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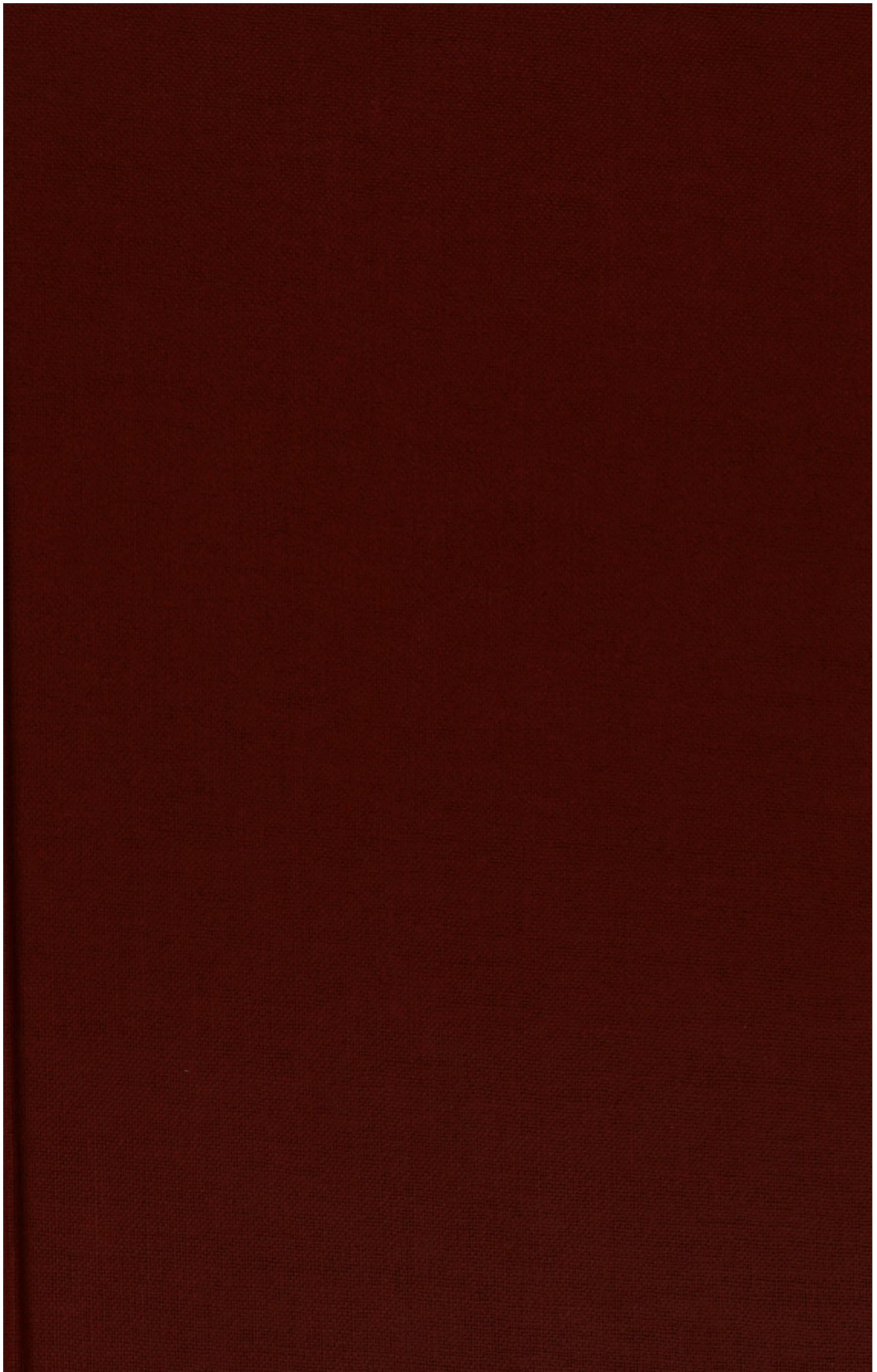
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THE
SESSIONAL PAPERS

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THE HOUSE OF LORDS,

OR PRESENTED BY ROYAL COMMAND,

IN THE

Session 1905,

(5 EDWARD VII.)

ARRANGED IN VOLUMES.

VOL. VII.

PUBLIC BILLS,

(Four Volumes.)

CONCLUDED.

THE SUBJECTS ALPHABETICALLY ARRANGED:

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1905.

PUBLIC BILLS, 1905.

(FOUR VOLUMES.)

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A

B I L L

INTITLED

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Craster and Tralee and Fenit. A.D. 1905.

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

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

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and 10 Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the said 15 schedule shall from and after the passing of this Act have full validity and force. Confirmation of Orders in schedule.

2. The Undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders purchase or acquire in any borough or other urban district or in any parish 20 or part of a parish not being within an urban district as the case may be ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which Special provisions as to houses of labouring class.

(60.)

A

A.D. 1905. were not so occupied on the said fifteenth day of December but
 have been or shall be subsequently so occupied.

If any undertakers acquire or appropriate any house or houses
 under the powers of this Act or of the said Orders in contravention
 of the foregoing provision they shall be liable to a penalty of five 5
 hundred pounds in respect of every such house which penalty shall
 be recoverable by the Local Government Board by action in the
 High Court in England or Ireland 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. 10

For the purposes of this section the expression "labouring
 class" means mechanics artizans 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 15
 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 and the expression "house" means
 any house or part of a house occupied as a separate dwelling.

Short title.

3. This Act may be cited as the Pier and Harbour Orders 20
 Confirmation (No. 1) Act 1905.

The SCHEDULE OF ORDERS.

CRASTER—Construction of Harbour &c.

TRALEE AND FENIT—Constitution of Commissioners &c.

CRASTER HARBOUR. A.D. 1905.

Provisional Order under the General Pier and Harbour Acts. Craster.

Preliminary.

- 1. This Order may be cited as the Craster Harbour Order 1905. Short title.
- 5 2. This Order shall come into operation upon the day when the Act confirming this Order is passed and that day is in this Order referred to as "the commencement of this Order." Commencement.
- 10 3. Thomas William Craster of Craster Tower in the County of Northumberland and his heirs and assigns owner and owners for the time being of the estate known as South Craster shall be the Undertakers for carrying this Order into execution and are in this Order referred to as the Undertakers. Undertakers.

Acquisition of Lands.

