



CHAPTER cxciij.

An Act to incorporate the Manchester Southern Tramways Company and to empower that Company to make and maintain tramways and other works in the county palatine of Lancaster and in the county of Chester and for other purposes. A.D. 1903.

[11th August 1903.]

WHEREAS the making and maintaining of the tramways and other works herein-after described and by this Act authorised and the working of the tramways by mechanical power would be of public and local advantage :

And whereas the persons in that behalf in this Act named with others are willing at their own expense to construct the tramways if authorised by Parliament so to do and are desirous of being incorporated into a company (herein-after called "the Company") with adequate powers for the purpose and it is expedient that they be incorporated and empowered accordingly as by this Act provided :

And whereas it is expedient that the Company and the local and road authorities be empowered to enter into and carry into effect agreements as herein-after provided and that the other powers mentioned in this Act be conferred upon the Company :

And whereas two Bills were originally introduced into Parliament for authorising the said tramways and for the other purposes of this Act under the titles of the Manchester Southern Tramways (Lancashire) Bill and the Manchester Southern Tramways (Cheshire) Bill but in pursuance of a resolution of the House of Lords of the twenty-seventh day of April one thousand nine hundred and three and agreed to by the House of Commons the two Bills were consolidated :

And whereas plans and sections showing the lines and levels of the tramways and other works by this Act authorised and indicating

[Ch. cxci.] *Manchester Southern Tramways Act, 1903.* [3 EDW. 7.]

A.D. 1903. — the position thereof in the streets or roads along which they are to be laid and showing the lands required or which may be taken for the purposes or under the powers of this Act and also books of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the peace for the county palatine of Lancaster and with the clerk of the peace for the county of Chester and are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title. **1.** This Act may be cited as the Manchester Southern Tramways Act 1903.

Incorporation of general Acts. **2.** The Companies Clauses Consolidation Act 1845 Part I (relating to cancellation and surrender of shares) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts the Lands Clauses Acts and section 3 (Interpretation of terms) Part II (Construction of tramways) and Part III (General provisions) of the Tramways Act 1870 and sections 18 and 23 of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to the crossing of roads and other interferences therewith are so far as applicable (and except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation. **3.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the context otherwise requires—

“The Company” means the Company incorporated by this Act ;

“The tramways” and “the undertaking” mean respectively the tramways and other works and the undertaking by this Act authorised ;

“Mechanical power” includes electrical and every other motive power not being animal power ;

“Engine” includes motor ;

The word "contingencies" in the Companies Clauses Consolidation Act 1845 section 122 shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authority at a sum less than the aggregate amount of the capital and debts of the Company :

A.D. 1903.

And in this Act and for the purposes of this Act in the Tramways Act 1870 and the recited Acts the expression "local authority" shall mean in reference to a rural district the rural district council of that district.

4. Charles Joseph Wills Leonard Cooper the younger and Samuel George Isherwood and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making and maintaining the tramways and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Manchester Southern Tramways Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Company
incorporated.

TRAMWAYS AUTHORISED.

5. Subject to the provisions of this Act and of Parts II and III of the Tramways Act 1870 so far as incorporated with this Act the Company may make form lay down work use and maintain the tramways and other works herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails points plates foundations sleepers channels cuttings junctions turn-outs crossings passing-places pillars posts poles brackets wires cables tubes conduits sidings carriage-houses depôts stations buildings machinery appliances works and conveniences connected therewith Provide that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

Power to
make tram-
ways and
other works.

The tramways herein-before referred to and authorised by this Act which will be situate in the county palatine of Lancaster are shown upon the plans deposited with the clerk of the peace for that county in the month of November one thousand nine hundred and

A.D. 1903. two in respect of the Manchester Southern Tramways (Lancashire)
— Bill by the following numbers (viz.) :—

Tramway No. 2 3 miles 6 furlongs 5·1 chains in length whereof 2 miles 4 furlongs 7·7 chains is double line and 1 mile 1 furlong 7·4 chains is single line commencing at the boundary of Eccles and Davyhulme in the centre of the Manchester Ship Canal Bridge at Barton and proceeding thence in a south-westerly and southerly direction along Barton Road and Crofts Bank Road to the township boundary at Carr's Ditch thence in the parish of Urmston in a southerly and easterly direction along Crofts Bank Road Station Road and Stretford Road to the parish boundary thence in the parish of Stretford in an easterly direction along Urmston Road and terminating therein at a point 1·0 chain to the west of its junction with Barton Road :

Tramway No. 3 (double line) 3 furlongs 1·4 chains in length in the parish of Stretford commencing by a junction with Tramway No. 2 in Urmston Road and proceeding thence in a southerly direction along Barton Road and terminating at the intersection of that road with Chester Road :

Tramway No. 4 (double line) 3 furlongs 7·25 chains in length in the parish of Stretford commencing by a junction with Tramway No. 3 in Chester Road and proceeding in a south-westerly direction along that road and terminating therein at the county and parish boundary :

Tramway No. 5 (double line) 2 furlongs 2 chains in length in the parish of Stretford commencing by a junction with Tramway No. 2 in Urmston Road at a point 1·0 chain to the west of its intersection with Barton Road and proceeding thence in an easterly direction along King Street to the intersection of the last-named street with Chester Road and terminating in Chester Road at a point 0·2 chain to the west of the intersection of the two last-named thoroughfares :

Tramway No. 6 (double line) 1·8 chains in length in the parish of Stretford commencing by a junction with Tramway No. 5 in King Street and proceeding in a north-easterly direction along that street and terminating by a junction with the existing tramways in Chester Road 1·0 chain to the north-east of the intersection of the two last-named thoroughfares :

Tramway No. 8 (double line) 1 furlong 4·8 chains in length in the parish of Davyhulme commencing by a junction with Tramway No. 2 at a point 2·0 chains to the south of the intersection of the Barton Swing Bridge over the Manchester

Ship Canal by the parish boundary and proceeding thence in a south-easterly direction along Redclyffe Road and thence in an easterly direction through the entrance gates of Trafford Park and terminating at a point 5·0 chains to the east of the entrance gates :

Tramway No. 9 (double line) 1·4 chains in length in the parish of Davyhulme commencing by a junction with Tramway No. 2 at a point 2·8 chains to the south of the intersection of the Barton Swing Bridge over the Manchester Ship Canal by the parish boundary and proceeding in an easterly direction for a distance of 1·4 chains and terminating by a junction with Tramway No. 8 at a point 1·2 chains from its commencement :

The before-mentioned tramways will be made and pass from in through or into the following urban and rural districts parishes and places (*viz.*) The parish of Davyhulme (in the rural district of Barton-upon-Irwell) and in the urban districts of Urmston and Stretford in the county palatine of Lancaster.

The tramways herein-before referred to and authorised by this Act which will be situate in the county of Chester are shown upon the plans deposited with the clerk of the peace for that county in the month of November 1902 in respect of the Manchester Southern Tramways (Cheshire) Bill by the following numbers (except 1 and 1A which are included as No. 1) (*viz.*) :—

Tramway No. 1 5 furlongs 5 chains in length (double line) commencing in the parishes of Sale and Ashton-upon-Mersey at a point where the county and parish boundaries cross the Chester Road or Cross Street and proceeding in a south-westerly direction along the last-named street to its point of junction with School Road and terminating at such point :

Tramway No. 1A 3 miles 3 furlongs 2·8 chains in length whereof 1 mile 2 furlongs 4·2 chains is double line and 2 miles 0 furlongs 8·6 chains is single line commencing at the intersection of Tatton Road with School Road in the parish of Sale and proceeding thence in a south-easterly direction along School Road and Northenden Road to the parish boundary thence in the parish of Northenden along Sale Road Wythenshawe Road and Palatine Road and terminating at the county and parish boundary at the centre of Palatine Bridge over the River Mersey :

Tramway No. 2 1 mile 5 furlongs 0·7 chain in length whereof 1 mile 0 furlong 7·5 chains is double line and 4 furlongs 3·2 chains is single line commencing in the parish of Northenden by a junction with Tramway No. 1A at a point 1·0 chain to the west of the intersector of Wythenshawe

A.D. 1903.

Road with Longley Lane and proceeding in a south-westerly direction along the last-named lane to the parish boundary thence along the same lane and in the same direction in the parish of Northen Etchells to the intersection of Longley Lane with Northenden Road thence in a north-easterly and south-easterly direction to the parish boundary thence along the same road in a south-easterly direction in the parish of Stockport Etchells and terminating by a junction with the authorised tramways now about to be constructed by the Cheadle and Gatley Urban District Council at a point 7·8 chains south-east of the boundary of the parish of Stockport Etchells and the urban district of Cheadle and Gatley :

Tramway No. 3 1 mile 6 furlongs 7·2 chains in length whereof 1 mile 6 furlongs 5·2 chains is double line and 2·0 chains is single line commencing in the parishes of Sale and Ashton-upon-Mersey by a junction with Tramway No. 1 at a point 1·0 chain to the north-east of the intersection of School Road with Washway Road and proceeding in a south-westerly direction along the last-named road to the parish boundary thence in the parishes of Timperley and Dunham-Massey in the same direction and along the same road and terminating at the parish boundary :

The before-mentioned tramways will be made and pass from in through or into the following urban and rural districts parishes and places (viz.) The parishes of Ashton-upon-Mersey Sale Northenden Northen Etchells Gatley in the parish of Stockport Etchells Dunham-Massey and Timperley in the county of Chester.

STREET WORKS.

Power to
make street
works,

6. Subject to the provisions of this Act the Company in the lines and situation and upon the lands in that behalf delineated on the deposited plans and described in the deposited books of reference and according to the levels shown on the deposited sections may if they think fit make and maintain the following street works and may enter upon take and use such of the lands delineated on the said plans and described in the said books of reference as may be required for that purpose The street works herein-before referred to and authorised by this Act are—

I.—*County of Lancaster.*

Tramway No. 2 in the parish of Davyhulme—

- (1) A widening of Barton Road on the northerly and westerly side thereof between a point 4 chains west of its intersection

A.D. 1903.

(11) Any houses purchased or acquired by the Company for or in connexion with any of the purposes of the Act of 1900 whether purchased or acquired in exercise of the powers conferred by that Act or otherwise and whether before or after the passing of this Act which may have been occupied by persons of the labouring class within five years before the passing of the Act of 1900 shall for the purposes of this section be deemed to have been acquired under the powers of the Act of 1900 and to have been occupied on the fifteenth day of December next before the passing of that Act by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the said Local Government Board are unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the said Local Government Board they might have been sufficient to accommodate.

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

10. The Northern Company may raise for the purposes of the subscription and loan authorised by this Act any capital not exceeding in nominal amount three hundred thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of these modes respectively and the clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

Power to
Northern
Company
to raise
additional
capital &c.

- The distribution of the capital of the company into shares ;
- The transfer or transmission of shares ;
- The payment of subscriptions and the means of enforcing the payment of calls ;
- The forfeiture of shares for non-payment of calls ;
- The remedies of creditors of the company against the shareholders ;
- The consolidation of the shares into stock ;

A.D. 1903.

last-named road with Flixton Road and Higher Road respectively ;

- (13) A widening of Station Road on the westerly side thereof for a distance of 4·0 chains southward from the intersection of the last-named road by Higher Road ;
- (14) A widening of Stretford Road on the south-westerly side thereof between points respectively 3·2 chains and 5·2 chains south-eastward of the intersection of the last-named road by Church Road ;
- (15) A widening of Stretford Road on the southerly side thereof between points respectively 2·7 chains and 5·4 chains eastward of the intersection of the last-named road by Ciss Lane ;
- (16) A widening of Stretford Road on the southerly side thereof between points respectively 5·6 chains and 8·6 chains eastward from the intersection of the last-named road by Lodge Avenue ;
- (17) A widening of Stretford Road on the northerly side thereof between points respectively 5·0 chains and 6·7 chains eastward from the intersection of the last-named road by Church Road ;
- (18) A widening of Stretford Road on the northerly side thereof between points respectively 3·3 chains west and 4·8 chains east of the intersection of the last-named road by Ciss Lane.

Tramway No. 8 in the parish of Davyhulme—

- (1) A widening of Redclyffe Road on the north-easterly side thereof between its intersection with Barton Road and a point 0·75 chain south of its intersection with the drive into Trafford Park ;
- (2) A widening of Redclyffe Road on the westerly side thereof between points respectively 5·8 chains and 9·5 chains south of its intersection with Barton Road.

II.—*County of Chester.*

Tramway No. 1 in the parish of Ashton-upon-Mersey—

A widening of Cross Street on the west side for a distance of 2·8 chains measured in a southerly direction from the county boundary :

In the parish of Sale—

A widening of Cross Street on the east side for a distance of 6·5 chains measured in a southerly direction from the county boundary ;

A widening at Sale Bridge on the north side thereof for a distance of 2·4 chains between Chapel Road and Broad Road. A.D. 1903.
—

Tramway No. 2 in the parish of Northenden—

A widening of Longley Lane on the south-westerly side thereof between points respectively 10·5 chains north-west and 16·5 chains north-east of its intersection with Royle Green Road :

In the parish of Northen Etchells—

A widening of Longley Lane on both sides thereof for a distance of 36·0 chains between the parish boundary and the intersection of Longley Lane with Gatley Road.

Tramway No. 3 in the parish of Sale—

A widening of Washway Road on the easterly side thereof for a distance of 3·0 chains measured in a northerly direction from the centre of Siddall's Bridge :

In the parish of Timperley—

A widening of Washway Road on the easterly side thereof for a distance of 1·5 chains measured in a southerly direction from the centre of Siddall's Bridge.

7. If the street works authorised by this Act are not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of street works.

8. The Company in the construction of the street works by this Act authorised may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation shown thereon and they may deviate vertically from the limits shown on the deposited sections to any extent not exceeding two feet upwards or downwards. Limits of lateral and vertical deviation for street works.

9. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the Company in connexion with the street works authorised by this Act and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the said street works and may make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said street works or of crossing under or over the same or otherwise and may alter divert or stop up all or any part of any drain sewer or channel within the said limits the Company providing a proper substitute Power to make subsidiary works.

[Ch. cxciii.] *Manchester Southern Tramways Act, 1903.* [3 EDW. 7.]

A.D. 1903. before interrupting the flow of sewage in any drain or sewer and making compensation for any damage done by them in the execution of the powers of this section.

Power to alter steps areas and pipes.

10. Subject to the provisions of this Act the Company within the limits of deviation defined upon the deposited plans in connexion with the street works authorised by this Act and for the purposes thereof may raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and also the drains mains and the leaden or other pipes or wires which for the purpose of conveying water electricity or gas to any house or other place shall be laid into or from any main cable or pipe laid down by the Company and may remove all other obstructions so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit the Company making compensation for any damage done by them in the execution of the powers of this section.

Lands laid into new streets to be public highways.

11. The sites of all lands purchased by the Company under the powers of this part of this Act and laid into and appropriated for the widening of existing streets shall when and so soon as the same are so laid into and appropriated for streets be and for ever thereafter form part of the public streets and shall be repaired and maintained and kept in repair by the road authority in the same manner as the other streets in such districts along which tramways may be laid are for the time being by law maintained repaired and kept in order.

Maintenance of widenings and alterations of streets and roads.

12. The widenings and alterations of streets and roads by this Act authorised shall be maintained in repair by and at the cost of the Company for twelve months after their respective completion of which completion a certificate of two justices shall be conclusive evidence (which certificate two justices shall give on such completion being proved to their satisfaction) and from and after the expiration of such respective periods the said widenings and alterations shall be vested in and maintained in repair as public highways subject to the provisions of section 28 of the Tramways Act 1870 by and at the expense of the authority or persons by whom or at whose expense the roads or streets or portions of roads or streets are repairable.

LANDS.

Period for compulsory purchase of lands.

13. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

14. The Company shall not under the powers of this Act purchase or acquire 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.

A.D. 1903.
Restriction
on taking
houses of
labouring
class.

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

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

15. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to
grant ease-
ments &c.

16. In addition to the other lands which the Company are by this Act authorised to purchase and acquire they may purchase take on lease or acquire by agreement for the purposes of their undertaking and may hold any lands not exceeding ten acres and they may on such lands and on any other lands purchased or acquired under the authority of this Act erect or construct and hold depôts yards wharves offices buildings generating or other

Purchase of
lands by
agreement.

A.D. 1903. — stations sidings works and other conveniences in connexion with their undertaking but nothing in this Act shall exonerate the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any land purchased or acquired by agreement under the powers of this section.

Company may dispose of surplus lands.

17. The Company may demise and lease for any terms not exceeding seven years in possession and also either before or after making any demise and lease thereof absolutely sell and dispose of to such persons and in such manner as the Company think fit any lands houses and property for the time being belonging to the Company which they do not require for the purposes of their undertaking (subject nevertheless to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable).

Owners may be required to sell parts only of certain lands and buildings.

18. And whereas in the construction of the tramways street widenings and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

CONSTRUCTION AND MAINTENANCE.

Inspection by Board of Trade.

19. No tramway shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

20. If the tramways are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for making or completing the same or otherwise in relation thereto respectively shall cease except as to so much thereof as shall then be completed.

A.D. 1903.

Period for completion of tramways.

21. The tramways shall be constructed on a gauge of four feet eight-and-a-half inches but carriages or trucks adapted to run on railways shall not be run thereon.

Gauge of tramways.

22. If and whenever after the passing of this Act the road authority alters the level of any road along or across which any part of the tramway is laid or authorised to be laid the Company shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Tramways to be kept on level of surface of road.

23.—(1) In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways lay before the Board of Trade and at the same time send to the Lancashire County Council and the Cheshire County Council plans 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 Company shall not commence the construction laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively until such plans and statement have been approved by the Board of Trade after considering any representations made to them by the said county council and after such approval the works shall be executed in accordance in all respects with such plans and statement and under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by section 26 of the said Act.

Plans of proposed mode of construction of tramways.

(2) If any dispute shall arise between the Company and the road authority or the said surveyor as to what method of paving is the more suitable for any road or otherwise under this section such dispute shall be referred to arbitration under the Tramways Act 1870.

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

Tramrails.

A.D. 1903.

Penalty for not maintaining rails and roads.

25.—(1) The Company 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 Company 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.

(2) In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situated or by twenty inhabitant ratepayers of such district that the Company 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 reports that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

Sanitary authority to have access to sewers.

26. Every sanitary authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Company 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 private drain of or under the control of the said authority as if the same were a pipe for the supply of gas or water.

Power to make additional crossings and to double tramway lines.

27.—(1) The Company may subject to the provisions of this Act with the consent of the Board of Trade make maintain alter and remove such cross-overs passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables or carriage-houses or works of the Company.

(2) Notwithstanding anything shown on the deposited plans the Company may with the consent of the Board of Trade lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on

any of the tramways and if at any time the road in which any tramway or part thereof is authorised to be laid or is laid has been or shall be altered or widened the Company may with the like consent construct such tramway or part thereof or (as the case may be) take up or reconstruct the same in such position as they may think fit.

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

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

Passing-places to be constructed in certain places.

29. 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 Company necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company may with the consent of the road authority 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.

Temporary tramways may be made where necessary.

30. Any paving metalling or material excavated by the Company in the construction of the tramways from any road or bridge under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of the road or bridge and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section 28 of the Tramways

Application of road materials excavated in construction of works.

[Ch. excciii.] *Manchester Southern Tramways Act, 1903.* [3 Edw. 7.]

A.D. 1903. — Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor of the 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 or 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 Company and may be dealt with removed and disposed of by them in such manner as they may think fit. Any difference between the Company 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.

Shelters or waiting rooms.

31. The Company may erect and maintain sheds or shelters or waiting rooms for the accommodation of passengers and of the Company's servants with the consent of the local and road authority at such points on the route and for such period and on such terms as the local and road authority may agree.

Stopping of roads during execution of works.

32. Subject to the provisions of this Act the Company may during the execution of the works by this Act authorised with the consent of the road authority expressed in writing by the clerk of such authority stop up temporarily the carriageway or footway of any road or bridge as they think necessary and for that purpose may put up bars posts and other erections provided that the powers of this section shall not be exercised in such a manner as to interfere unreasonably with the access to the houses in any road.

Repair of part of road where tramway is laid.

33. The materials with which and the manner in which any portion of the road which under section 28 of the Tramways Act 1870 the Company are liable to maintain and keep in good condition and repair shall be such as may be agreed between the road authority and the Company or in case of difference between them as may be determined by the Board of Trade on the application of either party.

FARES AND REGULATIONS.

Fares for passengers.

34. The Company may demand and take for every passenger travelling upon the tramways or any part or parts thereof including every expense incidental to such conveyance a fare not exceeding one penny per mile and in computing the said fare the fraction of

a mile shall be deemed a mile but in no case shall the Company be bound to charge a less sum than one penny Provided always and it is hereby enacted that if so requested by the local authority of any district through which the tramways pass the Company shall appoint as stages for local traffic such lengths of the tramway within such district not exceeding one mile in each case as the Company and such local authority may agree upon or as failing agreement may be determined by arbitration and in respect of any stage so appointed no fare exceeding one penny shall be charged for one passenger.

A.D. 1903.

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

Passengers' luggage.

36. The Company may carry goods animals and merchandise and may demand and take in respect of any animals goods materials articles or things conveyed by them on the tramways including every expense incidental to the conveyance (except a reasonable sum for loading and unloading and for delivery and collection of goods minerals parcels and other things and any other service incidental to the business of a carrier where any such service is performed by the Company) any rates or charges not exceeding the following:—

Animals and goods.

Animals.

- For every horse mule or other beast of draught or burden fourpence per head per mile :
- For every ox cow bull or head of cattle threepence per head per mile :
- For calves pigs sheep and small animals one penny halfpenny per head per mile.

Goods.

- For all coal coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways twopence per ton per mile :
- For all iron ironstone iron ore pig iron bar iron rod iron sheet iron hoop iron iron plates 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

A.D. 1903.

not otherwise specially classed herein and for heavy iron castings including railway chairs twopence halfpenny per ton per mile :

For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings threepence per ton per mile :

For cotton wools drugs manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein fourpence per ton per mile.

Small Packages.

For any parcel not exceeding seven pounds in weight threepence :

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

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

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

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight such sum as the Company 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.

For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage shall exceed four tons but shall not exceed eight tons such sum as the Company may think fit not exceeding two shillings per ton per mile :

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

Regulations as to Rates.

For articles or animals conveyed on the tramways for a less distance than two miles the Company may demand rates and charges as for two miles :

For a fraction of a ton the Company may demand rates according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton : A.D. 1903.

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.

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

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

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

38. It shall not be lawful for the Company or any other company or person working or using the tramways except with the consent of the local authority to take or demand on Sundays or any bank or other public holiday any higher rates or charges than those levied by them on ordinary week days. As to fares on Sundays and holidays.

39. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by the local authority of any Periodical revision of rates and charges.

A.D. 1903.

district in which the tramways or such portion are or is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Company that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Board may subject to the maximum fares and charges authorised by this Act by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the tramways or on any portion thereof 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.

Byelaws by
Board of
Trade.

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

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

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

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

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

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

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

Amendment
of Tram-
ways Act

41. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the

rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or by the Board of Trade regulations but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

A.D. 1903.
—
1870 as to
byelaws
by local
authority.

42. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any tramway of the Company anything which is calculated to obstruct or interfere with the working of such tramway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any tramway of the Company shall be liable to a penalty not exceeding twenty pounds.

Penalty for
malicious
damage.

43. Where the consent of any local or road authority is by this Act required before the exercise of any powers by the Company such consent shall not be unreasonably withheld and if any difference arises as to whether any consent is unreasonably withheld that difference shall be referred to an arbitrator to be appointed by the Board of Trade.

Consents of
local or road
authority.

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

Recovery of
penalties.

45. All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

Orders and
regulations.

MOTIVE POWER.

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

Provisions as
to motive
power.

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

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

A D. 1903.

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

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

(A) That the Company or such other company or person using mechanical power have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or

(B) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public ; may by order either direct the Company or such other company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Company or such other company or person shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order :

(5) The cars shall not be moved by animal or steam power save in temporary emergency.

As to posts
standards
and brackets.

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

(A) Before the erection of any such posts standards brackets and attachments in the district of a road authority the Company shall deliver to the authority a drawing and a description of the same and a plan showing the proposed position thereof and if the authority do not within twenty-eight days give notice to the Company of any objection such authority shall be taken to have agreed to the size position design and construction of such posts standards

brackets and attachments as shown by the said drawing A.1 description and plan; and

(B) If any post or overhead wire becomes owing to the construction of any new road or otherwise in the opinion of the road authority an obstruction the Company shall alter the position thereof in such manner as the road authority direct but the Company may appeal against such direction to the Board of Trade and the decision of the Board shall be final; and

(c) The Company shall properly maintain and keep in good order and repair to the reasonable satisfaction of the road authority all such posts standards brackets and attachments and if any question arises as to the reasonable satisfaction of the road authority that question shall be determined by the Board of Trade.

(2) The local authority shall upon giving not less than fourteen days notice to the Company of their desire to do so have the right without payment to use any posts standards and brackets erected in the streets within their district for the support of any electric wires or lamps or any gas lamp belonging to the local authority or to any contractor with them for the lighting of street lamps Provided that the said notice shall be accompanied by sufficient plans showing the method and position in which such wires or lamps are to be supported and that in placing maintaining or altering such wires or lamps no obstruction shall be caused to the working by the Company of the undertaking and no unnecessary damage shall be caused to such posts standards or brackets and that if any damage is caused thereto the local authority shall be responsible for and shall make good the same to the Company.

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

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

A.D. 1903.
Company
may attach
brackets &c.
to buildings.

48. The Company may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the tramways by mechanical power :

Provided that—

- (1) Where in the opinion of the Company any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :
- (2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Company notice in writing requiring the same to be removed Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1) :
- (3) The owner may require the Company to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

Special provisions as to use of electrical power.

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

- (1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by

fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

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

A.D. 1903.

in the discretion of the Board or of the arbitrator as the case may be :

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

Road authority to have right to use standards and brackets for lighting.

50. The road authority shall on giving not less than fourteen days notice to the Company of their desire so to do have the right to use any posts standards and brackets erected in the streets within the district of such authority for the support of any electric wires or lamps or any gas lamp belonging to such authority on payment of a reasonable rental for such use Provided that such electric wires or lamps can be so erected and used without interfering with the supply of electric current given by the Company and that in placing maintaining or altering such wires or lamps no damage shall be caused to such posts standards or brackets and no obstruction shall be caused to the working by the Company of the undertaking.

Posts to be removed if user discontinued.

51. If the Company shall discontinue the use of any posts brackets or overhead electric wires placed or maintained in or over any street or road for supplying electrical motive power to the carriages used upon the tramways or if the right of the Company to use electrical motive power supplied by means of any such posts brackets or wires shall cease and determine the Company shall forthwith at their own cost remove such posts brackets and wires and shall restore and make good such streets and roads to the satisfaction of the road authority and in case of default such road authority may do all things necessary for that purpose and recover the costs and expenses thereof from the Company or they may sell and dispose of the posts brackets and wires and out of the proceeds thereof reimburse themselves the amount of such costs and expenses and the balance (if any) shall be paid to the Company.

Apparatus used for mechanical power to be deemed part of tramway.

52. The provisions of sections 26 to 33 and 41 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Company for the purposes of mechanical power were parts of the tramway.

For protection of Postmaster-General.

