

Tramway No. 3 (3 miles 2 furlongs 3·38 chains in length) of which 2 miles 3 furlongs 8·02 chains are single line and 6 furlongs 5·36 chains double commencing in Manchester Road at a point ·70 chains east of the centre of the junction of Manchester Road with Seymour Grove and proceeding thence along Manchester Road to and along Barlow Moor Road to and terminating at a junction with the tram line No. 3A at a point 1·80 chains east of the easterly side of Cross Street This tramway will be laid as a single line except in the following instances where it will be double :—

(*a*) For a length of 2·50 chains from a point in Manchester Road 0·44 chains west of the commencement of this line to a point 3·04 chains west of the said commencement :

(*b*) For a length of 2·50 chains from a point in Manchester Road ·20 chains north of the southern boundary wall of Orleton House to a point 2·80 chains south of the said wall :

(*c*) For a length of 3·25 chains from a point in Manchester Road 2·50 chains south of the centre of the junction of Dark Lane with Manchester Road to a point 3·76 chains north of the centre of the junction of Manchester Road with Kensington Road :

(*d*) For a length of 2·20 chains from a point in Manchester Road 0·08 chains south of the centre of the junction of Manchester Road with Keppel Road to a point 2·58 chains south of the said centre :

(*e*) For a length of 2·20 chains from a point in Manchester Road 1·24 chains north of the centre of the junction of Manchester Road with Selborne Road to a point ·96 chains south of the said centre :

(*f*) For a length of 3 chains from a point in Barlow Moor Road 1·10 chains north of the centre of the junction of Barlow Moor Road with Wilbraham Road to a point 1·90 chains south of the said centre :

(*g*) For a length of 3·10 chains from a point in Barlow Moor Road ·25 chains south of the centre of the junction of Barlow Moor Road with Maple Avenue to a point ·17 chains south of the centre of the junction of Barlow Moor Road with Oak Avenue :

(*h*) For a length of 1·51 chains from a point in Barlow Moor Road 3·80 chains south of the centre of the junction of Barlow Moor Road with Chesnut Avenue to the centre of the junction of Barlow Moor Road with Sandy Lane :

(*i*) For a length of 4·10 chains from a point in Barlow Moor Road ·70 chains north of the centre of the junction of Barlow Moor Road with Beech Road to a point 3·40 chains south of the said centre :

(*j*) For a length of 3 chains from a point in Barlow Moor Road ·70 south-west of the centre of the junction of the road leading from Barlow Moor Road to Oak House Farm to a point 3·70 chains south-west of the said centre :

(*k*) For a length of 2 · 82 chains from a point in Barlow Moor Road opposite the south side of Hardy Lane to a point 2 · 82 chains south-east of the said point:

(*l*) For a length of 2 · 50 chains from a point in Barlow Moor Road 3 · 80 chains south-east of the centre of the junction of Barlow Moor Road with Hough End Hall Lane to a point 6 · 30 chains south-east of the said centre:

(*m*) For a length of 2 chains from a point in Barlow Moor Road · 50 chains south-east of the north-west boundary of the Manchester Southern Cemetery to a point 2 · 50 chains south-east of the said boundary:

(*n*) For a length of 2 · 30 chains from a point in Barlow Moor Road opposite the south-east side of the road leading from Barlow Moor Road to Barlow Hall to a point 2 · 30 chains south-east of the said side:

(*o*) For a length of 2 · 75 chains from a point in Barlow Moor Road 4 · 95 chains north-west of the centre of the Manchester Southern Cemetery entrance to a point 2 · 20 chains north-west of the said centre:

(*p*) For a length of 2 · 50 chains from a point in Barlow Moor Road 1 · 31 chains north-west of the centre of the junction of the road leading from Barlow Moor Road along the south-easterly side of the Oaks Hotel to a point 1 · 19 chains south-east of the said centre:

(*q*) For a length of 2 · 50 chains from a point in Barlow Moor Road 1 · 48 chains north-west of the centre of the junction of Barlow Moor Road with Christ Church Avenue to a point 1 · 02 chains south-east of the said centre:

(*r*) For a length of 2 · 30 chains from a point in Barlow Moor Road · 32 chains south-east of the centre of the junction of Barlow Moor Road with Oaker Avenue to a point 2 · 62 chains south-east of the said centre:

(*s*) For a length of 3 chains from a point in Barlow Moor Road 1 · 68 chains north-west of the centre of the junction of Barlow Moor Road with Burton Road to a point 1 · 32 chains south-east of the said centre:

(*t*) For a length of 2 · 50 chains from a point in Barlow Moor Road · 17 chains north-west of the centre of the junction of Barlow Moor Road with Clyde Road to a point 2 · 33 chains south-east of the said centre:

(*u*) For a length of 2 · 65 chains from a point in Barlow Moor Road 2 chains north-west of the centre of the junction of Barlow Moor Road with Palatine Road to a point · 63 chains south-east of the said centre:

(*v*) For a length of 2 · 50 chains from a point in Barlow Moor Road · 78 chains south-east of the centre of the junction of Barlow Moor Road with Holme Road to a point 3 · 28 chains south-east of the said centre:

(*w*) For a length of 2 · 50 chains from a point in Barlow Moor Road 2 · 12 chains north-west of the centre of the junction of Barlow Moor

A.D. 1897.

Withington District.

Road with Hesketh Avenue to a point ·38 chains south-east of the said centre:

(*x*) For a length of 5·85 chains from a point midway between Grove Street and Church Street to the termination of the said line between which points the line shall be laid as a double single line interlacing with each other:

Provided always that the portions of Tramway No. 3 in Manchester Road between Keppel Road and Barlow Moor Road and in Barlow Moor Road between Sandy Lane and Hardy Lane respectively shall not be laid and constructed unless and until the carriage-way of each portion respectively shall be so widened that a space of not less than 9 feet 6 inches in width shall intervene between the side of the carriage-way and the nearest line of rail for the whole length of the said portions respectively.

Tramway No. 3A A branch tramway of single line from Tramway No. 3 being 1·54 chains in length from a point in Barlow Moor Road 1·38 chains west of the centre of the junction of Barlow Moor Road and Wilmslow Road to and joining Tramway No. 1 at a point therein in Wilmslow Road 1·62 chains north of the said junction.

Tramway No. 3B A branch tramway of double line from Tramway No. 3 being ·69 chains in length from a point in Barlow Moor Road ·44 chains north-west of the centre of the junction of Barlow Moor Road and Palatine Road to and adjoining Tramway No. 2 at a point therein in Palatine Road ·40 chains north-east of the said junction.

Tramway No. 4 (1 mile 9·95 chains in length of which 7 furlongs 5·30 chains are single line and 1 furlong 4·65 chains are double line) commencing in Wilmslow Road Withington by a junction with the existing lines at a point in Wilmslow Road ·89 chains east of the White Lion Hotel front door and thence proceeding along Burton Road to and terminating at a point in Barlow Moor Road ·85 chains west of the centre of the junction of Barlow Moor Road and Burton Road This tramway will be laid as a single line except in the following instances where it will be laid as a double line namely:—

(*a*) For a length of 2·50 chains from a point in BurtonRoad ·50 chains west of the centre of the junction of Bridge Street with Burton Road to a point 3 chains west of such junction:

(*b*) For a length of 2·45 chains from a point in Burton Road 2·42 chains south-west of the centre of the junction of Burton Road and the footpath leading into Clowes Street to a point 4·87 chains south-west of such junction:

(*c*) For a length of 2·40 chains from a point in Burton Road ·07 chains north-east of the centre of the Red Lion Brook to a point 2·33 chains south-west of such centre:

(*d*) For a length of 2·40 chains from a point in Burton Road 1·11 chains north-east of the centre of the junction of Goelden Road with Burton Road to a point 1·29 chains south-west of such junction:

(*e*) For a length of 2·40 chains from a point in Burton Road 1 · 75 chains south-west of the centre of the junction of Montrose Avenue with Burton Road to a point 4 · 15 chains south-west of such junction:

(*f*) For a length of 2 · 50 chains from a point in Burton Road 3 · 60 chains south-west of the centre of the junction of Burton Road with Kenilworth Avenue to a point 6 · 10 chains south-west of such junction:

Provided always that the portion of Tramway No. 4 between Wilmslow Road and Cavendish Road shall not be laid and constructed unless and until the carriage-way shall be widened so that a space of not less than 9 feet 6 inches in width shall intervene between the side of the carriage-way and the nearest line of rail for the whole length of the said portion.

Tramway No. 4A A branch tramway of single line (1 · 12 chains in length) from Tramway No. 4 commencing at a point in Burton Road · 78 chains north of the centre of the junction of Burton Road with Barlow Moor Road to and joining Tramway No. 3 at a point therein in Barlow Moor Road 1 · 30 chains east of the same junction.