- 15 4. The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are hereby incorporated with this Order and for the purposes of that incorporation the term "Special Act" in those Acts shall mean this Order. Incorporation of Lands Clauses Acts.
- 20 5. For the purposes of the works authorised by this Order the Undertakers may purchase by agreement and use all or such parts of the lands shown on the plan deposited for the purposes of this Order as they may think requisite for the purposes of those works. Power to take lands by agreement.
- 25 6. 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 this Order grant any easement right or privilege (not being an easement right or privilege of water in which other persons than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands 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. Power to take easements by agreement.
- 30

Limits.

- 35 7.—(1) The limits within which the Undertakers shall have authority and within which the powers of the harbour master may be exercised shall comprise the area enclosed by an imaginary line commencing on a point at high-water mark five hundred and thirty feet or thereabouts north of the northernmost cottage in the village of Craster existing at the commencement

A.D. 1905. of this Order and extending in an easterly direction to the outer side of Little Carr Rock thence in a southerly direction to the northernmost end of Muckle Carr Rock and thence in a southwesterly direction to a point at high-water mark three hundred feet or thereabouts south of the "Jolly Fisherman" public-house which limits are in this Order termed "the limits of this Order." 5

Craster.

(2) A map or plan showing "the limits of this Order" having been signed in triplicate by an Assistant Secretary to the Board of Trade one copy thereof shall within two weeks after the commencement of this Order be deposited at the office of the Board of Trade another copy thereof shall be deposited with the clerk of the peace for Northumberland and another copy thereof shall be deposited at the office of the Undertakers. 10

(3) In case of any discrepancy with the limits delineated on the said map or plan and the limits described in the first subsection of this section the said map or plan shall be deemed to be correct and shall prevail. 15

(4) The limits within which the power to levy rates may be exercised (herein-after termed "the rating limits") shall comprise the north and south piers by this Order authorised to be made and the area lying within two hundred feet measured seaward from any part of those piers or either of them. 20

Works and Powers.

Power to construct works.

8. Subject to the provisions of this Order and subject also to such alterations (if any) in the plan and sections deposited with reference to this Order as the Board of Trade may require before completion of the works the Undertakers may on the lands belonging to them or acquired under this Order and in the lines and according to the levels and within the limits of deviation shown on the deposited plan and sections make and maintain the works authorised by this Order. 25

Description of works.

9. The works authorised by this Order are :—

- (a) A road commencing at a point two hundred and thirty feet or thereby in a southerly direction measuring from the north end of the northmost cottage in the village of Craster existing at the commencement of this Order in the row of cottages which face the sea and measuring thirty-five feet or thereby in an easterly direction from the east side of the said row of cottages and continuing for seventy feet or thereby in a south-easterly direction. 30 35
- (b) A north pier or breakwater commencing at the end of the road aforesaid and continuing for two hundred and ten feet or thereby in a south-easterly direction and terminating at about low-water mark of ordinary spring tides. 40
- (c) A south pier or breakwater commencing at a point thirty-five feet or thereby measuring in an easterly direction from the north-east corner of the eastmost outbuilding on the south side of

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(No. 1).

5

the present haven and at right angles to the east side of the said outbuilding and extending for one hundred and fifty feet or thereby in a north-easterly direction and from thence for seventy feet or thereby in a northerly direction and terminating at about low-water mark of ordinary spring tides.

A.D. 1905.

Craster.

5

(d) The excavation to the level of low water of spring tides of half an acre or thereby in area of the present haven inside of the intended piers or breakwaters.

10 The south pier will be wholly solid. The north pier is to be formed of inner and outer walls with cross walls at intervals and the spaces between will be filled with rubble stone and sand and covered with concrete.

10. In constructing the works authorised by this Order the Undertakers may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation marked on the deposited plan and may with the like consent deviate vertically to any extent.

Power to deviate.

11. The Undertakers may maintain and improve the above works.

Power to maintain and improve works.

12. No part of the works authorised by this Order below high-water shall be commenced without the consent in writing of the Board of Trade and those works shall be executed only in accordance with the terms of such consent.

Consent of Board of Trade to works.

13.—(1) The Undertakers may within the limits of this Order deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the piers for vessels using the same.

Power to dredge.

25 (2) All sand mud and other materials dredged up or removed within the limits of this Order shall be the property of the Undertakers and they may sell or otherwise dispose of or remove or deposit the same as they think fit Provided that no sand mud stone or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained.

30 (3) All money arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the revenue received from rates under this Order is to be applied.

35 14. The Undertakers may for the purposes of this Order provide purchase lease or hire such steam or other dredgers engines tugs lighters or other vessels diving bells tools plant or other materials as they may think fit and may demand and receive such reasonable sums for the use of the same as they may think fit or may sell or dispose of the same and the money realised by any sale thereof shall be applied towards carrying into effect any of the purposes of this Order to which capital is properly applicable.

Power to purchase or hire dredgers &c.

40 15. The Undertakers shall have the appointment of meters and weighers within the limits of this Order.

Meters and weighers.

A.D. 1905.

Craster.
Powers to
cease in cer-
tain events.

16.—(1) If within two years from the commencement of this Order the works authorised by this Order are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for the commencement of the works be extended by the special direction of the Board of Trade. 5

(2) If the works authorised by this Order shall after having been substantially commenced are virtually suspended for twelve consecutive months the powers by this Order given for executing those works or otherwise in relation thereto shall cease except as to so much of those works as has then been completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the commencement of this Order. 10

(3) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate. 15

Power to make
byelaws.

17.—(1) Without prejudice to the power to make byelaws conferred by Section 83 of the Harbours Docks and Piers Clauses Act 1847 the Undertakers may make byelaws for the regulation and control of vessels and boats within the limits of this Order and for the regulation and control of the fishermen and others frequenting or resorting to or employed at the piers or within the limits of this Order. 20

(2) The byelaws may provide for imposing and recovering a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws. 25

(3) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

(4) Sections 84 and 85 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order. 30

Rates.

Power to levy
rates.

18. When in addition to the certificate to be granted under Section 26 of the Harbours Docks and Piers Clauses Act 1847 a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary for the due execution of the works authorised by this Order have been given the Undertakers may within "the rating limits" subject and according to the provisions of this Order demand receive and recover for the use of those works and the conveniences connected therewith and in respect of vessels boats persons goods animals fish and things and for services described in the schedule to this Order any rates not exceeding those specified in that schedule. 35 40

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19. If it is at any time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade but to be paid by the Undertakers that the works authorised by this Order have been so far completed as to afford increased accommodation for the landing and embarking or the shipping and unshipping of passengers animals or goods by means of those works the Undertakers may notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by this Order have not then been completed demand recover and receive such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as will in the opinion of the Board be commensurate with the increased accommodation afforded.

A.D. 1905.
Craster,
Rates may be levied though works not completed.