53.—(A) Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of

the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration. A.D. 1903.

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

(1) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. Any difference which arises between the Postmaster-General and the Company as to compliance with this subsection shall be determined by arbitration:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking of the Company the Company 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) the Company 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 Company 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 Company as to any requirement so made shall be determined by arbitration:

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company

A.D. 1903.

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

- (5) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression " electric line " has the same meaning in this section as in the Electric Lighting Act 1882 :

(10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act : A.D. 1903.
—

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

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

54. For the purpose of using mechanical power the Company may acquire hold and exercise patent and other rights or licences relating to motive power or otherwise but not so as to acquire any exclusive right therein. Power to acquire patent rights.

CAPITAL &c.

55. The capital of the Company shall be two hundred and fifty thousand pounds in twenty-five thousand shares of ten pounds each. Capital.

56. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof. Shares not to be issued until one-fifth paid.

57. One-fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three-fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

58. If any money is payable to a shareholder or mortgagee being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

59. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the local authority under section 43 of the Tramways Act 1870 and may comprise all or any moneys carried to the contingency fund according to the Rights of mortgagees on sale of tramway.

A.D. 1903. — terms of the mortgage and every mortgage deed shall be endorsed with notice that the mortgage will not be a charge upon the tramways or the tramway undertaking in the event of such sale.

Power to borrow.

60. The Company may borrow on mortgage of the undertaking any sum or sums not exceeding in the whole eight thousand three hundred and thirty-three pounds six shillings and eightpence in respect of each twenty-five thousand pounds of capital but no part of any of the before-mentioned sums of eight thousand three hundred and thirty-three pounds six shillings and eightpence shall be borrowed until the whole of the shares for the portion of the capital in respect of which the borrowing powers are to be exercised are issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of capital have been issued and accepted and that one-half of such portion of capital has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued bona fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

For appointment of a receiver.

61. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than fifteen thousand pounds in the whole.

Company not to create debenture stock.

62. The Company shall not create debenture stock.

Application of moneys.

63. All moneys raised under this Act whether by shares or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

Money borrowed on mortgage to have priority.

64. All moneys to be borrowed on mortgage under this Act from the time when the same shall be advanced and the interest

for the time being due thereon shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them. But nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Act or injuriously affected by the construction of the tramways or by the exercise of any of the powers conferred upon the Company.

A.D. 1903.

65. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

First ordinary meeting

66. The number of directors shall until the first ordinary meeting of the Company be three but the Company may at that or at any subsequent ordinary meeting increase the number to seven and may from time to time reduce and again increase the number provided that the number be never less than three nor more than seven.

Number of directors.

67. The qualification of a director shall be the possession in his own right of not less than forty shares.

Qualification of directors.

68. The quorum of a meeting of directors shall be three.

Quorum of meetings.

69. Charles Joseph Wills Leonard Cooper the younger and Samuel George Isherwood shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being (if they continue qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

First directors.

Election of directors.

70. The auditors need not hold shares in the Company.

Auditors not required to hold shares.

71. Notwithstanding anything in this Act or in any Act or Acts incorporated herewith the Company may out of any money

Power to pay interest out of capital

A.D. 1903.
—
during con-
struction.

by this Act authorised to be raised pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say):—

- (A) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of the Company that two-thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :
- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :
- (C) The aggregate amount to be so paid for interest shall not exceed twenty thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount paid for interest as aforesaid :
- (D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares :
- (E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposit
money not
to be repaid

72. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of

[3 EDW. 7.] *Manchester Southern Tramways Act, 1903.* [Ch. cxciii.]

four thousand five hundred and seventeen pounds sixteen shillings deposited in respect of the tramways and other works proposed to be authorised by the Manchester Southern Tramways (Lancashire) Bill and a sum of four thousand nine hundred and nine pounds twelve shillings deposited in respect of the tramways and other works proposed to be authorised by the Manchester Southern Tramways (Cheshire) Bill such respective sums being equal to five per centum upon the amount of the estimate in respect of the tramways and other works authorised by this Act has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act (which sums are referred to in this Act as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways open the same for the public conveyance of passengers and if the Company shall make default in so opening the tramways the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

A.D. 1903.
—
except so far
as tramways
are opened.

73. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards

Application
of deposit
fund.

[Ch. cxciii.] *Manchester Southern Tramways Act, 1903.* [3 Edw. 7.]

A.D. 1903. — compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramways and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall as and when the same become payable be paid to or on the application of the depositors.

Release of
deposit in
event of
transfer to
authorities.

74. Subject to the provisions of the section of this Act relating to compensation for landowners and other persons injured and for the protection of creditors the High Court may and shall after the transfer of the powers for the construction of the tramways and works by this Act authorised to the local authorities as provided for by this Act on application to be made forthwith on the completion of such transfer to each local authority by the depositors referred to in the section of this Act whereof the marginal note is "Deposit money not to be repaid except so far as tramways are opened" order that the sum of four thousand five hundred and seventeen pounds sixteen shillings and the sum of four thousand nine hundred and nine pounds twelve shillings being the deposit fund referred to in the said section and the interest or dividends thereon or the portion of the deposit fund and the interest and dividends thereon which bears to the whole of the deposit fund the same proportion as the

length of the tramways (the powers for the construction of which are so transferred) bears to the entire length of the tramways be paid and transferred to the depositors or as they may direct and upon such order being made the said sum of four thousand five hundred and seventeen pounds sixteen shillings and the sum of four thousand nine hundred and nine pounds twelve shillings and the interest or dividends or such portion as aforesaid thereon shall be paid and transferred accordingly and the depositors shall on the request of any local authority interested make such application.

MISCELLANEOUS.

75. The following provisions for the protection of the county council of the administrative county of the county palatine of Chester (in this section called "the county council") and the inhabitants of the said county shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the county council and the Company apply and have effect :—

For protection of
Cheshire
County
Council.

(1)—(A) Before any tramway by this Act authorised to be laid in or along any main road within the said administrative county is opened for public traffic the Company shall at their own expense widen the main roads along which such tramway shall be laid to a width throughout of not less than thirty-three feet of metalled carriageway where the tramway is to be laid as a double line or at any passing-place on a single line and twenty-seven feet of metalled carriageway where it is to be laid as a single line except at passing-places in addition to the existing width of footpath save and except that where owing to the existence of buildings opposite each other on both sides of the road the cost of purchasing land for such widening would be unreasonably excessive the Company shall on obtaining a certificate of exemption from the county council under the hand of their clerk be exempt from the obligation of this section. Any difference or dispute between the Company and the county council which may arise as to whether such certificate should be given or otherwise in respect of this section shall be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board :

(B) The Company shall at their own expense pave or metal as the case may be the widened portion of the carriageway and footpath (if any) with the same class

A.D. 1903.

of pavement or metalling as existed before the widening was made :

- (2) A double line of rails shall not be laid where a single line is shown on the deposited plans without the written consent of the county council :
- (3) Where the Company lay a tramway as a single line along any main roads they shall in all cases save where a certificate of the county council shall be granted as aforesaid cause the same to be laid placed and maintained in such a position as to allow a space of nine feet six inches between the outer edge of the kerb and the centre of the nearest rail on one side and twelve feet nine and one-half inches between the edge of the carriageway and the centre of the nearest rail on the other side :
- (4) The Company shall at their own expense and to the satisfaction of the county council pave so much of any main road whereon any of the tramways are laid as lies between the rails of the tramway and (where two lines of tramway are laid by the Company in any such road) the portion of the road between such two lines of tramway and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway with granite cubes or setts or such other paving as the county council may reasonably 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 carriageway on either side the intervening spaces between the rail and footpath or boundary of the carriageway shall be paved in like manner to the reasonable satisfaction of the county council and the Company shall so long as they shall work the said tramway 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 roads lying adjacent to the said tramways shall be reasonably approved by the county council and in the event of any subsequent deviation or alteration of the said tramways the consent of the county council shall be obtained before such deviation or alteration is made :
- (5) Before the Company lay any tramway upon along or across any county or hundred bridge or the approaches thereto repairable by the county council they shall at their own expense and in accordance with plans sections

and specifications to be first approved by the county surveyor and to his satisfaction widen such bridge and its approaches so as to secure a carriageway of the minimum width of twenty-seven feet in addition to the existing width of footpaths in case the tramway is laid as a single line and a carriageway of a minimum width of thirty-three feet in addition to the existing width of footpaths if the tramway is laid as a double line :

- (6) In constructing the tramway upon or over any such bridge or the approaches thereto the Company shall not alter or interfere with the structure of such bridge or approaches unless such alteration or interference with the construction of such bridge or approaches be absolutely necessary for the purpose of constructing the tramway and in the event of any such alteration or interference the Company shall together with the prescribed notice submit to the county council detailed drawings and specifications showing the proposed work as affecting such bridge and approaches and the Company shall so construct and maintain the tramway in the road over such bridge and forming the approaches thereto as not to injuriously affect such bridge or approaches and in the event of any injury being occasioned to such bridge or approaches or any part or parts thereof respectively by the construction of the tramway on or over the same (whether such injury shall occur during or after construction or in the maintenance of the tramway) the county council after giving seven days written notice to the Company except in cases of emergency of their intention so to do may restore such bridge and approaches or the part or parts thereof which may be injured to as good a state as they were in before such injury was occasioned at the expense of the Company and the Company shall upon demand repay to the county council all reasonable expenses which they may be put to in restoring such bridge and in maintaining and repairing so much of the road over such bridge and approaches as the Company are liable to repair under this Act and the county council may recover from the Company all such expenses so due as aforesaid :
- (7) In the event of mechanical power being used on that portion of the tramway which is laid on any such bridge or approaches the county council may execute such works

A.D. 1903.

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

- (8) Nothing herein contained shall tend to lessen or control any right power or authority now vested in the county council for altering widening or rebuilding any such bridge or approach but all such rights powers and authorities shall remain in as full force as if this Act had not been passed and the county council shall not be liable to make any compensation whatever for any damage or injury to the tramways by the altering widening or rebuilding any such bridge or approach thereto. Provided that in altering or rebuilding any such bridge or approach the county council may require the Company to alter the tramway in such manner as the circumstances of the case may reasonably require but nothing shall be done to impede or interfere with the tramway for any greater length of time than may be reasonably necessary for the execution of the works :
- (9) The Company shall not execute any work in or affecting or otherwise interfere with any such main road bridge or approach otherwise than subject to such regulations and conditions for the accommodation of traffic and otherwise as the county council may from time to time prescribe :
- (10) The Company shall not without the consent in writing of the county council (which consent shall not be unreasonably withheld) place erect or attach any post or other support for

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

- (11) The Company shall not make any alteration in the level of the road or footway of any such road bridge or approach without the consent of the county council and any such alteration consequent upon the construction of the tramway to which the county council shall consent shall if the county council so desire be made by the county council and the reasonable cost of so doing shall be borne and upon demand paid by the Company :
- (12) The Company shall on demand pay to the county council the reasonable costs which may be incurred in the repair and reinstatement of so much of any such main road including the roadway over any such bridge and approach upon or along which any tramway shall be laid as may be injured or damaged by reason of the traffic being concentrated thereon during the construction alteration or repair of such tramway :
- (13) Any paving metalling or other material excavated by the Company from any main road whereon the tramway is laid may subject to the provisions of subsection (4) of this section be applied by the Company in or towards the reinstating of such road or the maintenance thereof for six months after the completion of the tramway and the Company shall deliver the surplus paving metalling or other material not used for the purpose aforesaid at such place not being more than one mile from the place of excavation as the county council shall appoint :
- (14) For the purpose of this section the expression "the tramway" shall include posts cables and all other electrical appliances connected with or used with the tramway lines :
- (15) If any question (except such as is to be determined by the Board of Trade as herein-before provided) arises under this section between the Company and the county council that question shall be referred to arbitration under this Act.

76. Notwithstanding anything contained in this Act the provisions of this section shall apply for the protection of the council of the administrative county of the county palatine of Lancaster (herein-after called "the county council") and the ratepayers and inhabitants of the said administrative county unless

For protection of Lancashire County Council.