Tramway No. 5 (2 furlongs 2 · 28 chains in length of single line commencing in Palatine Road by the junction with Tramway No. 2 at a point · 92 chains north-east of the centre of the junction of Cavendish Road with Palatine Road and proceeding along Cavendish Road and joining Tramway No. 3 in Burton Road at a point therein · 52 chains south of the centre of the junction of Cavendish Road and Burton Road This tramway will be laid as a single line:

Provided always that the Tramway No. 5 shall not be laid and constructed west of Cresswell Grove unless and until the carriage-way shall be widened opposite the Midland Hotel so that a space of not less than 9 feet 6 inches in width shall intervene between the side of the carriage-way and the nearest line of rail on each side of Cavendish Road.

Tramway No. 5A A branch tramway of single line (· 84 chains in length) from Tramway No. 5 commencing at a point in Cavendish Road · 60 chains north-west of the centre of the junction of Cavendish Road with Palatine Road to and joining Tramway No. 2 at a point in Palatine Road in a line with the south side of Cavendish Road.

Tramway No. 6 (2 furlongs in length) of which 1 furlong 7 · 28 chains are single line and 2 · 72 chains are double line commencing in Withington Road by a junction with the existing lines belonging to the Moss Side Urban District Council at a point 2 chains south of the centre of the junction of Withington Road with May Road and proceeding thence southwardly along Withington Road to and terminating at a point in Withington Road opposite the centre of Demesne Road This tramway will be laid as a single line except in the following instance where it will be double:—

For a length of 2 · 72 chains from a point in Withington Road · 15 chains north of the centre of the junction of Burford Road with Withington Road to a point 2 · 57 chains south-east of such junction.

A.D. 1897.

Withington District.

Tramway No. 7 (3 furlongs 3 · 18 chains in length of double line) commencing in Alexandra Road at the district boundary and thence proceeding southwardly along Alexandra Road to and terminating in Alexandra Road opposite the southerly side of Demesne Road This tramway will be laid as a double line.

Tramway No. 8 (3 furlongs 8 · 53 chains in length of which 2 furlongs 8 · 20 chains are single line and 1 · 053 chains are double line) commencing in Wilmslow Road Withington by a junction with the existing line in Wilmslow Road at a point · 90 chains south-west of the centre of the junction of Mauldeth Road with Wilmslow Road and proceeding thence eastwardly along Mauldeth Road to and terminating therein at a point 1 · 80 chains south of the south-easterly corner of the Talbot Hotel This tramway will be laid as a single line except in the following instances where it will be double :—

(*a*) For a length of 2 · 38 chains from a point in Mauldeth Road · 31 chains west of the centre of the junction of Mauldeth Road with Brunswick Road to a point 2 · 07 chains east of such centre :

(*b*) For a length of 2 · 50 chains from a point in Mauldeth Road 2 · 08 chains west of the centre of the junction of Mauldeth Road with Amherst Street to a point · 42 chains east of such centre :

(*c*) For a length of 2 · 70 chains from a point in Mauldeth Road · 15 chains west of the centre of the junction of Mauldeth Road with Ladybarn Crescent to a point 2 · 55 chains east of such centre :

(*d*) For a length of 2 · 75 chains from a point in Mauldeth Road 2 · 05 chains east of the centre of the junction of Egerton Road with Mauldeth Road to a point 1 · 78 north-west of the centre of Mauldeth Road with Rink Street.

Tramway No. 8A A branch tramway of single line (1 · 57 chains in length) commencing in Mauldeth Road by joining Tramway No. 9 at a point · 94 chains east of the centre of the junction of Mauldeth Road and Wilmslow Road and proceeding thence to and joining the existing tramway in Wilmslow Road at a point therein · 60 chains south-west of such centre.

Tramway No. 9 (1 furlong 7 · 44 chains in length of which 1 furlong 2 · 94 chains are single line and 4 · 50 chains are double line) commencing in Mauldeth Road by joining Tramway No. 8 at a point · 42 chains east of the centre of the junction of Mauldeth Road with Egerton Road and proceeding northwardly along Egerton Road to and terminating at the urban district and township boundary at Brook Road This tramway will be laid as a single line except in the following instances where it will be double :—

(*a*) For a length of 2 chains from a point in Egerton Road · 98 chains north of the centre of the junction of Mauldeth Road with Egerton Road to and terminating at a point 2 · 98 chains north of such centre :

(*b*) For a length of 2 · 50 chains from a point in Egerton Road · 93 chains south of the centre of the junction of Royle Street with Egerton Road and terminating at a point 1 · 57 chains north of such centre.