20. The Undertakers may confer vary or extinguish exemptions from and compound with any person with respect to the payment of the rates or charges authorised by this Order but so that no preference be in any case given to any person over any other person using the works under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Order.

Power to vary exemptions and compound for rates.

21.—(1) The Undertakers may lease for any term not exceeding seven years the rates and charges authorised by this Order to be taken upon such terms (pecuniary or otherwise) and under such restrictions and conditions as they may think fit.

Power to lease undertaking or rates.

(2) Where the rates or other charges are leased under this section the lessee during the continuance of his lease shall have and may exercise all or any of the powers conferred upon the Undertakers by this Order (including powers of levying and recovering rates and charges) which the Undertakers have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and this Order and shall be subject to the same provisions as to accounts and otherwise as the Undertakers are made subject to under this Order.

22. The Undertakers may (so far as the rates specified in the schedule to this Order do not extend) demand and recover such rates or other consideration as they may think reasonable for the use of any warehouses sheds buildings yards weighing machines mooring posts cranes buoys works and conveniences belonging to or provided by the Undertakers or in respect of any services rendered by them in connection with the landing and storage of goods animals fish and things.

Rates for warehouses &c.

23. The master or owner of any vessel with a take or cargo of fish shall on the arrival of the vessel within the limits of this Order forthwith furnish to the collector of rates a true and accurate statement of his take or cargo of fish and the name of every person obtaining delivery thereof If the master or owner of a vessel fails to comply with this section he shall for each offence be liable to a penalty not exceeding ten pounds.

Master of fishing vessel to report take of fish.

24. The harbour master may prevent the removal or sailing from within the limits of this Order of any vessel in respect of which or of the goods imported or exported therein any rates are payable until evidence has been

Harbour master may prevent sailing of vessels.

- A.D. 1905. produced to him of the payment of those rates to the collector and in case of
Craster. a vessel with a take or cargo of fish until the master or owner of the vessel
 has given in the account of his take or cargo of fish required by this Order.
- Certain fishing vessels under stress of weather exempt from rates. 25. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges those vessels when 5
 forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of weather to come within the rating limits or make use of the piers or either of them and not breaking bulk while within the rating limits be exempt from rates leviable under this Order. 10
- Exemption of lifeboat crew. 26. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and all persons brought ashore from any vessel in distress 15
 shall at all times have free ingress passage and egress to along and from the premises and works belonging to the Undertakers.
- Application of rates received. 27. The revenue received from rates or otherwise under this Order shall be applicable for the purposes and in the order following and not otherwise:— 20
 (1) In payment of the costs of and connected with the preparation and making of this Order.
 (2) In payment of the expense properly chargeable to revenue of the maintenance repair and management of the undertaking and all conveniences connected therewith.
 (3) The surplus (if any) shall belong to the Undertakers absolutely. 25
- Board of Trade may reduce rates. 28. If at any time the clear annual income derived from the rates and charges authorised by this Order on the average of the then three last preceding years after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed exceeds interest at the rate of ten pounds per centum per annum on the entire sum 30
 from time to time appearing to the Board of Trade to have been expended by the Undertakers in executing the works authorised by this Order the Board of Trade may if in their discretion they think fit reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per centum per annum and 35
 may again at any time raise the rates to any amount not exceeding the rates specified in the schedule to this Order.
- Annual account to be sent to Board of Trade. 25 & 26 Vict. c. 19. 29.—(1) The Undertakers shall within one month after sending to the clerk of the peace the copy of their annual account in abstract send a copy of the same to the Board of Trade and the sixteenth section of the General 40
 Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.
 (2) The account shall be made up to the end of the thirty-first day of March in each year.

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9

(3) The Undertakers shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this section.

A.D. 1905.

Craster.

Life-Saving Apparatus.

- 5 30.—(1) Sections 16 to 19 inclusive of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order.
- (2) The Undertakers shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near one of the piers and build on that site a house or other
- 10 proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.
- (3) If the Undertakers fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.
- 15 31. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of each of the piers spars and other apparatus for saving life and may also either in course of using or of exercising the
- 20 apparatus for saving life fire rockets over the piers or either of them.
32. The Undertakers shall at all times keep at convenient places on each of the piers and in obedience to any requirements which may from time to time be made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use.

Portions of Harbours Clauses Act excepted. 10 & 11 Vict. c. 27.

Life-saving apparatus may be attached to pier.

Lifebuoys to be kept.

25

Lights.

- 33.—(1) Before commencing the works authorised by this Order the Undertakers shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards from time to time given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works.
- 30
- (2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any directions so given.
- 35
- 34.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Undertakers shall exhibit at the outer extremity of each of the piers or the completed portions thereof or in such other places as may be required from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and shall take such other steps for the prevention of danger to navigation as shall
- 40

Lights during construction of works.

Lights after completion of works.

(60.)

B

A.D. 1905. from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for such directions.
Craster.

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such direction. 5

As to buoys
and lights and
care in case of
decay of works.

35.—(1) In case of injury to or destruction or decay of the pier or any part thereof the Undertakers shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as may from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to the means to be taken. 10

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such direction.

Miscellaneous.

15

Application of
Harbours Clauses
Act 1847.
10 & 11 Vict. c. 27.

36. For all the purposes of the Harbours Docks and Piers Clauses Act 1847 this Order shall be deemed the Special Act.

Recovery of
penalties.

37. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847. 20

Exemptions
and savings for
Government
departments.

38. Sections 28 and 29 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order shall apply to and for the benefit of any Government department in the same manner as they apply to and for the benefit of the Government departments specially named in those sections.

Saving rights
of owners of the
Dunstanburgh
Castle Estate.

39. This Order shall not operate to take away or abridge such right title or interest (if any) as Arthur Henry Sharp Frederick Charles Marshall and Sir Jacob Wilson the present trustees of the will of the late Samuel Eyres deceased or other the owners or owner for the time being of the Dunstanburgh Castle Estate and of the manorial rights appurtenant to the manors of Stamford and Dunstanburgh Manor of Marske may have in to or over the foreshore within the limits of this Order Provided always that nothing herein contained shall be held to recognise or confirm any right title or claim of the said trustees or other the owners or owner aforesaid to the foreshore aforesaid but the right and title to such foreshore shall remain in the same state as if this Order had not been made. 25
30
35

Saving rights
of Crown.

40. Nothing in this Order shall effect prejudicially any estate right power privilege or exemption of the King's most Excellent Majesty and in particular nothing herein contained shall authorise the Undertakers to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any lands hereditaments subjects or rights of whatsoever description belonging to His Majesty in the right of His Crown and under the management of the Commissioners of 40

[5 EDW. 7.] *Pier and Harbour Provisional Orders* 11
(No. 1).