A.D. 1903. otherwise agreed in writing between the county council and the Company (that is to say) :—

(1)—(A) Before any tramway by this Act authorised to be laid in or along any main road within the said administrative county is opened for public traffic the Company shall at their own expense widen the main roads along which such tramway shall be laid to a uniform width of not less than thirty-three feet of metalled carriageway where the tramway is to be laid as a double line and twenty-seven feet of metalled carriageway where it is laid as a single line with passing-places in addition to the existing width of footpath save and except that where owing to there being buildings opposite each other on both sides of the road the cost of purchasing land for such widening would be unreasonably excessive the Company shall on obtaining a certificate of exemption from the county surveyor be exempt from the obligation of this section. Any difference or dispute between the Company and the county council which may arise as to whether such certificate should be given or otherwise in respect of this section shall be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board whose award shall be equivalent to a certificate :

(B) The Company shall at their own expense pave the widened portion of the carriageway and footpath (if any) with the same class of pavement as exists in the main road before it is widened :

(2) A double line of rails shall not be laid where a single line is shown on the deposited plans without the written consent of the county council :

(3) Where the Company lay a tramway as a single line along any main roads they shall in all cases save where a certificate of the county surveyor shall be granted as aforesaid cause the same to be laid placed and maintained in such position as to allow a space of nine feet six inches between the outer edge of the kerb and the centre of the nearest rail on one side and twelve feet nine and a half inches between the edge of the metalling and the centre of the nearest rail on the other side so as to allow room for carts laden with hay and straw and other overhanging loads to pass freely on one side of such track except at crossing and passing places :

(4) The Company shall at their own expense pave so much of any main road whereon any of the tramways are laid as lies

between the rails and as extends eighteen inches beyond the rails of and on each side of any such tramway with granite cubes or setts or such other paving as the county council may reasonably 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 carriageway on either side the intervening spaces between the rail and footpath or boundary of the carriageway shall be paved in like manner to the reasonable satisfaction of the county council and the Company shall so long as they shall work the said tramway 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 roads lying adjacent to the said tramways shall be reasonably approved by the county council and in the event of any subsequent deviation or alteration of the said tramways the consent of the county council shall be obtained before such deviation or alteration is made :

(5)—(A) Where the county council have entered into any agreement or arrangement with an urban district council whose district is traversed by a main road in or along which any tramway by this Act authorised may be laid to pay to the said urban district council an annual sum for a period of years towards the maintenance repair and improvement of such main road then the Company shall as and from the date on which such tramway shall be opened for traffic pay annually to the county council such proportion of the said annual sum which the county council pay to the said urban district council as the superficial area of that portion of the main road maintained by the Company bears to the superficial area of the whole of the carriageway of the main road :

(B) If the sum so payable by the Company to the county council is not paid within one month after demand the same may be recovered by the county council as liquidated damages :

(6) Before the Company lay any tramway along or across Crofts Bank Bridge and its approaches they shall at their own expense widen the said bridge and its approaches so as to secure a carriageway of the minimum width of twenty-seven feet in addition to the existing width of footpaths in case the tramway is laid as a single line and a carriageway of a minimum width of thirty-three feet in addition to the

A.D. 1903.

existing width of footpaths if the tramway is laid as a double line :

- (7) The tramway proposed to be constructed along or across Crossford Bridge and its approaches shall be laid as a single line only and in such position as the county bridgemaster shall require :
- (8) In constructing the tramway upon or over any bridge which is repairable by the inhabitants of the county of Lancaster or of any hundred therein or any parts of the approaches thereto the Company shall not alter or interfere with the structure of such bridge or approaches unless such alteration or interference with the construction of such bridge or approaches be absolutely necessary for the purpose of constructing the tramway and in the event of any such alteration or interference the Company shall together with the prescribed notice submit to the county council detailed drawings and specifications showing the proposed work as affecting such bridge or approaches and the Company shall so construct and maintain the tramway in the road over such bridge and forming the approaches thereto as not to injuriously affect such bridge or approaches and in the event of any injury being occasioned to such bridge or approaches or any part or parts thereof respectively by the construction of the tramway on or over the same (whether such injury shall occur either during or after construction or in effecting the maintenance of the tramway) the county council after seven days written notice to the Company except in cases of emergency of their intention so to do may restore such bridge and approaches or the part or parts thereof which may be injured to as good a state as they were in before such injury was occasioned at the expense of the Company and the Company shall repay to the county council all reasonable expenses which they may be put to in restoring such bridge and in maintaining and repairing so much of the road over such bridge and approaches as the Company are liable to repair under this Act and the county council may recover from the Company all such expenses so due as aforesaid :
- (9) In the event of mechanical power being used on that portion of the tramway which is laid on any such bridge or approaches the county council may execute such works as may be agreed between them and the Company (or in case of difference between them as may be determined by the

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

- (10) If any such bridge as aforesaid upon or along which the tramway is laid be altered widened or rebuilt by the county council the county council may require the Company to alter the tramway in such manner as the circumstances of the case may reasonably require. Provided that it shall be lawful for but not binding on the Company to contribute such sum as may be mutually agreed upon between the Company and the county council towards the expense of altering widening or rebuilding any of such bridges as aforesaid :
- (11) The Company shall not without the consent in writing of the county council (which consent shall not be unreasonably withheld) place erect or attach any post or other support for any wire on or to the structure of any such bridge as aforesaid and shall on receiving three months notice in writing (which notice shall not be given unreasonably) remove any post or support which shall be so placed erected or attached as aforesaid :
- (12) For the purpose of this section the expression "the tramway" shall include posts cables and all other electrical appliances connected with or used with the tramway lines :
- (13) If any question (except such as is to be determined by the Board of Trade as herein-before provided) arises under this section between the Company and the county council that question shall be referred to arbitration under this Act.

A.D. 1903.
—
For protection of Stretford Gas Company.

77. The following provisions for the protection of the Stretford Gas Company (herein-after called "the gas company") shall apply and have effect:—

- (1) During the construction of the tramways the Company may deviate in such places to such extent and in such manner as the engineer for the time being of the gas company may certify in writing to be necessary for avoiding interference with any main pipe or apparatus belonging to the gas company :
- (2) Sections 30 32 and 33 of the Tramways Act 1870 shall apply to the gas company with reference to the gas mains pipes and apparatus belonging to them in like manner as the same apply to a company or person being the owner of gas mains or pipes. Provided that all works or interference with any main pipe or apparatus of the gas company under section 30 of the Tramways Act 1870 or otherwise shall be made and executed by the gas company and not otherwise upon the request and at the cost of the Company :
- (3) The cost of constructing providing and laying any new main pipe or apparatus in substitution for any which may be rendered useless by the construction of any of the tramways and the value of any main pipe or apparatus belonging to the gas company rendered useless or unproductive to the gas company by any of the works authorised by this Act shall on demand and subject to credit being given for the value of the aforesaid matters so rendered useless to the gas company be repaid to the gas company by the Company. Provided always that whenever any new main or pipe of larger dimensions shall be substituted for any existing main or pipe the Company shall only be required to pay the cost which would have been incurred by the substitution of a main or pipe of equal dimensions with the existing main or pipe :
- (4) If by reason or in consequence of any authorised deviation it shall become necessary to lower or raise any main pipe or apparatus of the gas company such lowering or raising shall be carried out by the gas company at the expense of the Company. The question whether any such main pipe or apparatus requires to be lowered or raised shall be decided by the engineer of the gas company :
- (5) Where the distance from the upper side of any main or pipe belonging to the gas company to the lowest part

of the rail of the tramway is less than two feet such main or pipe shall be lowered by the gas company at the expense of the Company so as to leave a distance of not less than two feet between the upper side of such pipe and the lowest part of such rail :

- (6) At any point or points where the tramways or any of them cross a main or pipe belonging to the gas company the Company shall at their own expense and to the reasonable satisfaction of the engineer for the time being of the gas company lay and thereafter keep and maintain to the like satisfaction underneath each rail and immediately over such main or pipe a bed of asphalt or other insulating material to be approved by the said engineer of not less than two feet wide by six inches thick and of a length extending two feet beyond such main or pipe on each side thereof :
- (7) If by reason or in consequence of any works of street widening carried out upon the lands by this Act authorised to be acquired compulsorily or by reason or in consequence of the reduction of the width of any footpath any main pipe or apparatus belonging to the gas company and now laid underneath any existing footpath shall be brought underneath the roadway the gas company shall at the expense of the Company move such main pipe or apparatus so as to place the same under the new footpath or into some other position approved by the engineer of the gas company :
- (8) The gas company shall not be liable for and the Company shall indemnify the gas company against all loss to the Company by reason of suspension of traffic and all accidents damages or injuries to the tramways works and property of the Company and the persons and property being conveyed on or using the same and all actions suits and costs in respect thereof which may either during the progress of the works of the Company or at any time hereafter be caused by the bursting breakage or leakage of or escape of gas from any main or pipe of the gas company crossing or being underneath (either wholly or partially) or near to any tramway or work of the Company or which may have been affected by the works of the Company unless such damage or injury shall have arisen as the consequence of any wilful act or default of the gas company or their officers or servants :

A.D. 1903.

(9) The gas company shall not be responsible to the Company for any damage the Company may sustain by reason of the Company having to repair or relay their lines from time to time in consequence of the road subsiding after the construction relaying enlarging examining or repairing of any gas main pipe or apparatus has been completed and the ground above the same filled in provided such work shall have been executed with all care and in a proper and workmanlike manner :

(10) The Company shall so construct and isolate their pipes conduits boxes and other apparatus as to render the same impervious to the access of gas and the gas company shall not be responsible for and the Company shall indemnify the gas company against any damage to property or person resulting from the leakage of gas from the mains or pipes of the gas company into the pipes conduits boxes or other apparatus of the Company if it shall be proved to the satisfaction of an arbitrator to be appointed as herein-after mentioned that such leakage into the pipes conduits boxes or other apparatus of the Company was attributable to the same not having been so constructed and isolated as to be impervious to the access of gas And the Company shall make good at their own cost any damage to their own and surrounding property that may be caused by any explosion of gas collected in any of their conduits pipes boxes or other apparatus :

(11) Any difference which may arise between the gas company and the Company with reference to this section or anything to be done or not to be done thereunder shall (unless otherwise agreed or otherwise expressly provided by this section) be determined by an arbitrator to be appointed in default of agreement by the Board of Trade :

(12) The gas company and the Company may by agreement under seal alter or modify any of the provisions of this section.

For protection of North
Cheshire
Water Company.

78. Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the North Cheshire Water Company (in this section referred to as "the water company") shall except so far as may be otherwise agreed between the Company and the water company apply and have effect :—

(1) During the construction of the tramways the Company shall deviate in such places to such extent and in such

manner as the engineer of the water company may certify in writing to be necessary for avoiding interference with any mains pipes or apparatus (all of which are in this section included in the expression "mains") belonging to the water company :

- (2) Whenever in the execution of the powers contained in this Act or in section 30 of the Tramways Act 1870 it shall be necessary to lower alter interfere with or disturb any mains belonging to the water company such lowering alteration interference or disturbance shall be effected by and under the direction of the water company and where the main to be lowered altered interfered with or disturbed is constructed on in or over a bridge the water company may if they think fit reconstruct the same on a pipe bridge and for that purpose may acquire all necessary rights easements and conveniences for and in respect of the construction repair and renewal of such pipe bridge and of such main and for obtaining access thereto and all expenses incurred by the water company in pursuance of this subsection shall be repaid to them by the Company :
- (3) The cost of constructing providing and laying any new mains in substitution for any which may be rendered useless by the construction or user of the tramways and the value of any mains belonging to or under the control of the water company rendered useless or unproductive to them by the works authorised by this Act shall be paid by the Company to the water company :
- (4) When under the foregoing provisions of this section new mains shall be laid down in the place of existing mains the water company may use mains of dimensions larger than those of the existing mains but the Company shall (unless the increased dimensions are rendered necessary by reason of the construction or use of the tramways) only be required to pay the expenses which would have been incurred by the substitution of mains of dimensions equal to those of the existing mains :
- (5) The water company shall not be liable for and the Company shall indemnify the water company against all loss to the Company by reason of suspension of traffic and all accidents damages or injuries to the tramways works and property of the Company and to the persons and property conveyed on or using the same which may either by the construction of the works of the Company or at any time thereafter

A.D. 1903.

in consequence thereof be caused by the bursting breaking or leakage of or escape of water from any main of the water company crossing or being underneath (either wholly or partially) or near to any tramway or work of the Company or which may have been affected by the works of the Company unless such damage or injury shall have arisen as the consequence of any act or default of the water company their officers or servants. Provided always that the water company shall at the cost of the Company and without unnecessary delay execute and do all things necessary to make good any such bursting breaking leakage or escape :

- (6) The Company shall be liable for any loss or damage to the mains of the water company resulting from fusion or electrolytic action caused by any currents generated or used for the purpose of electric traction on any of the tramways by this Act authorised :
- (7) In the event of any difference arising between the Company and the water company on any matters in this section the same shall be determined by arbitration the arbitrator being appointed in default of agreement on the application of either party by the Board of Trade.

For protection of Manchester Ship Canal Company.

79. For the protection of the Manchester Ship Canal Company (in this section referred to as "the canal company") the following provisions shall have effect (that is to say) :—

- (1) Tramway No. 2 in the county of Lancaster so far as the same shall be constructed on Barton Swing Bridge shall be constructed in such lines at such levels and in such manner as shall be reasonably required by the chief engineer of the canal company (herein-after called "the chief engineer") :
- (2) In addition to the expense of constructing the said tramway so far as the same is constructed on Barton Swing Bridge the Company shall carry out at their own expense the whole of the alterations to the floor of the said bridge which will be rendered necessary by the laying of the said tramway including the repaving (with wooden blocks) of the whole of the roadway of the said bridge and the fixing of new cast-iron kerbs at each end thereof :
- (3) The Company shall execute at their own expense such works as may be necessary to improve the adjustment and alignment of the said bridge so far as may be essential for the safe working of the said tramway beyond what is necessary for the existing road traffic :

- (4) The Company shall at their own expense provide and maintain at each end of the said bridge proper signals of such character in such positions and to be worked by such method as the chief engineer may reasonably require by which the working of the tramway shall be controlled and which shall if the canal company so require be operated electrically the Company providing the current for working the signals and the canal company providing the necessary signalmen and other labour for the purpose :
- (5) The Company shall pay to the canal company an annual sum to be agreed between the parties (or to be settled in case of difference by arbitration as herein-after provided) to compensate the canal company for the expense of working the said signals :
- (6) In all cases the traffic on the Manchester Ship Canal shall have priority over the traffic on the tramway :
- (7) The Company shall undertake the entire responsibility for the maintenance and working of the said tramway over and across the said bridge and shall also at their own expense maintain the whole of the pavement in the roadway of the said bridge :
- (8) All works to be executed and all operations to be carried out by the Company upon or in connexion with the said bridge shall be in accordance with plans and sections to be forwarded to and approved by the chief engineer but such approval shall not be unreasonably withheld :
- (9) All works and operations of the Company upon or in connexion with the said bridge shall be carried out under the superintendence and to the reasonable satisfaction of the chief engineer :
- (10) No passing place or places connecting one line of tramway with another shall be constructed or operated upon Barton Swing Bridge :
- (11) No greater weight than an inclusive aggregate weight of forty tons for trucks and load shall be permitted by the Company to cross or come upon Barton Swing Bridge at one time :
- (12) Any question which may arise between the canal company and the Company with reference to this section or anything to be done or not to be done thereunder shall (unless otherwise agreed or otherwise expressly provided by this section) be determined by an arbitrator to be appointed in default of agreement by the Board of Trade :

A.D. 1903.