Tramway No. 9A A branch tramway of single line ·70 chains in length commencing in Mauldeth Road by joining Tramway No. 8 at a point ·50 chains west of the centre of the junction of Egerton Road with Mauldeth Road and terminating by joining Tramway No. 9 at a point in Egerton Road ·46 chains north of such centre.

The Promoters may make junctions or connexions of the said tramways with the tramways authorised by the Withington Local Board Tramways Order 1880 the Moss Side Local Board Tramways Order 1878 and with any tramways powers to make which are being applied for in the present session of Parliament by the Manchester Carriage and Tramways Company.

Provided always that if mechanical power is used on the tramways all passing places shall be not less than three chains in length.

For the protection of the Corporation of Manchester.

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

(1) In the construction of the tramways the Promoters shall deviate in such places to such extent and in such manner as the resident engineer for the time being of the Manchester Corporation Waterworks may certify in writing to be necessary for avoiding interference with any mains pipes or valves or apparatus belonging to the corporation but no such deviation shall be so made as to leave a less space than 9 feet 6 inches between the nearest rail of the tramway to be deviated and the outside of the footpath.

(2) Nothing in this Order contained shall authorise the Promoters to interfere with or without the consent of the corporation under their corporate seal to use any tramway or tramways already or hereafter to be laid within the city of Manchester.

(3) Sections 30 32 and 33 of the Tramways Act 1870 shall (subject to the other provisions of this section) extend and apply to the corporation with reference to the gas and water mains pipes and apparatus belonging to the corporation in like manner as the same apply to a company or person being the owner of gas or water mains or pipes Provided that all works or interference with or in connexion with the gas and water mains pipes or apparatus of the corporation under the thirtieth section of the Tramways Act 1870 or otherwise shall be made and executed by the corporation and not otherwise upon the request and at the cost of the Promoters.

(4) The cost of constructing providing and laying any new gas or water mains pipes or apparatus in substitution for any which may be rendered useless by the construction of the tramways and the value of any gas or water mains pipes or apparatus belonging to or under the control of the corporation rendered useless or unproductive to the corporation by the works authorised by this Order shall on demand and subject to credit being given for the value of the aforesaid matters so rendered useless to the corporation be repaid to the corporation by the Promoters Provided always that whenever any new main pipe or apparatus of larger dimensions shall be substituted for any existing main pipe or apparatus the

A.D. 1897.

Withington District.

Promoters shall (unless the increased dimension be required by reason of the construction or existence of the tramways) only be required to pay the cost which would have been incurred by the substitution of a main pipe or apparatus of equal dimensions with the existing main pipe or apparatus.

(5) The corporation shall not be liable for and the Promoters shall indemnify the corporation against all loss to the Promoters by reason of suspension of traffic and all accidents damages or injuries either to the tramways works and property of the Promoters and the persons and property being conveyed on or using the same or to any other person or property whatsoever and all actions suits and costs in respect thereof which may either during the progress and in consequence of the works of the Promoters or at any time hereafter in consequence thereof be caused by the bursting breaking or leakage of or escape of gas or water from any main or pipe or other apparatus of the corporation crossing or being underneath (either wholly or partially) or near to any tramway or work of the Promoters or which may have been affected by the works of the Promoters unless such accidents damages or injuries shall arise as the consequence of any act or default of the corporation or their officers or servants Provided always that the corporation shall at the cost of the Promoters and without unnecessary delay execute and do all things necessary to make good any such bursting breaking leakage or escape.

(6) All and singular sum and sums of money herein-before provided to be paid by the Promoters to the corporation may be recovered by the corporation by all and the same means as any simple contract debt.

For the protection of the Midland Railway Company.