Woods or of the Board of Trade without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give). A.D. 1905.
Craster.

41. The works authorised by this Order shall be deemed to be for all purposes within the ecclesiastical parish of Embleton in the county of Northumberland. *Works to be in parish of Embleton.*

42. All costs charges and expenses of and incident to the preparing and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Undertakers. *Costs of Order.*

The SCHEDULE above referred to.

PART I.—TONNAGE DUTIES.

	£	s.	d.
15 For each vessel to or from any port or place on the East Coast of Scotland or England entering the rating limits to load or unload per register ton... ..	0	0	4
For each such vessel windbound or otherwise and not loading or unloading and not paying the aforesaid rate per register ton	0	0	2
20 For each steam tug entering the rating limits towing or to tow vessels each time	0	2	6
For each vessel to or from all other ports or places in Great Britain or Ireland per register ton	0	0	6
25 For each such vessel windbound or otherwise and not loading or unloading and not paying the aforesaid rate per register ton	0	0	3
For each vessel to or from foreign ports or places per register ton	0	0	6
30 For each such vessel windbound or otherwise and not loading or unloading and not paying the aforesaid rate per register ton	0	0	4
For each vessel leaving the rating limits and putting back by stress of weather without having accomplished the voyage no additional rate shall be charged on such return.			
35 For each vessel or boat remaining within the rating limits beyond a fortnight for each additional week after the first fortnight (a fraction of a week being considered as a week) per register ton	0	0	1

(60.)

B 2

A.D. 1905.		£	s.	d.
Craster.	For each pleasure boat coming within the rating limits :—			
	For cobbles or other small boats each time 6d. or per season	1	0	0
	For larger vessels each time 1s. or per season	1	10	0
	For steamers each time 2s. 6d. or per season	2	0	0 5

PART II.—RATES FOR VESSELS AND FISHING BOATS EXCLUSIVE
OF THEIR CARGOES.

Craster herring boats for the year each	2	10	0
Craster cobbles for the year	0	15	0
All other boats engaged in the herring fishery as composition in full of tonnage duty for the period of the herring season from 1st May to 1st October payable in advance for every foot in length of the boat over all	0	1	0 10
Every boat loading or discharging herrings not paying the aforesaid composition shall on each occasion of entering the rating limits pay	0	2	0 15
And when windbound or otherwise and not loading or discharging and not paying the aforesaid rate	0	1	6
Every boat engaged in the white fishery as a composition in full of tonnage duty for the period of the white fishery from 1st October to 1st May payable in advance for every foot in length of the boat over all	0	1	0 20
Every boat loading or discharging white fish not paying the aforesaid composition shall on each occasion of entering the rating limits pay	0	2	0 25
And when windbound or otherwise and not loading or discharging and not paying the aforesaid rate	0	1	6
Boats engaged in the crab and lobster fishery come under the above rates.			

PART III.—RATES ON ARTICLES OF IMPORT AND EXPORT
BY BOATS OR VESSELS.

	s.	d.
Ballast :—		
Inward whether landed or shifted into another vessel per ton	1	6
Outward whether taken out of another vessel or from the quay		35
or shore per ton	1	6
Barrels kits and boxes (empty) per dozen	0	3
Baskets hand per dozen	0	2
Bricks common per 1000	0	6
Bricks stock or fire flat or flooring per 1000	0	8 40
Canvas or sailcloth per 36 yards	0	1
Carriages or cart 2 wheels	1	6
Carriages or cart 4 wheels	3	0
Casks (empty) each...	0	2

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(No. 1).

		s.	d.	A.D. 1905.
	Casks if under 36 gallons	0	1	Craster.
	Cement and concrete of all kinds per ton	0	6	
	Coals per ton	0	6	
5	Cordage twine and netting per cwt.	0	1	
	Cork and corks per cwt.	0	2	
	Corn and grain of all sorts per quarter... ..	0	2	
	Fish viz.—			
	Herrings fresh when landed per barrel of 37½ gallons	0	1½	
10	Herrings cured export or import per barrel of 26¾ gallons	0	2	
	Salmon fresh salted or dried per cwt.	0	1½	
	Other fish fresh when landed per cwt.	0	1½	
	Other fish cured export or import per cwt.	0	1½	
	Fish offal and refuse per cwt.	0	0½	
15	Livers per cwt.	0	0½	
	Groceries of all sorts per cwt.	0	4	
	Hoops wooden per cwt.	0	0½	
	Hoops iron per cwt.	0	2	
	Household furniture per cwt.	0	3	
20	Husbandry implements and utensils per cwt.	0	2	
	Kipper box wood per 1000	1	6	
	Lime per ton	0	6	
	Manure street dung and the like per ton	0	1½	
	Mussels per ton	0	6	
25	Pit props per 120	0	1	
	Potatoes per ton	0	6	
	Sails per 50 yards	0	2	
	Salt per ton	0	6	
	Slates per ton	0	6	
30	Staves barrel per 120	0	1	
	Staves cutting or board ends per 1000	0	2	
	Stones viz.—			
	Rubble per ton	0	3	
	Road metal per ton	0	3	
35	Whinstone blocks per ton	0	3	
	All other kinds of stone per ton	0	3	
	Tiles drain tiles or pantiles per 1000	0	6	
	Wheels carriage or cart per pair	0	3	
	Wood on all timber of any denomination not otherwise charged per			
40	ton of 50 cubic feet	0	4	
	Wood mahogany per ton of 40 cubic feet	1	0	
	All heavy articles not particularly mentioned in schedule per ton	0	6	
	Every article however small not otherwise charged	0	0½	

A.D. 1905.

TRALEE AND FENIT PIER AND HARBOUR.

Tralee and Fenit.

Provisional Order for altering the constitution of the Tralee and Fenit Pier and Harbour Commissioners and the qualifications of Voters and Commissioners and for enabling the County Council of the County of Kerry to appoint additional Commissioners and for other purposes. 5

Short title.

1. This Order may be cited as the Tralee and Fenit Pier and Harbour Order 1905 and this Order and the Tralee and Fenit Pier and Harbour Order 1880 (in this Order called "the Order of 1880") and the Tralee and Fenit Pier and Harbour Order 1888 (in this Order called "the Order of 1888") as amended by this Order shall be read and construed together as one Order and the Order of 1880 the Order of 1888 and this Order may be cited together as the Tralee and Fenit Pier and Harbour Orders 1880 to 1905. 10

Commencement of Order.