(13) The canal company and the Company may by agreement under seal alter or modify any of the provisions of this section.

For protection of Altrincham Gas Company.

80. The following provisions for the protection of the Altrincham Gas Company (herein-after called "the gas company") shall apply and have effect:—

- (1) During the construction of the tramways the Company may deviate in such places to such extent and in such manner as the engineer for the time being of the gas company may certify in writing to be necessary for avoiding interference with any main pipe or apparatus belonging to the gas company:
- (2) Sections 30 32 and 33 of the Tramways Act 1870 shall apply to the gas company with reference to the gas mains pipes and apparatus belonging to them in like manner as the same apply to a company or person being the owner of gas mains or pipes. Provided that all works or interference with any main pipe or apparatus of the gas company under section 30 of the Tramways Act 1870 or otherwise shall be made and executed by the gas company and not otherwise upon the request and at the cost of the Company:
- (3) The cost of constructing providing and laying any new main pipe or apparatus in substitution for any which may be rendered useless by the construction of any of the tramways and the value of any main pipe or apparatus belonging to the gas company rendered useless or unproductive to the gas company by any of the works authorised by this Act shall on demand and subject to credit being given for the value of the aforesaid matters so rendered useless to the gas company be repaid to the gas company by the Company. Provided always that whenever any new main or pipe of larger dimensions shall be substituted for any existing main or pipe the Company shall only be required to pay the cost which would have been incurred by the substitution of a main or pipe of equal dimensions with the existing main or pipe:
- (4) If by reason or in consequence of any authorised deviation it shall become necessary to lower or raise any main pipe or apparatus of the gas company such lowering or raising shall be carried out by the gas company at the expense of the Company. The question whether any such main pipe or apparatus requires to be lowered or raised shall be decided by the engineer of the gas company:

- (5) Where the distance from the upper side of any main or pipe belonging to the gas company to the lowest part of the rail of the tramway is less than two feet such main or pipe shall be lowered by the gas company at the expense of the Company so as to leave a distance of not less than two feet between the upper side of such pipe and the lowest part of such rail :
- (6) At any point or points where the tramways or any of them cross a main or pipe belonging to the gas company the Company shall at their own expense and to the reasonable satisfaction of the engineer for the time being of the gas company lay and thereafter keep and maintain to the like satisfaction underneath each rail and immediately over such main or pipe a bed of asphalt or other insulating material to be approved by the said engineer of not less than two feet wide by six inches thick and of a length extending two feet beyond such main or pipe on each side thereof :
- (7) If by reason or in consequence of any works of street widening carried out upon the lands by this Act authorised to be acquired compulsorily or by reason or in consequence of the reduction of the width of any footpath any main pipe or apparatus belonging to the gas company and now laid underneath any existing footpath shall be brought underneath the roadway the gas company shall at the expense of the Company move such main pipe or apparatus so as to place the same under the new footpath or into some other position approved by the engineer of the gas company :
- (8) The gas company shall not be liable for and the Company shall indemnify the gas company against all loss to the Company by reason of suspension of traffic and all accidents damages or injuries to the tramways works and property of the Company and the persons and property being conveyed on or using the same and all actions suits and costs in respect thereof which may either during the progress of the works of the Company or at any time hereafter be caused by the bursting breakage or leakage of or escape of gas from any main or pipe of the gas company crossing or being underneath (either wholly or partially) or near to any tramway or work of the Company or which may have been affected by the works of the Company unless such damage or injury shall have arisen as the consequence of any wilful act or default of the gas company or their officers or servants :

A.D. 1903.

(9) The gas company shall not be responsible to the Company for any damage the Company may sustain by reason of the Company having to repair or relay their lines from time to time in consequence of the road subsiding after the construction relaying enlarging examining or repairing of any gas main pipe or apparatus has been completed and the ground above the same filled in provided such work shall have been executed with all care and in a proper and workmanlike manner :

(10) The Company shall so construct and isolate their pipes conduits boxes and other apparatus as to render the same impervious to the access of gas and the gas company shall not be responsible for and the Company shall indemnify the gas company against any damage to property or person resulting from the leakage of gas from the mains or pipes of the gas company into the pipes conduits boxes or other apparatus of the Company if it shall be proved to the satisfaction of an arbitrator to be appointed as herein-after mentioned that such leakage into the pipes conduits boxes or other apparatus of the Company was attributable to the same not having been so constructed and isolated as to be impervious to the access of gas And the Company shall make good at their own cost any damage to their own and surrounding property that may be caused by any explosion of gas collected in any of their conduits pipes boxes or other apparatus :

(11) Any difference which may arise between the gas company and the Company with reference to this section or anything to be done or not to be done thereunder shall (unless otherwise agreed or otherwise expressly provided by this section) be determined by an arbitrator to be appointed in default of agreement by the Board of Trade :

(12) The gas company and the Company may by agreement under seal alter or modify any of the provisions of this section.

For protec-
tion of Ches-
hire Lines
Committee.

81. For the protection of the Cheshire Lines Committee (in this section referred to as "the committee") the following provisions shall apply and have effect :—

(1) The Company shall not without in every case the previous consent of the committee under their common seal take use enter upon or interfere with any lands railways sidings or other works from time to time belonging to or worked by

the committee except only so far as shall be necessary for the purpose of making and maintaining the tramways as the same are according to this Act to be constructed :

- (2) With respect to any land of the committee which the Company are by this Act authorised to use enter upon or interfere with the Company shall not purchase or take the same but the Company may purchase and take and the committee may and shall grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same :
- (3) The Company shall so construct the tramways and works by this Act authorised on or over any bridge carrying a road over the railway of the committee and the approaches thereto (herein-after called "the structural works") on or over any bridge and the approaches thereto as not injuriously to affect such structural works Before the Company execute any work which may interfere with the structural works they shall give not less than twenty-eight days previous notice in writing to the engineer of the committee of their intention to commence such work and shall at the same time send sufficient specifications or other information showing the nature of the proposed work and such work shall be constructed to the reasonable satisfaction and under the superintendence of the said engineer :
- (4) In case any strengthening altering or repairing of any portion of the structural works is necessary by reason of such construction maintenance or user of the tramways thereover such strengthening altering or repairing shall be effected in all things at the expense of the Company who shall also pay to the committee all additional expense which they may incur or be put to in effecting any such strengthening alterations or repairs and the provisions herein-after contained shall have effect :
- (5) The committee may by notice in writing within fourteen days after the receipt of such notice under subsection (3) of this section give a counter notice stating any works which their engineer requires to be executed and the Company shall not proceed with the works until the question has been determined by agreement or arbitration as herein-after provided :
- (5A) The Company shall before commencing the construction of Tramway No. 2 in the county of Lancaster widen Station

A.D. 1903.

Road Urmston in the manner and to the extent shown upon the plan signed by the Right Honourable the Earl of Lauderdale the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and shall pay to the committee the sum of one thousand pounds in consideration of which the committee shall widen Urmston Bridge to a width of forty-five feet between the parapets thereof and the provisions of subsections (3) (4) and (5) of this section shall not apply to Urmston Bridge :

- (6) Nothing herein contained shall prevent the committee from maintaining repairing and when necessary altering or reconstructing any bridge over their railway along which any tramway may be constructed without being liable to the Company for any loss injury damage expense or interruption of traffic which may arise in connexion with such maintenance repair alteration or reconstruction and any additional expense incurred by the committee in the maintenance repair alteration or reconstruction of any such bridge or the roadway over the same by reason or in consequence of such tramway shall be repaid to the committee by the Company Provided that all such operations shall be executed by the committee in such manner as to cause no unnecessary interruption or inconvenience to the traffic of the tramway :
- (7) All works which may be necessary on over or under any works or property of the committee shall be constructed and maintained in all things at the expense of the Company 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 :
- (8) Whenever any of the tramways on either side of any of the committee's bridges over or under which the tramways are laid or are intended to be laid is a single line there shall only be a single line over such bridge and no turn-outs or passing-places shall be constructed thereon :
- (9) In the event of the tramways being worked by electricity on the overhead system no stays posts brackets wires or other apparatus shall without the previous consent in writing of the committee be attached to any house building or property or to any bridge or other work belonging to or maintainable or repairable by the committee :
- (10) If having regard to the proposed position of the works of the Company when considered in relation to the position

of the works of the committee at any point where the tramways will be constructed over under or across any railway of the committee it becomes in the opinion of the principal engineer of the committee necessary or proper that the electric telegraphic telephonic or signal wires or apparatus of the committee should be altered the committee may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works and any additional expense incurred by the committee in the maintenance of such wires or apparatus by reason of their being altered or in the laying or maintenance of new wires or apparatus at any such point as aforesaid by reason of the construction or user of the tramways shall be borne by the Company :

- (11) If at any time hereafter any accident on the premises of the railway for which the committee are primarily liable shall happen owing to the breakage or failure of insulation of a wire of the Company or any support thereof the Company undertake to indemnify the committee against all actions proceedings expenses losses damages claims and demands which the committee may incur or sustain from such cause :
- (12) In working Tramway No. 2 in the county of Lancaster by this Act authorised no tramcar or other vehicle shall without the consent in writing of the committee under their common seal be stopped or be permitted to be stopped in front of the entrance to the Urmston passenger and goods stations of the committee or within a distance of ten yards on either side thereof respectively except only for so long as may be absolutely necessary for the purpose of setting down and taking up passengers :
- (13) If any difference shall arise between the Company and the committee as to the reasonableness of the requirements of the committee or their engineer or as to the execution of any works provided for by this section or as to any other matter arising under this section the same shall be settled by arbitration by an engineer to be appointed by the Company and the committee or if they cannot agree then by an engineer to be appointed by the President of the Institution of Civil Engineers.

82. For the protection of the Manchester South Junction and Altrincham Railway Company (in this section referred to as

For protection of Manchester

A.D. 1903. "the South Junction Company") the following provisions shall apply and have effect:—

—
South Junction and Altrincham Railway Company.

- (1) Notwithstanding anything in this Act contained the Company shall not enter upon take or use any land shown on the deposited plans belonging to the South Junction Company without having first obtained the consent of the South Junction Company in writing under their common seal except so far as shall be necessary for the purpose of making and maintaining the tramways and street works by this Act authorised:
- (2) All works by this Act authorised where the same will be made upon across under or over any bridge or other work belonging to or maintainable by the South Junction Company or will otherwise interfere with the same shall be executed so as not to interfere with the structure of any such bridge or other work and according to plans sections and specifications to be previously submitted to and approved by the South Junction Company or in case of difference between them and the Company by an arbitrator to be appointed as herein-after provided. All such works shall be executed and thereafter maintained according to the plans sections and specifications so approved and under the superintendence and to the satisfaction of the South Junction Company:
- (3) The Company shall so construct maintain and use the tramways as not to injuriously affect any such bridge or other work and in the event of any injury being occasioned to such bridge or work by the construction maintenance or user of the tramways upon across under or over the same the South Junction Company may make good the injury and may recover from the Company the reasonable expense of so doing:
- (4) The Company shall not in any manner in the execution maintenance user or repair of any of their works obstruct or interfere with the free uninterrupted and safe user of any railway siding or other work belonging to the South Junction Company or any traffic thereon:
- (5) The Company shall on demand pay to the South Junction Company the reasonable expense of the employment by the South Junction Company during the execution or repair of any work affecting any bridge railway siding or other work belonging to the South Junction Company of a sufficient number of inspectors watchmen and signalmen to be appointed

by the South Junction Company for preventing all interference obstruction danger and accident from any of the operations or from the acts or default of the Company or their contractors or any person in the employment of either of them or otherwise :

- (6) The Company shall be responsible for and make good to the South Junction Company all losses damages and expenses which may be occasioned to the South Junction Company by or by reason of the execution or failure of any of the intended works or by reason of any act or default or omission of the Company or of any person in their employment or of any contractors for the intended works or any part thereof or otherwise and the Company shall effectually indemnify and hold harmless the South Junction Company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :
- (7) The Company shall not execute any of the works necessary for the construction of Tramway No. 1A in the county of Chester or other works by this Act authorised so far as they affect the railway of the South Junction Company unless and until they have given to the South Junction Company six months previous notice in writing and the South Junction Company upon receiving notice in writing by the Company of their intention to proceed with any of such works shall and may alter take down or reconstruct the bridge carrying School Road and Northenden Road over the railway of the South Junction Company at or near to Sale Station in such manner as may in the absolute discretion of the principal engineer of the South Junction Company be required in order to accommodate the existing railway of the South Junction Company and the authorised widening thereof and such bridge as reconstructed or altered shall be of sufficient width to accommodate a double line of tramways and not less than sixty-five feet between the parapets and the Company shall pay to the South Junction Company on completion of such works the sum of two thousand pounds which sum includes the value of any land of the South Junction Company taken for the purpose of widening the said bridge or easement in respect thereof Any money payable under this provision shall be deemed to be included in widenings of roads and bridges for the purposes of the section of this Act the marginal note of

A.D. 1903.

which is "Provisions as to tramways in Sale" The said reconstructed or altered bridge shall be and remain the property of the South Junction Company and shall be maintained by them as part of their railways and works:

- (8) Whenever the South Junction Company shall hereafter require to widen lengthen strengthen reconstruct alter or repair any such bridge or the approaches thereto or to widen or alter their railway or to lift or support any such bridge owing to the subsidence thereof caused by the minerals thereunder having been or being worked the Company shall afford to the South Junction Company all reasonable and proper facilities for those purposes or any of them and if the South Junction Company shall find it necessary for any such purposes that the working or user of any portion of the tramway over such bridge or approaches shall be wholly or in part stopped or delayed or that such portion of the tramway shall be wholly or in part taken up or removed and the South Junction Company shall give to the Company seven days notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up or removal then the working or user of such portion of the railway shall be stopped or delayed or such portion of the railway shall be taken up or removed as stated in such notice at the reasonable expense of the Company and under their superintendence if they shall give such superintendence but the working or user of such portion shall not be stopped or delayed for a longer period than may be absolutely necessary for effecting such purposes as aforesaid and such portion of the railway shall be restored with all possible despatch and the South Junction Company shall not be liable for any compensation claims damages or expenses in respect of such stoppage delay or taking up or removal as aforesaid:
- (9) It shall not be lawful for the Company in working the tramways to stop or permit to stop any engine carriage or other vehicle used on the tramways in front of or opposite to the entrance to any station or goods yard belonging to or maintainable by the South Junction Company so as to impede the free access to or egress therefrom for passengers carts and carriages except only for so long as shall be reasonably necessary for the purposes of discharging and taking up passengers or in case of emergency or to meet the requirements of the Board of Trade:

- (10) The Company shall not alter the level of the approaches to any bridge belonging to or maintainable by the South Junction Company or the level of any road so as to affect the access to any premises of the South Junction Company without in either case the consent in writing of the South Junction Company :
- (11) In the event of the tramways being worked by electricity on the overhead system no stays posts wires or other apparatus shall without the previous consent in writing of the South Junction Company be attached to any bridge or other work of the South Junction Company :
- (12) If having regard to the proposed position of any works of the Company by this Act authorised when considered in relation to the position of the works of the South Junction Company at any point where the railway will be constructed over or under any railway of the South Junction Company it becomes advisable in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the South Junction Company shall be altered the South Junction Company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Company :
- (13) The Company shall pay the cost of such additions to or alterations in the earth or metallic circuits of the South Junction Company as the Board of Trade may consider necessary to prevent interference with the signals and apparatus of the South Junction Company by reason of the tramways crossing the bridges belonging to the South Junction Company :
- (14) If any difference arises under this section between the Company and the South Junction Company that difference shall be referred to arbitration and the arbitrator shall be an engineer to be agreed upon by the Company and the South Junction Company or failing agreement to be appointed by the Board of Trade on the application of either company.