8. The Promoters shall so construct and maintain the following tramways namely Tramway No. 1 in the Wilmslow Road Tramway No. 3 in the Palatine Road and Tramway No. 5 in the Burton Road where each of such roads is respectively carried by means of bridges over the railway of the Manchester South District Railway now belonging or reputed to belong to the Midland Railway Company and Tramway No. 4 in the Manchester Road where such road is carried by means of a bridge over the Cheshire Lines Railway as not to injuriously affect the said bridges or any of them or the approaches thereto and in the event of any injury being occasioned to any such bridge or bridges or approaches or any part or parts thereof respectively by the construction of the said tramways respectively on or over the same respectively whether such injury occur either during or after the construction of or in effecting the maintenance of such tramways respectively the Midland Railway Company and the Cheshire Lines Committee may at the expense of the Promoters restore such bridge or bridges and approaches or the part or parts which may be injured to as good a state and condition as they were in before such injury was occasioned and the Promoters shall recoup to and indemnify that company and committee against all sums costs and expenses which they may pay or be put to in restoring such bridge or bridges and approaches in manner aforesaid and in maintaining and repairing (in case of default by the Promoters) so much of the road over the said bridge or bridges and approaches

as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act 1870 and that company and committee may recover from the Promoters all such sums costs and expenses together with full costs and charges by all and the same means as any simple contract debt may be recovered.

For protection of the Lancashire County Council.

9. In constructing any of the tramways upon any bridge or any part of the road at either end thereof under the jurisdiction of the Lancashire County Council the Promoters shall not alter or interfere with the structure of such bridge or of the approaches thereto and shall so construct and maintain the tramways on the road over such bridge and approaches as not to injuriously affect such bridge or approaches and in the event of any injury being occasioned to any such bridge or approaches or any part or parts thereof respectively by the construction of the tramways on or over the same (whether such injury occur either during or after construction or in affecting the maintenance of the tramways) the county council may restore such bridge and approaches or the part or parts which may be injured to as good a state as they were in before such injury was occasioned at the expense of the Promoters and the Promoters shall recoup to and indemnify the county council against all sums costs and expenses which they may pay or be put to in restoring such bridge and in maintaining and repairing so much of the road over such bridge and approaches as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act 1870 and the county council may recover from the Promoters all such sums costs and expenses together with full costs and charges by all and the same means as any simple contract debt may be recovered.

Provisions as to construction of tramways.

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

Rails to be such as Board of Trade may approve.

11. The rails of the tramways shall be such as the Board of Trade shall approve and the space between the rails and for eighteen inches on each side of such rails shall be paved with granite setts or blocks or such other material as may from time to time be approved by the Board of Trade Provided that the Board of Trade may from time to time require the Promoters to adopt and apply such improvements in the tramways including the rails thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Promoters shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

A.D. 1897.

Withington District.

Penalty for not maintaining rails and road in good condition.

12. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Promoters at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act.

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

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

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

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

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

Additional crossings &c. may be made where necessary.

15. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove all such crossings passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the tramways or for providing access to any stables or carriage-houses sheds or works of the Promoters or their lessees or licencees but in places where the Promoters are not the road authority the same shall only be made subject to the approval of the road authority Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one third of the owners or one third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice in writing of their intention express their objection thereto.

A.D. 1897.

Withington District.

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

Temporary tramways may be made when necessary

17. Any paving metalling or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters so far as may be necessary in or towards the reinstating of such road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of the tramways as the Promoters are by this Order required to maintain and the Promoters shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority or to such person or persons as he may appoint to receive the same Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the Promoters and any road authority.

Application of road materials excavated in construction of Promoters works.

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

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

Motive Power.

19. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power and during a period of seven years after the opening of the same for public traffic and with the consent of the Board of Trade during such further period of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board by any mechanical power Provided always that the exercise of the power hereby conferred with respect to the use of any mechanical power shall be subject to the regulations set forth in the Schedule A. to this Order annexed and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of any mechanical power on the tramways.

Carriages may be moved by animal steam or mechanical power.

A.D. 1897.

Withington District.

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

20. The lessees or any person using any mechanical power on any of the tramways contrary to the provisions of this Order or to any of the regulations set forth in the Schedule A. to this Order annexed or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the lessees or any person using any mechanical power on the tramways under the authority of this Order have or has made default in complying with the provisions of this Order or with any of the regulations set forth in Schedule A. to this Order annexed or with any regulation which may have been added thereto or substituted therefor as aforesaid may by Order direct the lessees or such person to cease to exercise the powers aforesaid and thereupon the Promoters or such person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such Order.

Byelaws.

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

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

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 regulations and byelaws in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere:

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.

As to recovery of penalties.

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

A.D. 1897.

Withington District.

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

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

Orders and byelaws to be signed &c.

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

Restrictions on use of electric power.

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

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

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

(3) The powers by this Order conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations") and with any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

(4) If the Promoters use electric power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board

A.D. 1897.

Withington District.