2. This Order shall come into force upon the day when the Act confirming this Order is passed and that day is in this Order referred to as "the commencement of this Order." 15

Interpretation.

3. In this Order unless the subject or context otherwise requires the following expressions have the meanings hereby assigned to them (that is to say):— 20

"The Commissioners" means the Commissioners constituted by the Order of 1880 as amended by the Order of 1888 and this Order;

"The harbour" means and includes the pier and works authorised by the Order of 1880 and the area comprised within the limits prescribed by that Order and the ship canal and undertaking mentioned in section 4 of the Order of 1888 and the areas comprised within the limits prescribed by the Order of 1888. 25

Increase of number of Commissioners.

4. The number of the Commissioners shall be and is hereby increased from eleven to fourteen.

Appointment of Commissioners by Kerry County Council.

5.—(1) In addition to the Commissioners appointed or elected under the Order of 1880 as amended by the Order of 1888 and by this Order the County Council of the County of Kerry (hereinafter called "the County Council") may by resolution appoint not more than three persons who shall be members of the said County Council and who shall be ratepayers in that part of the said county upon which the guarantee for the harbour is charged and leviable to be Commissioners. The Commissioners so appointed are hereinafter called "County Commissioners." 30 35

(2) The first appointment of County Commissioners shall be made by the County Council at the first quarterly meeting of the County Council held next after the commencement of this Order. 40

[5 Edw. 7.] *Pier and Harbour Provisional Orders*
(No. 1).

15

(3) The County Commissioners shall hold office as Commissioners for and during the period of continuance in office of the then present County Council appointing them and thereafter the said appointment shall be made by each succeeding County Council by resolution at their respective first
5 quarterly meeting immediately following the election of such County Council and the persons appointed by each succeeding County Council to be Commissioners shall be Commissioners for and during the period of continuance in office of the County Council so appointing them.

A.D. 1905.
Tralee and Fenit.

(4) Whenever a vacancy is caused by death resignation or otherwise in
10 the office of any of the County Commissioners the County Council holding office for the time being shall thereafter as soon as conveniently may be appoint another person being a member of the County Council and being a ratepayer in such part of the said county as aforesaid to fill the vacancy and so from time to time and the person appointed to fill such vacancy shall hold
15 office as a Commissioner for and during the period of the continuance in office of the County Council so appointing him.

(5) It shall not be necessary to advertise the names of the persons from time to time appointed County Commissioners in any newspaper or otherwise.

20 6.—(1) Subsections 5 and 6 of section 2 of the Order of 1880 and section 2 of the Order of 1888 are hereby repealed.

Repeal of sub-
sections 5 and 6
of section 2 of
Order of 1880
and section 2 of
Order of 1888
and substitu-
tion of other
provisions.

(2) In lieu of and substitution for subsection 5 of section 2 of the Order of 1880 as amended by section 2 of the Order of 1888 the following subsection shall have effect :—

25 The two persons (being bonâ fide direct importers or direct exporters or partly direct importers and partly direct exporters of merchandise whether on their own behalf or for or on behalf of firms or companies of which they are respectively partners or directors and not otherwise)
30 who shall have paid dues on the largest number of tons not being less than five thousand tons of merchandise imported or exported or partly imported and partly exported into or from the harbour in the year ending the thirty-first day of December preceding the election of Commissioners (of which fact the books of the Commissioners shall be evidence) shall be Commissioners but such two persons shall not be
35 entitled to vote at the appointment or election of Commissioners under the next succeeding subsection of this section.

(3) In lieu of subsection 6 of section 2 of the Order of 1880 as amended by the Order of 1888 the following subsection shall have effect :—

40 All persons (other than the two persons mentioned in the last preceding subsection of this section) being bonâ fide direct importers or direct exporters or partly direct importers or partly direct exporters of merchandise whether on their own behalf or for or on behalf of firms or companies of which they are respectively partners or directors and not otherwise who shall pay dues on one thousand tons and upwards

A.D. 1905.
Tralee and
Fenit.

of merchandise imported or exported or partly imported and partly exported in the year ending the thirty-first day of December preceding the election of Commissioners shall be entitled to appoint from among themselves three Commissioners (hereinafter called "Trade Commissioners") who shall hold office for three years from the date of their election and so from time to time. Such persons shall be entitled to vote according to the following scale:—

If they pay dues on merchandise directly imported or directly exported or partly directly imported and partly directly exported as aforesaid into or from the harbour on one thousand to four thousand tons they shall have one vote;

If they pay dues on such merchandise as aforesaid on more than four thousand but not exceeding five thousand tons they shall have two votes;

If they pay dues on such merchandise as aforesaid on more than five thousand tons and upwards they shall have three votes.

Whenever a vacancy is caused by death resignation or otherwise in the office of Trade Commissioners the persons entitled to appoint as aforesaid shall appoint from among themselves another person to fill the vacancy and so from time to time. The books of the Commissioners shall be evidence as to the persons entitled to appoint as aforesaid and the Commissioners shall two weeks at least before every election of Trade Commissioners advertise a list of such persons in one or more newspapers published in Tralee.

(4) In the case of a firm or company no person not being a partner in the firm or a director of the company and not more than one member of the same firm or one director of the same company shall be a Commissioner under subsection 2 of this section or shall be eligible as or shall be appointed or elected a Trade Commissioner. Provided always that in the case of steamship companies the steamship company carrying the largest quantity of merchandise to or from the harbour and whose vessels make at least twenty-five voyages to and from the harbour in the year from the first day of January to the thirty-first day of December shall be entitled to pay dues in the name of one director or one shareholder of such company and such director or shareholder who shall have had dues so paid in his name on at least one thousand tons of merchandise so carried in the year ending the thirty-first day of December preceding the election of Commissioners (of which fact the books of the Commissioners shall be evidence) shall be eligible for election as a Trade Commissioner and such director or shareholder shall be entitled to vote at an election of Trade Commissioners according to the scale of voting in subsection 3 of this section provided.

(5) The word "dues" in this section for the purpose of the qualification of persons to be Commissioners and for voting for Trade Commissioners includes dues rates or duties paid to the Commissioners on merchandise

[5 Edw. 7.] *Pier and Harbour Provisional Orders*
(No. 1).

17

directly imported or directly exported or partly directly imported or partly
directly exported into or from the limits of the Order of 1880 and into
or from the ship canal and undertaking mentioned in section 4 of the Order
of 1888 in the year ending the thirty-first December preceding each election
5 of Trade Commissioners.

A.D. 1905.

*Tralee and
Fenit.*

7. Section 3 of the Order of 1888 shall be read and have effect as if—

Amendment of
section 3 of
Order of 1888.