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

For protection of corporation of Stockport.

- (1) During the construction of the tramways the Company shall deviate in such places to such extent and in such manner as the corporation may certify in writing to be

A.D. 1903.

necessary for avoiding interference with any mains pipes works or apparatus belonging to the corporation but no such deviation shall be so made as to leave a less space than nine feet six inches between the nearest rail of the tramway to be deviated and the outside of the footpath on either side of the road :

- (2) Sections 30 32 and 33 of the Tramways Act 1870 shall apply to the corporation with reference to the mains pipes works and apparatus of the corporation for the supply of water in like manner as the same apply to a company or person being the owner of water mains or pipes. Provided that all works or interference with or in connexion with such mains pipes or apparatus of the corporation under section 30 of the Tramways Act 1870 or otherwise shall be made and executed by the corporation and not otherwise upon the request and at the cost of the Company :
- (3) The cost of constructing providing and laying any new water mains pipes valves hydrants or other apparatus in substitution for any which may be rendered useless by the construction of the tramways and the value of any water mains pipes valves hydrants or other apparatus belonging to or under the control of the corporation rendered useless or unproductive to the corporation by the works authorised by this Act 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 Company. Provided always that whenever any new main pipe or apparatus of larger dimensions shall be substituted for any existing main pipe or apparatus the Company shall only be required to pay the cost which would have been incurred by the substitution of a main pipe or apparatus of equal dimensions with the existing main pipe or apparatus :
- (4) The corporation shall not be liable for and the Company shall indemnify the corporation against all loss to the Company by reason of suspension of traffic and all accidents damages or injuries to the tramways works and property of the Company and the persons and property being conveyed on or using the same and all actions suits and costs in respect thereof which may either during the progress of the works of the Company or at any time hereafter be caused by the bursting breaking or leakage of or escape of 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 Company or which may have been affected by the works of the Company unless such damage or injury shall have arisen as the consequence of any wilful act or default of the corporation or their officers or servants :

- (5) The corporation may with their engines carriages and servants and for the purposes of traffic of every description run over and use so much of Tramway No. 2 in the county of Chester as will extend from the junction of Stockport (or Northenden) Road and Longley Lane to the terminus of the said Tramway No. 2 at its junction with the tramway authorised by the Cheadle and Gatley Urban District Council Tramway Order 1902 and use in connexion therewith the depôts posts standards electric wires mains and cables (including energy) and other apparatus and appliances constituting the equipment of such portion of Tramway No. 2 for working by means of mechanical power on terms to be agreed or settled by arbitration and the corporation may demand and recover in respect of the portion of tramway so run over by them tolls rates and charges not exceeding those authorised in respect thereof :
- (6) The corporation may make junctions between any tramways belonging to or leased or worked by them or over which they may be authorised to exercise running powers and the portion of Tramway No. 2 aforesaid in such manner as may be agreed upon between the Company and the corporation or in case of difference as may be determined by arbitration :
- (7) Before any junction shall be made between Tramway No. 2 and the tramway authorised by the Cheadle and Gatley Urban District Council Tramway Order 1902 plans showing the position and mode of construction thereof shall be submitted to and approved of by the corporation :
- (8) Any matter in difference under this section between the Company and the corporation shall unless otherwise agreed be referred to an arbitrator to be appointed by the Board of Trade.

84. Notwithstanding anything in this Act the provisions of this section shall apply for the protection of the rural district council of Barton-upon-Irwell (herein called "the Barton Council") unless otherwise agreed (that is to say) :—

For protection of rural district council of Barton-upon-Irwell.

- (1) The Company shall not commence the construction of any tramway in the rural district of Barton-upon-Irwell until the expiration of fifteen months after the passing of this Act :

A.D. 1903.

- (2) If within twelve months after the passing of this Act the Barton Council give notice in writing under their common seal in pursuance of a resolution passed in manner provided by Part III of Schedule A of the Tramways Act 1870 to the Company of their desire to exercise the powers and assume the obligations conferred or imposed on the Company by this Act in relation to the construction maintenance and user of so much of the tramways as are situate in the rural district of Barton-upon-Irwell and shall also cause a copy of such notice to be published within the like period once in the London Gazette the rights powers authorities and obligations of the Company under this Act as to the construction maintenance and user of the said tramways within the rural district of Barton-upon-Irwell and the works connected therewith or incidental thereto except those relating to the constitution and capital of the Company shall be transferred to vested in and thenceforward exercised by the Barton Council in like manner as if such council had been in the first instance authorised by this Act to construct the said tramways within their district and the works in connexion therewith and this Act shall be construed accordingly save as regards the restriction in subsection (1) of this section which shall not apply to the Barton Council:
- (3) If the Barton Council elect to be substituted in place of the Company under and in accordance with subsection (2) of this section they shall forthwith after giving such notice in writing pay to the Company the agreed expenses per mile of single track in accordance with the basis set forth in the Second Schedule to this Act:
- (4) The Barton Council may with the sanction of the Board of Trade borrow for the purposes of this section and for such of the other purposes of this Act as may be exercised by them such sum or sums of money as may be necessary and the provisions of section 20 of the Tramways Act 1870 with necessary modifications shall be applicable to such borrowing and the Board of Trade may fix the period (not exceeding thirty years) within which the moneys so borrowed shall be repaid and the money so borrowed shall not be reckoned as money borrowed within the limit imposed by section 234 of the Public Health Act 1875:
- (5) In the event of the Barton Council exercising the powers conferred on it by this section they shall lease the tramways to the lord mayor aldermen and citizens of the city of

Manchester (herein-after referred to as "the Manchester Corporation") for a term which (notwithstanding the provisions of the Tramways Act 1870) shall be thirty years and the corporation shall accept such lease the rental to be such a sum per annum as will pay off the whole of the capital outlay with interest on the tramways within the term of the lease such capital outlay to include the purchase of any land for widening roads upon which the tramways are run and the lease shall also provide that the Manchester Corporation shall during the term pay all the costs and charges for maintenance renewal of the line and other works : A.D. 1903.

- (6) The lease shall contain all usual and proper clauses contained in tramway leases including clauses making the lessees responsible for all repairs and renewals to the tramway track and eighteen inches on either side of the outer rails and also providing for an efficient service the painting and repair of all posts and removal of snow from the tramway track and penny stages and through fares and the form of such lease shall in case of difference be settled by a conveyancing counsel to be appointed by the Board of Trade :
- (7) Before any tramway is opened for traffic within the rural district of Barton in any road not a county road the lessees or other persons constructing the same shall at their own expense widen the roads along which the same may be laid to a uniform width of not less than thirty-three feet of metalled carriageway where the tramway is to be laid as a double line and twenty-seven feet of metalled carriageway where it is laid as a single line with passing-places save and except that where owing to there being buildings opposite each other on both sides of the road the cost of purchasing land for such widening would be unreasonably excessive the Company shall on obtaining a certificate of exemption from the Barton Council be exempt from the obligations of this section :
- (8) In the event of the Barton Council not exercising the powers conferred upon it by this section the Manchester Corporation may within a period of three months after the expiration of the said period of twelve months give notice in writing under their common seal to the Company that the Manchester Corporation intend to exercise the powers and assume the obligations conferred or imposed on the Company by this Act in relation to the construction maintenance and user of so much of the tramways as are situate in the rural

A.D. 1903.

district of the Barton Council and the works connected therewith or incidental thereto (including the road widenings referred to in this section) then the powers of the Act in relation to such district shall and may be exercised by the Manchester Corporation and the purchase money which would have been payable to the Company by the Barton Council shall be paid by the corporation to the Company on demand. The provisions of section 35 (Power to corporation to purchase tramways outside the city) of the Manchester Corporation Tramways Act 1900 with necessary modifications shall extend and apply to such purchase provided that the period within which the authority may purchase the tramways in pursuance of section 43 of the Tramways Act 1870 shall not be less than thirty years :

(9) Notwithstanding anything in the Tramways Act 1870 to the contrary the Barton Council or the Manchester Corporation when the tramways are leased to them in pursuance of the provisions of this section or in the event of the Manchester Corporation exercising the option by this section reserved to them of exercising the powers of the Company for the construction and maintenance of the tramways may subject to the provisions of this Act place and run carriages on and may work and may demand and take the tolls and charges in respect of the tramways provided by this Act in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power but nothing in this section shall authorise the Barton Council or the Manchester Corporation to create or permit a nuisance :

(10) In the construction and maintenance of the tramways due provision shall be made for the junction of all the lines for the purpose of continuous traffic.

For protection of Stretford Urban District Council.

85. For the protection and benefit of the urban district council of Stretford (herein referred to as "the Stretford Council") the following provisions shall unless otherwise agreed have effect (that is to say) :—

(1) The Company shall not commence the construction of any tramways in the urban district of Stretford until the expiration of fifteen months after the passing of this Act :

- (2) If within twelve months after the passing of this Act the Stretford Council give notice in writing under their common seal in pursuance of a resolution passed in manner provided by Part III of Schedule A of the Tramways Act 1870 to the Company of their desire to exercise the powers and assume the obligations conferred or imposed on the Company by this Act in relation to the construction maintenance and user of so much of the tramways as are situate in the urban district of Stretford and shall cause a copy of such notice to be published within the like period once in the London Gazette the rights powers and authorities conferred by this Act on the Company as to the construction maintenance and user of the said tramways within such urban district and the works connected therewith or incidental thereto except those relating to the constitution and capital of the Company shall be transferred to and vested in and may thenceforward be exercised by the Stretford Council in like manner as if the Stretford Council had been in the first instance authorised by this Act to construct maintain and use the same and the works in connexion therewith and this Act shall be construed accordingly save as regards the restriction in subsection (1) of this section which shall not apply to the Stretford Council:
- (3) If the Stretford Council elect to be substituted in place of the Company under and in accordance with subsection (2) of this section they shall forthwith after giving such notice in writing pay to the Company the agreed expenses per mile of single track in accordance with the basis set forth in the Second Schedule to this Act:
- (4) The Stretford Council may with the sanction of the Board of Trade borrow for the purposes of this section and for such other purposes of this Act as may be exercised by them such sum or sums of money as may be necessary and the provisions of section 20 of the Tramways Act 1870 with necessary modifications shall be applicable to such borrowing and the Board of Trade may fix the period (not exceeding thirty years) within which the moneys so borrowed shall be repaid and the money so borrowed shall not be reckoned as money borrowed within the limit imposed by section 234 of the Public Health Act 1875:
- (5) If the Stretford Council exercise the powers conferred by this section they shall lease the tramways to the lord mayor aldermen and citizens of the city of Manchester (herein-after

A.D. 1903.

referred to as "the Manchester Corporation") for a term not exceeding twenty-one years or (at the option of the Stretford Council) for a term co-terminous with any lease already entered into or arranged for between the same parties with respect to other tramways in the urban district of Stretford and the Manchester Corporation shall accept such lease :

- (6) The lease shall contain such clauses and such terms and conditions as may be agreed or failing agreement as may be determined by the Board of Trade Provided that the Stretford Council shall have the option of applying to Parliament or the Board of Trade for powers to enable them to vary or alter the routes of the tramways connecting Urmston Lane with Chester Road :
- (7) In the event of the Stretford Council not exercising the powers conferred upon it by this section the Manchester Corporation may within a period of three months after the expiration of the said period of twelve months give notice in writing under their common seal to the Company that they intend to exercise the powers and assume the obligations conferred or imposed on the Company by this Act in relation to the construction maintenance and user of so much of the tramways as are situate in the urban district of Stretford and the works connected therewith or incidental thereto and in that event the powers of this Act in relation to such district shall and may be exercised by the Manchester Corporation and the purchase money which would have been payable to the Company by the Stretford Council under subsection (3) of this section shall be paid by the Manchester Corporation to the Company on demand The provisions of section 35 (Power to corporation to purchase tramways outside the city) of the Manchester Corporation Tramways Act 1900 shall extend and apply to such purchase provided that the period within which the local authority may purchase the tramways in pursuance of that section shall not be less than thirty years : .
- (8) Notwithstanding anything in the Tramways Act 1870 to the contrary the Stretford Council or the Manchester Corporation when the tramways are leased to them in pursuance of the provisions of this section or in the event of the corporation exercising the option in this section reserved to them may subject to the provisions of this Act place and run carriages on and may work and may

demand and take the tolls and charges in respect of the tramways provided by this Act in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power but nothing in this section shall authorise the Stretford Council or the Manchester Corporation to create or permit a nuisance :

- (9) If the Stretford Council shall construct works for the generation and supply of electricity and shall be able and willing to supply current for the purpose of working the tramways within their district and in connexion therewith then and in that event the current necessary for such purpose shall be taken by the corporation company or person working the tramways so far as the same are within the district of Stretford and in the event of such tramways being worked by the Manchester Corporation that corporation shall not use electric current generated by themselves for the purpose of working the tramways in the district of Stretford except only so long as the Stretford Council are unwilling or unable to give such supply :
- (10) In the construction and maintenance of the tramways due provision shall be made for the junction of all the lines for the purpose of continuous traffic Provided that in the event of the tramways being constructed by the Manchester Corporation or the Stretford Council the provisions of section 45 of the Manchester Corporation Tramways Act 1900 shall apply to any junction with the tramways within the urban district of Stretford :
- (11) If and when the tramways within the urban district of Stretford are constructed by the council they shall for all purposes form part of the tramway undertaking of the council authorised by the Stretford Tramways Act 1899 :
- (12) If any difference or dispute shall arise concerning the meaning or construction of this section or anything to be done thereunder the same shall be referred to and be determined by a single arbitrator to be appointed by the Board of Trade.