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

(5) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of a period of two years from the passing of the Act confirming this Order nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines and apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Promoters and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

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

For protection of the Postmaster-General.

26 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 Her Majesty's Postmaster-General and the currents in such

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

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

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

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

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

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

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

A.D. 1897.

Withington District.

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

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

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

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

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

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

Traffic upon Tramways.

Traffic upon tramways.

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

Lessees not bound to carry animals goods &c.

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

Heavy traffic not to be carried between 8 a.m. and 8 p.m.

30. No animals goods minerals parcels or things other than passengers and passengers luggage and parcels not exceeding fifty-six pounds in weight shall be conveyed on the tramways between the hours of eight in the morning and eight in the evening without the previous consent of the council and where the council are not the road authority of that authority nor shall any carriages trucks or waggons constructed for use upon a railroad be permitted to pass along the tramways between the same hours without the like consent.

Council may use tramways for sanitary purposes.

31. The council may at such times and in such manner as they think fit (but subject to the provisions of this Order and to any byelaws for the time being in force with respect to the tramways) use the tramways for sanitary purposes and for the conveyance of scavenging stuff road metal and other materials required for any works of the council free of all tolls and charges in respect of such use.

Tolls.

Tolls and charges.

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

As to fares on Sundays and holidays.

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

Passengers luggage.

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

Cheap fares for labouring classes.

35. The Promoters lessees at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as the lessees think most convenient for artisans mechanics and daily labourers at tolls or charges not exceeding one halfpenny per mile (the lessees nevertheless not being required to take any toll or charge less than one penny) Provided that in case of any complaint made to the Board of Trade of the hours appointed by the lessees for the running of such carriages the said Board shall have power to fix and regulate the same from time to time Every lease to be granted by the Promoters shall imply a condition of re-entry if the lessees at any time after the expiration of twenty-one days notice requiring them to run such carriages at such times and at such tolls or charges as herein-before mentioned make default in complying with such notice unless such default be occasioned by unavoidable accident.

Tolls for animals goods &c.

36. The Promoters lessees may demand and take in respect of any animals goods minerals or parcels conveyed by them on the tramways including the tolls and charges for the use of the tramways and of waggons or trucks and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding the tolls and charges specified in the Schedule B. to this Order annexed subject to the regulations in that behalf therein contained.

A.D. 1897.

Withington District.

Payment of tolls.

37. The tolls 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 tolls and charges appoint.

Periodical revision of tolls.

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

Miscellaneous.

Power to enter into agreements with respect to traffic &c.

39. Any lessees on the one hand and any person on the other hand may with the consent of the Board of Trade from time to time but subject to the provisions of this Order enter into agreements with respect to the receiving from or forwarding to any such person any passengers animals goods minerals or parcels and the fixing collecting and apportionment of tolls charges rents or other receipts arising from the tramways upon such terms and conditions as may be agreed upon between such lessees and such person subject nevertheless to the control and supervision of the Promoters.

Provisions as to arbitration.

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

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

Form and delivery of notices.

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

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

Carriage of mails on tramways.

42. The Conveyance of Mails Act 1893 shall extend and apply to the tramways authorised by the Withington Local Board Tramways Order 1880 as if those tramways had been authorised by an Act of Parliament passed after the first day of January 1893.

Saving for general Acts.

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

SCHEDULES.

SCHEDULE A.

As to fittings &c. of engines and carriages.

Every engine used on the tramways shall have its number shown in some conspicuous part thereof and every such engine and if the carriages are propelled by mechanical power without the aid of a separate locomotive every carriage shall be fitted—

With such mechanical appliances for preventing the motive power of such engine or such carriage propelled as aforesaid from operating and for bringing such engine and any carriage drawn or propelled by such engine or otherwise propelled as aforesaid to a stand as the Board of Trade may from time to time think sufficient;

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

With a suitable fender to push aside obstructions;

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

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

A.D. 1897.

Withington District.

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

As to carriages.

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

Inspection of engines and carriages.

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

As to speed.

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

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

SCHEDULE B.

TOLLS 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 - - -	per head	0	3
For every calf pig sheep or other small animal - -	per head	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 bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs	per ton	0	2½
For all sugar grain flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - -	per ton	0	3
For cotton 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

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

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

For the Carriage of Single Articles of Great Weight.

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

Regulations as to Tolls.

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

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

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

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

Printed by Eyre and Spottiswoode,

FOR

T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES FIGGIS & Co., Limited, 104, Grafton Street, Dublin.