10 (a) the words "subsections 2 and 3 respectively of section 6 of the
Tralee and Fenit Pier and Harbour Order 1905" were
substituted for the words "subsections 5 and 6 respectively
of section 2 of the Order of 1880 as amended by this Order"
and for the words "subsections 5 and 6 of the said section 2
of the Order of 1880 as amended by this Order" and for the
words "the said subsections 5 and 6 as amended by this
Order"; and

15 (b) the words "first January one thousand nine hundred and seven"
were substituted for the words "first January one thousand
eight hundred and eighty-nine"; and

20 (c) the years one thousand nine hundred and ten and one thousand
nine hundred and thirteen were respectively substituted for
the years one thousand eight hundred and ninety-two and one
thousand eight hundred and ninety-five respectively.

8. Notwithstanding anything contained in sections 9 and 10 of the
Commissioners Clauses Act 1847 any person shall be disqualified for being
elected or appointed or being a Commissioner if he or any firm or company
25 of which he is a partner director or shareholder is directly or indirectly
concerned in any contract or bargain for work or supplies for the purposes of
the harbour or of the Commissioners or participates directly or indirectly in
any profit arising from any such contract or bargain or from any work done
under the authority of the Commissioners as such. Provided always that this
30 section shall not apply to any such contract or bargain which is necessitated
bonâ fide by a sudden emergency which cannot otherwise be met or to a sale
of goods for cash not exceeding ten pounds in amount or to the insertion of
advertisements or notices relating to the harbour or the affairs of the Com-
missioners in a newspaper in which a Commissioner is in any way interested
35 Provided also that such disqualification shall not apply to any Commissioner
who may be a shareholder only in any company tendering for or having
contracts with the Commissioners if he bonâ fide abstains from taking any
part in any proceedings connected with any such contracts.

Disqualifica-
tion of Com-
missioners.

9.—(1) Section 10 of the Order of 1888 is hereby repealed.

40 (2) The annual account in abstract of the Commissioners a copy whereof
is by the Order of 1880 required to be sent to the Board of Trade shall for
the year one thousand nine hundred and five and every succeeding year be
made up to the end of the thirty-first day of December in each year.

Repeal of sec-
tion 10 of Order
of 1888 and
provisions as to
annual account
and audit
thereof.

A.D. 1905.
—
*Tralee and
Fenit.*

(3) The Commissioners shall within one month after sending to the clerk of the peace the copy of their annual account in abstract send to the County Council a copy thereof.

(4) The annual account of the Commissioners for the year one thousand nine hundred and five and each succeeding year shall be examined and audited by an auditor (who shall be a qualified accountant) to be appointed from time to time by the County Council and approved of by the Local Government Board for Ireland (hereinafter called "the said Board") and the reasonable fees and expenses of such auditor (to be settled in case of difference by the said Board) shall be paid by the Commissioners and the Commissioners shall on demand produce to such auditor all or any of their accounts books deeds papers writings and documents and afford to him all reasonable facilities for examining and comparing the same.

(5) The auditor so appointed may disallow any items appearing in any annual account which are in his opinion contrary to law or exorbitant in amount and may surcharge the same on the person making or authorising the making of the illegal or exorbitant payment and shall certify in writing the sums disallowed or surcharged and by whom the same are to be made good and on the application of any party aggrieved shall state in writing the reasons for his decision in respect of such disallowance or surcharge.

(6) Any person aggrieved by any such disallowance or surcharge may within fourteen days after the date of the auditor's certificate or (if a statement of his reasons is applied for) after the date of that statement upon giving notice in writing to the auditor of his intention in that behalf appeal in writing to the said Board who may decide the application according to the merits of the case and if the said Board find that any disallowance or surcharge was lawfully made but that the subject matter thereof was incurred under such circumstances as to make it fair and equitable that the disallowance or surcharge should be remitted they may direct that the same shall be remitted upon payment of the costs (if any) which may have been incurred by the auditor in respect of the disallowance or surcharge and the decision of the said Board shall be final.

(7) Every sum certified by the auditor to be due from any person shall be paid by such person to the Commissioners within fourteen days after the same has been so certified or (if a statement of the auditor's reasons is applied for) after the date of that statement unless in the meantime notice of intention to appeal is given to the auditor and an appeal is made accordingly to the said Board and in default of payment the auditor for the time being may recover the same from the person from whom the same has been certified to be due in any court of competent jurisdiction. If within the said period of fourteen days notice of appeal is duly given to the auditor and an appeal is made to the said Board against the decision of the auditor then unless the disallowance or surcharge is directed by the said Board to be remitted the person from whom the disallowance or surcharge has been certified by

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(No. 1).

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the auditor to be due shall pay the sum so certified to the Commissioners within fourteen days after the date of the decision of the said Board and if such sum is not so paid the auditor for the time being may recover the same from the said person in any court of competent jurisdiction.

A.D. 1905.

Tralee and Fenit.

- 5 10. All costs charges and expenses of and incident to the preparation and obtaining of this Order or otherwise incurred in relation thereto shall be paid by the Commissioners out of any of their funds.

Costs of Order.

**Pier and Harbour
Provisional Orders
(No. 1). [H.L.]**

A

B I L L

INTITLED

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Craster and Tralee and Fenit.

The Lord Privy Seal (M. Salisbury).

Ordered to be printed 8th May 1905.

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[*Price 2½d.*]

(60.)

**Pier and Harbour Provisional Orders
(No. 1.) Bill [H.L.]**

A M E N D M E N T S

T O B E M O V E D I N C O M M I T T E E

B Y

B Y T H E L O R D P R I V Y S E A L (*M. Salisbury*).

Leave out Clause 2.

C R A S T E R H A R B O U R O R D E R.

Clause 39, page 10, line 25, after (" away ") insert (" prejudice ")
line 26, leave out (" Arthur Henry Sharp ")
line 30, leave out (" manor of Marske ")

In the Schedule, page 13, line 33, leave out (" 3 ") and insert (" 4 ")	line 34, leave out (" 3 ") and insert
(" 4 ")	line 35, leave out (" 3 ") and insert
(" 4 ")	line 36, leave out (" 3 ") and insert
(" 4 ")	

T R A L E E A N D F E N I T P I E R A N D H A R B O U R O R D E R.

Clause 5, page 16, line 16, leave out (" and upwards ")

Pier and Harbour Provisional
Orders (No. 1.) Bill [H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

11

THE LORD PRIVY SEAL (*M. Salisbury*).

24th May 1905.

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(50 a.)