86. For the protection of the mayor aldermen and burgesses of the borough of Salford (herein-after referred to as "the Salford

For protection of Salford Corporation.

A.D. 1903. Corporation") the following provisions shall unless otherwise agreed in writing between the Salford Corporation and the Company apply and have effect :—

- (1) During the construction of the tramways the Company may if they think fit deviate in such places to such extent and in such manner as they may consider necessary for the purpose of avoiding interference with any mains pipes valves or apparatus belonging to the Salford Corporation :
- (2) Sections 30 32 and 33 of the Tramways Act 1870 with reference to gas mains pipes works or apparatus shall extend and apply to the Salford Corporation in like manner as the same apply to a company or person being the owner of gas mains pipes works or apparatus Provided that all works or interference with or in connexion with such gas mains pipes works or apparatus under section 30 of the Tramways Act 1870 or otherwise shall be made and executed by the Salford Corporation and not otherwise upon the request and at the cost of the Company :
- (3) The cost of constructing providing and laying any new gas mains pipes works or apparatus in substitution for any which may be rendered useless by the construction of the tramways and the value of any such mains pipes works or apparatus rendered useless or unproductive to the Salford Corporation by the works authorised by this Act shall on demand and subject to credit being given for the value of the aforesaid matters so rendered useless to the Salford Corporation be repaid to the Salford Corporation by the Company Provided always that whenever any new gas main pipe work or apparatus of larger dimensions shall be substituted for any existing gas main pipe work or apparatus the Company shall (unless the increased dimensions be required by reason of the construction or existence of the tramways) only be required to pay the costs which would have been incurred by the substitution of a main pipe work or apparatus of equal dimensions with the existing main pipe work or apparatus :
- (4) If any difference arises between the Company and the Salford Corporation with respect to anything herein-before in this section contained such difference shall unless otherwise agreed be determined by an arbitrator to be appointed by the Board of Trade on the application of either party.

For protec-
tion and
benefit of

87. The following provisions for the protection and benefit of the lord mayor aldermen and citizens of the city of Manchester

(herein-after referred to as “the Manchester Corporation”) shall apply and have effect:—

A.D. 1903.

corporation
of Man-
chester.

- (1) Subject to the provisions of this Act the Company shall in the construction of the tramways deviate in such places to such extent and in such manner as the Manchester Corporation may certify in writing to be necessary for avoiding interference with any gas water or other mains pipes works or apparatus belonging to the Manchester Corporation :
- (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 Manchester Corporation with reference to the gas water or other mains pipes works and apparatus belonging to or under the control of the Manchester Corporation in like manner as the same apply to a company or person being the owner of gas water or other mains pipes works or apparatus Provided that all works or interference with or in connexion with such mains pipes or apparatus of the Manchester Corporation under section 30 of the Tramways Act 1870 or otherwise shall be made and executed by the Manchester Corporation and not otherwise upon the request and at the cost of the Company :
- (3) The cost of constructing providing and laying any new gas water or other mains pipes works or apparatus in substitution for any which may be rendered useless by the construction of the tramways and the value of any gas water or other mains pipes works or apparatus belonging to or under the control of the Manchester Corporation rendered useless to the Manchester Corporation by the works authorised by this Act shall on demand and subject to credit being given for the value of the aforesaid matters so rendered useless to the Manchester Corporation be repaid to the Manchester Corporation by the Company Provided always that whenever any new main pipe or apparatus of larger dimensions shall be substituted for any existing main pipe or apparatus the Company 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 those of the existing main pipe or apparatus :
- (4) Whenever in the execution of the powers in this Act contained it shall be necessary to alter or interfere with or

A.D. 1903.

disturb any of the gas water or other mains pipes works or apparatus belonging to or under the control of the Manchester Corporation such alteration in the position or otherwise of any such gas water or other mains pipes works or apparatus which may be required for the purposes of any works by this Act authorised shall be carried out by and under the direction of the Manchester Corporation but at the reasonable expense in all respects of the Company and the cost of any such pipes which shall be rendered useless shall be repaid by the Company to the Manchester Corporation :

- (5) The Manchester Corporation shall not be liable for and the Company shall indemnify the Manchester Corporation against all loss to the Company by reason of suspension of traffic and all accidents damages or injuries to the tramways works and property of the Company and the persons and property being conveyed on or using the same and all actions suits and costs in respect thereof which may either during the progress of the works of the Company or at any time hereafter be caused by the bursting breaking or leakage of or escape of gas or water or other matter from any main or pipe or other apparatus of the Manchester Corporation crossing or being underneath (either wholly or partially) or near to any tramway or work of the Company or which may have been affected by the works of the Company unless such damage or injury shall have arisen as the consequence of any wilful act or default of the Manchester Corporation or their officers or servants Provided always that the Manchester Corporation shall without unnecessary delay execute and do all things necessary to make good any such bursting breaking leakage or escape of gas and water and the cost thereof shall be paid by the Company except where such bursting breaking leakage or escape have been caused by the act or default of the Manchester Corporation or their officers or servants :
- (6) Before the commencement of the construction of any of the tramways by this Act authorised in the township of Davyhulme the Company shall furnish a plan and section showing in detail the intended works of the Company in relation to crossing the main outfall sewer and works of the corporation which pass under the Barton Road in the said township of Davyhulme to the corporation for the sanction and approval of the surveyor of the city of Manchester for the time being (herein-after referred to as "the city

surveyor”) who shall thereupon specify and describe the works requisite to be executed by the Company for the protection of the said outfall sewer and works and for enabling the same to be maintained and the works of the Company shall be executed in accordance with such requirements and not otherwise. Any additional cost to which the corporation may be put in the maintenance repair or renewal of the said outfall sewer and works in consequence of the works of the Company by this Act authorised shall be paid to the corporation by the Company in accordance with the certificate of the city surveyor and all works which the Company are hereby required to construct shall be maintained by them at their cost :

(7) If any difference arises between the Company and the Manchester Corporation with respect to anything hereinbefore in this section contained such difference shall unless otherwise agreed be determined by an arbitrator to be appointed by the Board of Trade on the application of either party after notice in writing to the other :

(8) Any tramways in the district of any local authority purchased by or leased to the Manchester Corporation or which such corporation shall be entitled to purchase or lease under the provisions of this Act shall for all purposes form part of the tramways undertaking of the Manchester Corporation and the expression “ tramway undertaking ” contained in section 2 of the Manchester Corporation Tramways Act 1899 and the powers contained in the Manchester Corporation Tramways Act 1900 of borrowing money for the purposes of their tramway undertaking shall be applicable.

88. The following provision for the protection of the Bucklow Rural District Council (in this section called “ the rural council ”) shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the rural council and the Company apply and have effect :—

For protection of Bucklow Rural District Council.

Before any tramway by this Act authorised to be laid in or along any road within the rural council’s district is opened for public traffic the Company shall at their own expense widen and make the roads along which such tramway shall be laid in accordance with plans to be submitted by the said rural council and agreed to by the Company. Provided that

A.D. 1903.

where owing to there being buildings opposite each other on both sides of the road the cost of purchasing land for such widening would be unreasonably excessive the Company shall on obtaining a certificate of exemption from the rural council under the hand of their clerk be exempt from the obligation of this section Any difference or dispute between the Company and the rural council which may arise as to whether such certificate should be given or otherwise in respect of this section shall be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board.

Compensation for damage by fusion &c.

89. The Company shall make full compensation for any loss or damage which may occur to any mains pipes and apparatus by fusion or electrolytic action caused by the exercise of any of the powers of this Act conferred upon the Company.

Provision as to purchase of tramways by local authorities.

90.—(1) The Company shall not commence the construction of any of the tramways in the district of any local authority named in Part II of the Second Schedule to this Act until the expiration of fifteen months after the passing of this Act.

(2) If within twelve months after the passing of this Act any local authority named in Part II of the Second Schedule hereto within whose district the tramways will be situate (in this section referred to as “the authority”) give notice in writing in pursuance of a resolution passed in manner provided by Part III of Schedule A of the Tramways Act 1870 to the Company of their desire to exercise the powers and assume the obligations conferred or imposed on the Company by this Act in relation to the construction maintenance and user of so much of the tramways as are situate in the district of such authority and shall also cause a copy of such notice to be published within the like period once in the London Gazette the rights powers authorities and obligations of the Company under this Act as to the construction maintenance and user of the said tramways within the district and the works connected therewith or incidental thereto except those relating to the constitution and capital of the Company shall be transferred to vested in and thenceforward be exercised by the authority in like manner as if the authority had been in the first instance authorised by this Act to construct maintain and use the said tramways within the district and the works in connexion therewith and this Act shall be construed accordingly save as regards the restriction in subsection (1) of this section which shall not apply to the authority.

(3) Any authority electing to be substituted in place of the Company under and in accordance with subsection (2) of this section shall forthwith after giving such notice in writing pay to the Company the agreed expenses per mile of single track in accordance with the basis set forth in the Second Schedule to this Act. The authority may with the sanction of the Board of Trade borrow for the purposes of this section and for such of the other purposes of this Act as may be exercised by them such sum or sums of money as may be necessary and the provisions of section 20 of the Tramways Act 1870 with necessary modifications shall be applicable to such borrowing.

(4) Any authority named in Part II of the Second Schedule exercising the powers conferred on them by this section shall lease the tramways so to be constructed by such authority to the lord mayor aldermen and citizens of the city of Manchester (herein-after referred to as "the Manchester Corporation") for a term exceeding twenty-one years but not exceeding forty-two years and the Corporation shall accept such lease the basis of the terms of such lease shall be as set forth in the Second Schedule to this Act.

(5) In the event of any authority named in Part II of the Second Schedule hereto not exercising the powers conferred upon them by this section the Manchester Corporation may within a period of three months after the expiration of the said period of twelve months give notice in writing under their common seal to the Company that the Manchester Corporation intend to exercise the powers and assume the obligations conferred or imposed on the Company by this Act in relation to the construction maintenance and user of so much of the tramways as are situate in the district of such authority and the works connected therewith or incidental thereto and the powers of this Act in relation to such district shall and may be exercised by the Manchester Corporation and the purchase money which would have been payable to the Company by the authority under subsection (3) of this section shall be paid by the Manchester Corporation to the Company on demand. The provisions of section 35 (Power to corporation to purchase tramways outside the city) of the Manchester Corporation Tramways Act 1900 with necessary modifications shall extend and apply to such purchase. Provided that the period within which the authority may purchase the tramways in pursuance of section 43 of the Tramways Act 1870 shall be thirty years in lieu of twenty-one years named in that section.

(6) Notwithstanding anything in the Tramways Act 1870 to the contrary the authority or the Manchester Corporation when the

A.D. 1903. tramways are leased to them in pursuance of the provisions of this section or in the event of the Manchester Corporation exercising the option by this section reserved to them of exercising the powers and assuming the obligations conferred or imposed upon the Company for the construction maintenance and user of the tramways may subject to the provisions of this Act place and run carriages on and may work and may demand and take the tolls and charges in respect of the tramways provided by this Act in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power but nothing in this section shall authorise any authority or the Manchester Corporation to create or permit a nuisance.

(7) In the construction and maintenance of the tramways due provision shall be made for the junction of all the lines for the purpose of continuous traffic.

Provisions as
to tramways
in Sale.