[5 EDW. 7.] *Pier and Harbour Provisional Orders* 1
(No. 2). [H.L.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Melfort and Portencross. A.D. 1905.

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict.
c. 45.

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

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and

10 Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

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

20 **2.** The Undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders purchase or acquire in any district in Scotland within the meaning of the Public Health (Scotland) Act 1897 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 Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently Special
provisions as
to houses of
labouring
class.
60 & 61 Vict.
c. 38.

25 so occupied.

(61.)

A

A.D. 1905. If any Undertakers acquire or appropriate any house or houses under the powers of this Act or of the said Orders in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court 5 of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the Court may if it think fit reduce such penalty.

For the purposes of this section the expression "labouring class" means mechanics artizans labourers and others working for 10 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 15 thirty shillings a week and the families of any of such persons who may be residing with them and the expression "house" means any house or part of a house occupied as a separate dwelling.

Short title. **3.** This Act may be cited as the Pier and Harbour Orders Confirmation (No. 2) Act 1905.

THE SCHEDULE OF ORDERS.

20

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1. MELFORT.—Levying of rates &c.
 2. PORTENCROSS.—Construction of pier &c.

MELFORT PIER.

A.D. 1905.

Provisional Order authorising the levying of rates at and the regulation of the pier known as Melfort Pier situate in Fearnach Bay Loch Melfort in the County of Argyll and for other purposes connected therewith.

Melfort.

Preliminary.

1. This Order may be cited as the Melfort Pier Order 1905. Short title.
2. This Order shall come into force upon the day when the Act confirming this Order is passed and that day is in this Order referred to as the commencement of this Order. Commencement of Order.
3. In this Order the expression "the pier" shall mean the pier and works which at the commencement of this Order are known as Melfort Pier and are situate in Fearnach Bay and Loch Melfort in and ex adverso of the Parish of Kilninver and Kilmelfort in the County of Argyll. Interpretation.

15

Undertakers.

4. Charles Macdonald Williamson Writer in Glasgow Mrs. Jessie Mary McDonnell or Maclellan residing at Temple Mount Wargrave Berkshire widow of Keith Maclellan of Melfort in the county of Argyll Walter Stoddart-Maclellan residing at Melfort aforesaid Mrs. Isabella Marcella Mary Maclellan or Stoddart-Maclellan wife of the said Walter Stoddart-Maclellan and daughter of the said Keith Maclellan and Hugh Peter Macpherson wine merchant in Glasgow the sole accepting original and assumed trustees acting under the Trust Disposition and Deed of Settlement of the said deceased Keith Maclellan of Melfort dated the sixth day of August one thousand eight hundred and eighty-four and recorded in the Books of Council and Session the third day of January one thousand eight hundred and ninety-one and their successors in office as trustees aforesaid and assigns shall be the Undertakers for carrying this Order into execution and are in this Order referred to as the Undertakers. Undertakers.

30

Limits.

5. The limits within which the Undertakers shall have authority and within which the powers of the piermaster and the power to levy rates may be exercised shall comprise the pier and an area below high-water mark within a distance of two hundred yards measured in any direction seawards

Limits of Order.

(61.)

A 2

A.D. 1905. from any part of the pier which limits are in this Order and in the schedule
Melfort. to this Order referred to as the limits of this Order.

Management.

Power to main-
tain and im-
prove pier.

6.--(1) The Undertakers may maintain and improve the pier and may also within the limits of this Order dredge scour deepen widen enlarge improve and maintain the entrances and channels of the pier provided that no work authorised by this section below high-water mark shall be commenced without the assent of the Board of Trade having been first obtained in writing. 5

(2) No sand mud or other materials dredged up or removed shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained. 10

Power to
make byelaws.

7.--(1) The Undertakers may without prejudice to the power to make byelaws under the Harbours Docks and Piers Clauses Act 1847 make byelaws for the regulation and control of vessels boats and other craft to take effect within the limits of this Order and also of persons and of goods and traffic embarking disembarking frequenting or resorting to or employed embarked disembarked loaded or unloaded at the pier or within the limits of this Order. 15

(2) The byelaws may provide for imposing and recovering a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws. 20

(3) A byelaw under this section shall not come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes. 25

(4) Sections 84 and 85 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order.

Meters and
weighers.

8. The Undertakers shall have the appointment of meters and weighers within the limits of this Order.

Penalty for
damaging pier
or works.

9. Every person who wilfully defaces or damages the pier or any part thereof shall for every offence be liable to a penalty not exceeding five pounds. 30

Rates.

Power to levy
rates.

10.--(1) Sections 25 and 26 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order. 35

(2) The Undertakers may subject and according to the provisions of this Order demand recover and receive for the use of the pier in respect of the vessels persons animals fish goods matters and things specified in the schedule to this Order any sums not exceeding the rates specified in that schedule. 40

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11. The Undertakers may (so far as the rates specified in the schedule to this Order do not extend) demand receive and recover such rates or other consideration as they think reasonable for the use of any warehouses sheds buildings yards weighing machines mooring posts cranes buoys works and
5 conveniences belonging to or provided by the Undertakers or in respect of any services rendered by them. A.D. 1905.
Melfort.
Rates for w
houses &c
12. The Undertakers may take such rates as they think proper for the supply and removal of ballast for the accommodation of vessels. Rates fo.
ballast.
13. If and so long as the Undertakers shall make and maintain such
10 provisions and appliances as may be necessary for furnishing to vessels resorting to the pier a supply of pure and wholesome water they shall be entitled to make and recover such reasonable charges as they may think fit not exceeding the rates specified for that purpose in the schedule to this Order for pure and wholesome water supplied by them. Undertakers
may supply
and charge
for water.
- 14.—(1) The Undertakers may grant to any persons pass tickets for
15 landing or embarking at the pier at such rates on such terms and for such periods not exceeding one year as may be agreed on but so that no preference be given to any person. Pass tickets
for use of pier.
- (2) A pass ticket shall not be transferable and shall not be used by any
20 person except the person to or for whom it is granted or by any person after the period limited for its use.
- (3) If any person act in any way in contravention of this section or use or attempt to use any false or counterfeit ticket he shall for each offence be liable to a penalty not exceeding twenty shillings.
15. The Undertakers may from time to time confer vary or extinguish
25 exemptions from and enter into compositions with any person or persons with respect to the payment of the rates authorised by this Order but so that no undue preference be in any case given to any person over any other person using the pier under like circumstances and that anything done under this
30 section shall not prejudice the other provisions of this Order. Power to com-
pound for rates.
16. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus
35 for saving life and all persons brought ashore from any vessel in distress shall at all times have free ingress and egress to along and from the pier without payment. Exemption of
lifeboat crew.
17. If at any time the clear annual income derived from the pier on the average of the then three last preceding years after payment of all expenses
40 and outgoings (other than payments of interest or principal in respect of money borrowed under this Order) shall exceed interest at the rate of ten per centum per annum on the sum of one thousand five hundred pounds representing the cost of the construction of the pier and also on any sums from Board of Trade
may reduce
rates.