91. Notwithstanding anything contained in this Act the following provisions shall apply and have effect with respect to so much of the undertaking as will be situate in the district (in this section called "the district") of the Sale Urban District Council (in this section called "the council") :—

(1) In this section the expression "the Sale undertaking" means so much of the undertaking as is situate in the district and includes all powers conferred upon the Company by this Act in relation thereto with regard to the construction maintenance working and use of the tramways and other works in the district the acquisition of lands and all other powers rights privileges and obligations by this Act conferred upon the Company in respect of the Sale undertaking :

(2) The powers in this Act contained for the construction of the tramways within the district shall be suspended for a period of six months from the passing of this Act and the council if they so determine by a resolution passed in manner provided by Part III of Schedule A of the Tramways Act 1870 may within that period intimate to the Company by notice in writing the desire of the council to be substituted in the place of the Company for the purposes of this Act so far as the same relates to the Sale undertaking and the council shall also cause a copy of such notice to be published within the like period once in the London Gazette and

thereupon all the rights powers and authorities conferred by this Act on the Company in relation to the Sale undertaking shall subject to the provisions herein-after contained be transferred to and vested in and may thenceforward be exercised by the council in like manner as if the council had been in the first instance authorised by this Act to exercise the said rights powers and authorities and this Act shall be construed accordingly :

(3) The council shall after giving such notice in writing and out of the first moneys borrowed by them under the powers of this Act pay to the Company a proportion of the costs of the promotion of the Bill for this Act such proportion to be ascertained in manner following (that is to say) there shall be added together—

(A) The promoters' out-of-pocket expenses (excluding parliamentary deposit) with the addition of five per centum interest thereon and including difference of interest on deposit;

(B) The solicitors' taxed costs in connexion with the promotion of the Bills such costs to include the cost of lithographing the parliamentary plans; and

(C) The engineers' and all other costs to be a sum equal to one per centum on the parliamentary estimates and to include all charges of the engineers for the preparation of the parliamentary plans estimates and other work;

And of the sum so arrived at such proportion shall be taken as corresponds with the ratio which the total length of the tramways within the district (measured by taking the aggregate length of each track where the tramway is in double line) bears to the total length of tramways (measured in the same manner) authorised by this Act The said proportion of costs shall be included as cost of construction of tramways by the council :

(4) If the council elect to be substituted in place of the Company as aforesaid the council shall forthwith thereafter commence to construct the said tramways and shall within two and a half years after the passing of this Act complete the same For the purposes of this section the construction of the said tramways shall include the erection and equipment of all works necessary or convenient for or in connexion with the construction and working of the said tramways in under or over the roads within the district and all widenings of roads and bridges authorised by this Act in connexion

A.D. 1903.

therewith or which may be agreed between the lord mayor aldermen and citizens of the city of Manchester (herein-after in this section referred to as "the corporation") and the council but shall not include the provision of rolling stock. The council may employ the corporation or any other company or person to execute the works aforesaid provided that if the corporation are not so employed the corporation shall be entitled at their own cost to approve all specifications of the work and to supervise the execution thereof. The council shall not be obliged to construct a double line in any part of Northenden Road except where necessary for passing-places:

- (5) When the said tramways shall have been completed by the council the council may and shall forthwith at the cost of the corporation cause to be prepared and execute a lease of the Sale undertaking (exclusive of any lands acquired for the purposes of any widening authorised by this Act) to the corporation for the term of thirty-five years and at such rents and upon such conditions as may be agreed upon:
- (6) The council may borrow under and according to the provisions contained in section 20 of the Tramways Act 1870 for such of the purposes of this Act as may be exercised by the council such sum or sums of money as may be necessary for such purposes and section 20 of the Tramways Act 1870 is hereby incorporated with this Act for the purposes of this section. Provided always that notwithstanding anything contained in that section the period for repayment of moneys borrowed under this section shall be thirty years and the first instalment to be paid under that section need not be paid until the expiration of two years from the date of borrowing:
- (7) In the event of the council not exercising the powers conferred upon them by this section the corporation may within a period of three months after the expiration of the said period of six months give notice in writing under their common seal to the Company that the corporation intend to exercise the powers and assume the obligations conferred or imposed on the Company by this Act in relation to the construction maintenance and user of so much of the tramways as are situate in the district and the works connected therewith or incidental thereto and thereupon the powers of this Act in relation to the district shall and may be exercised by the corporation and the purchase

money which would have been payable to the Company by the council under subsection (3) of this section shall be paid by the corporation to the Company on demand :

The provisions of section 35 (Power to corporation to purchase tramways outside the city) of the Manchester Corporation Tramways Act 1900 with necessary modifications shall extend and apply to any purchase The period within which the council may then purchase the tramways in pursuance of section 43 of the Tramways Act 1870 shall be thirty-five years in lieu of twenty-one years named in that section :

- (8) During the continuance of any lease granted in pursuance of this section and subject to the provisions thereof the corporation may exercise the rights powers and privileges and shall perform and be subject to the duties restrictions and obligations conferred or imposed upon the council in respect of the said tramways otherwise than as local or road authority by the provisions of this Act or of the enactments incorporated therewith and the council shall be entitled to and may exercise any rights powers and privileges conferred upon them by such provisions whether as local authority or road authority and such provisions shall be construed accordingly :
- (9) The council may so long as the tramways remain leased to the corporation between the hours of midnight and five o'clock in the morning and in such manner as not to unduly impede obstruct or interfere with the ordinary traffic on the tramways use in a proper and workmanlike manner the tramways by carriages reasonably approved by the corporation moved by horses or otherwise for the removal of nightsoil and house refuse or other sanitary purposes and for the conveyance of scavenging stuff road metal and other materials required for the works of the council including any gas water and electricity works of the council free of all tolls and charges in respect of such use Provided that nothing in this section shall entitle the council to use or employ any carriages trucks horses electrical current or other power of the corporation or any officers or servants of the corporation and the council shall indemnify the corporation against any damage done to the corporation by such user beyond fair wear and tear :
- (10) The council shall upon giving reasonable notice in writing to the corporation have the right to use any posts standards

A.D. 1903.

or brackets erected in the streets within the district for the support of any electric wires or lamps for electric or gas lighting or so far as this can be arranged without serious inconvenience to the corporation for the ventilation of sewers and any additional cost which may thereby be imposed upon the corporation shall be from time to time repaid to the corporation by the council :

The council shall make good any damage done by them or their workmen servants or agents to any such posts standards and brackets or to the corporation's wires and fittings suspended therefrom or affixed thereto and shall indemnify and save harmless the corporation from all claims and demands actions costs and expenses which the corporation may incur to third parties by reason of or arising out of such user :

- (11) The street or road opposite to every place of worship and for the distance of one chain on each side of the building shall if the council require it for the width maintainable by the corporation be paved with wood setts and bells on the tramcars shall not be sounded on Sundays whilst passing any place of worship during the hours of Divine Service :
- (12) If the tramways authorised to be constructed under this Act shall pass over or interfere with any manhole surface or foul water sewer or drain which it would be dangerous or inconvenient to retain in its position under the said tramways the corporation shall at their own expense take up such manhole surface or foul water sewer or drain and relay or replace the same in the part of the road not occupied by the said tramways to the reasonable satisfaction of the surveyor to the council :
- (13) Any question which may arise between the council and the corporation with reference to this section or anything to be done or not to be done thereunder shall (unless otherwise agreed or otherwise expressly provided by this section) be determined by an arbitrator to be appointed in default of agreement by the Board of Trade :
- (14) The corporation and the council may by agreement under seal alter or modify any of the provisions of this section :
- (15) The corporation shall at all times after the opening of the tramways or any portion thereof for public traffic provide such service of cars thereon as may be reasonably required in the public interests including at least unless the council otherwise agree runnings at intervals not greater than ten

minutes between the hours following (that is to say) Seven and half-past nine in the morning twelve and two in the afternoon and five and seven in the evening Any question which may arise as to the service of cars required in the public interests shall be determined by an arbitrator to be appointed in default of agreement by the Board of Trade.

A.D. 1903.

92.—(1) The Company may subject to the provisions of this Act enter into agreements with the road authority with respect to the forming laying down maintaining renewing repairing working and using of the tramways and the rails plates sleepers posts wires apparatus and works connected therewith and for facilitating the passage of carriages and traffic over and along any roads or streets upon or along which any of the tramways are intended to be laid or any part thereof.

Agreements with road authority.

(2) The Company on the one hand and the road authority on the other hand may enter into and carry into effect agreements with respect to the cost of widening and improving by the road authority of any roads streets bridges courts passages and footpaths within the district of such authority and as to the contribution by the Company towards the moneys to be expended on such works and the payment of any sums payable under this section by the Company to the road authority shall be deemed a purpose of this Act to which capital is properly applicable.

93. Notwithstanding anything in this Act contained the period for the repayment of the money which the Board of Trade may sanction for the purposes of street works by this Act authorised (including therein the rebuilding or alteration of any bridge) shall be fifty years and the provisions herein or in the Tramways Act 1870 contained whereby borrowing for the purposes of this Act is restricted to thirty years shall not be applicable to money borrowed for such street works.

As to period for repayment of borrowed moneys for street works.

94. The Company may with respect to any tramways in any neighbouring district which can be worked in connexion with the Company's tramways enter into and carry into effect contracts and agreements with the local authority of such district or with any body or company with respect to all or any of the following matters (that is to say):—

Company and local authorities may contract to lease tramways in neighbouring districts.

The lease working use management and maintenance by the contracting parties of all or any of the tramways in their respective districts and the works connected and used therewith or any part or parts thereof respectively;

The making of all necessary junctions;

A.D. 1903.

The supply and maintenance under any agreement for all or any of the respective tramways of the contracting parties being worked and used by any one or more of them of rolling stock plant machinery and electrical energy necessary for the purposes and during the continuance of such agreement ;
 The appointment and removal of officers and servants ;
 The payments to be made and the conditions to be performed in respect of the matters aforesaid ;
 The interchange accommodation conveyance transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties ;
 The division and apportionment of the revenue arising from such traffic and the payment of any fixed or contingent rent ; and
 The giving and taking of guarantees against any loss arising by reason of any such agreement and the paying out of their respective rates of any loss arising by reason of such guarantees.

Junctions with other tramways.

95. The Company may form junctions between the tramways and any tramways which can be worked in connexion therewith but only with the consent of the owners and lessees of such tramways.

Agreements with local authorities as to supply of electrical energy.

96. The Company may subject to the provisions of this Act enter into agreements with the local authority of any district in which any of the tramways may be situate or any company or person for or with respect to all or any of the following purposes and all matters incidental thereto (that is to say) :—

- (1) The supply to the Company by the local authority company or person of electrical energy for working any tramways which may for the time being be worked by the Company by electrical power under the foregoing provisions of this Act or otherwise. Provided that any supply of electrical energy by any such local authority company or person to the Company shall be subject to the provisions of the respective Acts or Orders under which such local authority company or person may be empowered to supply electrical energy :
- (2) The payments to be made or other consideration to be given in respect of any such supply.

Agreements with local authorities as to removal of dust.

97. The Company on the one hand and the local authority of any district in which any of the tramways may be situate on the other hand may enter into and carry into effect agreements for or with respect to the removal and disposal of dust refuse nightsoil and other things and the provision management and control of depôts in connexion therewith.

98. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other tramway or to execute any other work or undertaking.

A.D. 1903.
Deposits for
future Bills
not to be
paid out of
capital.

99. Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum rates of fares or charges authorised by this Act.

Provision as
to general
Tramway
Acts.

100. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Costs of Act.

A.D. 1903.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

DESCRIBING PROPERTIES WHEREOF PARTS ONLY ARE REQUIRED
TO BE TAKEN.

Tramway.	Borough or Parish.	Nos. on deposited Plans.
2	Davyhulme - - -	10 11 13 14 15 16 17 18 19 20 21 22 23 24 26 27 28 29 30 31 32 35 36 37 38 39 40 41 42 43 44 45 45 47 48 49 50.
		Urmston - - - 11 12 13 14 16A 21 23 24 30 32 33 34 35 37 38 41 42 43.
8	Davyhulme - - -	3 5 6 7 8.
		Sale - - - 2 3 4 24 27.
1	Ashton-upon-Mersey - - -	2 3.
2	Northenden - - -	15 16 17 20 22 and 23.
		Northen Etchells - - - 1 2 3 4 5 6 7 8 9 10 10A 11 12.
3	Sale - - -	64 65.
		Timperley - - - 1 2 3.

THE SECOND SCHEDULE.

PART I.

BASIS OF PURCHASE AND OF LEASE.

1. The total costs and expenses in connexion with the promotion of the Bill are to be ascertained as follows:—

- (A) The Promoters' out-of-pocket expenses with the addition of five per centum interest thereon:
- (B) The solicitors' taxed costs in connexion with the promotion of the Bill such costs to include the cost of lithographing the parliamentary plans:
- (C) The engineers' and all other costs to be a sum equal to one per centum on the parliamentary estimates This sum to include all charges of the engineers for the preparation of the parliamentary plans estimates and other work:

(D) Interest at the rate of five per centum on the parliamentary deposit less the interest received by the promoters from any investment of such deposit.

A.D. 1903.

The total expenses included under the above heads are to be divided by the total number of miles of single track authorised by the Bill and the quotient is to be taken as the agreed expenses per mile of single track in connexion with the promotion of the Bill.

The lease of the tramways in the authority's district shall be upon such terms and conditions as may be agreed between the authority and the corporation or failing agreement as may be determined by the Board of Trade the rental to be such a sum per annum as will pay off the whole of the capital outlay on the tramways within the term of the lease.

SUPPLEMENTAL BASIS AS REGARDS THE FOLLOWING AUTHORITY.

In the case of the Urmston Urban District Council mentioned in Part II. of this schedule the following provision shall have effect :—

The capital outlay shall include the costs of all road widenings including the widening of the bridge under the section of this Act whereof the marginal note is "For protection of Cheshire Lines Committee" which are to be done as the Manchester Corporation and the Urmston Council shall mutually agree and failing agreement as may be decided by the Board of Trade and also all the costs of the Urmston Council of and incidental to their opposition to the above Bill from the beginning and the further costs they may be put to in seeing the Bill through Parliament and all costs of and incidental to the acquisition of land for road widenings.

PART II.

LIST OF AUTHORITIES.

LANCASHIRE.

Urmston - - - - Urban District Council.

CHESHIRE.

Ashton-upon-Mersey - - - Urban District Council.

Cheadle and Gatley - - - Urban District Council.

Bucklow - - - - Rural District Council.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the King'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
OLIVER AND BOYD, EDINBURGH; or
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.