A.D. 1905. Melfort. time to time appearing to the Board of Trade to have been expended by the Undertakers for the purposes of this Order the Board of Trade may if in their discretion they think fit reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten per centum per annum but with power to the Board of Trade 5
at any time and from time to time to raise the rates again to any sum not exceeding the sums respectively specified in the schedule to this Order.

Piers and works and rates may be leased. 18. The Undertakers may from time to time lease or let the pier and the rates authorised by this Order for any period not exceeding seven years for such rent or consideration and on such terms and conditions as they think fit and the lessee shall have and may exercise during the continuance of his lease the same powers of levying collecting recovering and receiving rates and dues as the Undertakers have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and this Order and shall be subject to all such provisions as to accounts and otherwise as the Undertakers are made 15
subject to by this Order.

Master of fishing vessel to report take of fish. 19.—(1) The master or owner of every vessel with a take or cargo of fish shall on the arrival of the vessel within the limits of this Order forthwith furnish to the collector of rates a true and accurate statement of his take or cargo of fish and the name of every person obtaining delivery thereof. 20

(2) If the master or owner of a vessel fails to comply with this section he shall be liable for each offence to a penalty not exceeding ten pounds.

Piermaster may prevent sailing of vessels. 20. The piermaster may prevent the removal or sailing from within the limits of this Order of any vessel in respect of which or of the goods imported or exported therein any rates are payable until evidence has been produced 25
to him of the payment of those rates to the collector and in the case of a vessel with a take or cargo of fish until the master or owner of the vessel has given in the account of his take or cargo of fish required by this Order.

Finance.

Power to borrow money. 21. The Undertakers may borrow and re-borrow at interest such money 30
as may be required for the purposes of this Order and of improving the pier not exceeding in the whole the sum of one thousand pounds on the security of the rates authorised by this Order or they may accept and take from any bank or banking company credit for any amount not exceeding in the whole the said sum of one thousand pounds on a cash account to be opened and kept 35
in the names of the Undertakers according to the usage of bankers in Scotland but so that the sum owing by the Undertakers on such cash account and for other money borrowed and for the time being unpaid shall not exceed in the whole the sum of one thousand pounds exclusive of interest and the Undertakers may grant bonds and assignations of the rates in security of the 40
repayment of the sum or sums so borrowed or of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon respectively and such bonds and assignations and any transfers

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thereof may be in the forms contained in Schedules (B) and (C) annexed to the Burgh Harbours (Scotland) Act 1853 or to the like effect and shall be recorded in the Division of the General Register of Sasines at Edinburgh applicable to the county of Argyll. Provided that any heritable debt affecting
5 the lands and estate of Melfort or the pier at the commencement of this Order shall have priority over any moneys to be borrowed under the authority of this Order.

A.D. 1905.

Melfort.

22. All money borrowed under this Order shall be applied only for the purposes of this Order for which capital money may properly be applied and
10 not otherwise.

Application of
money bor-
rowed.

23.—(1) The holders of any security given in respect of money borrowed under this Order may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a
judicial factor.

Appointment
of a judicial
factor.

15 (2) In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than three hundred and fifty pounds in the whole.

20 (3) Sections 86 and 87 of the Commissioners Clauses Act 1847 shall be incorporated with this Order and in such sections as so incorporated the expression "the Commissioners" shall mean the Undertakers the expression "receiver" shall mean judicial factor and the expressions "mortgage" and "mortgagee" shall respectively include any security for money borrowed under this Order and the holder of any such security.

25 24. The revenue received from rates or otherwise under this Order shall be applied for the purposes and in the order following and not otherwise (that is to say):—

Application of
rates received.

- (1) In paying the costs of and connected with the preparation obtaining and making of this Order;
- 30 (2) In defraying the expense properly chargeable to revenue of the management repair and maintenance of the pier and of carrying into effect any powers given by this Order for the management and regulation of the traffic within the limits of this Order;
- (3) In paying year by year the interest accruing on money borrowed
35 under this Order;
- (4) Any surplus shall be applicable to and for the proper use of the Undertakers.

25.—(1) The Undertakers within one month after sending to the sheriff clerk the copy of their annual account in abstract (which account shall be
40 made up to the thirty-first of March in each year) shall send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such account.

Annual
account to be
sent to Board
of Trade.

A.D. 1905. (2) If the Undertakers refuse or neglect to comply with this section they shall be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this section.

Melfort.

Life-Saving Apparatus.

5

Portions of Harbours Clauses Act excepted. 19 & 21 Vict. c. 27.

26.—(1) Sections 16 to 19 inclusive of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order.

(2) The Undertakers shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the pier and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus. 10

(3) If the Undertakers fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues. 15

Life-saving apparatus may be attached to pier.

27. The officers of the coastguard and all other persons for the time being employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the pier spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the pier. 20

Lifebuoy to be kept.

28. The Undertakers shall at all times keep at convenient places on the pier and in obedience to any requirements which may from time to time be made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use. 25

Lights.

As to lights.

29.—(1) The Undertakers shall exhibit at the outer extremity of the pier or in such other places as may be required by the Commissioners of Northern Lighthouses from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and shall take such other steps for the prevention of danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for such directions. 30

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such directions. 35

Buoys and lights in case of decay.

30.—(1) In case of injury to or destruction or decay of the pier or any part thereof the Undertakers shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to

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navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions as to the means to be taken. A.D. 1905.
Melfort.

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such directions.

Miscellaneous.

31. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847 and for all the purposes of that Act this Order shall be deemed the special Act. Recovery of penalties.
10 & 11 Vict. c. 27.

32. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order shall apply to and for the benefit of any Government department in the same manner as they apply to and for the benefit of the Government departments specially named in those sections. Extension of 10 & 11 Vict. c. 27 (ss. 28 and 99) to all Government departments.

33. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the King's most Excellent Majesty and in particular nothing herein contained shall authorise the Undertakers to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any lands hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained (which consent those Commissioners and the Board of Trade are hereby authorised to give). Saving rights of Crown.

34. All costs charges and expenses of and incidental to the preparation and obtaining this Order or otherwise incurred in reference thereto shall be paid by the Undertakers. Costs of O. J. er.

A.D. 1905.

The SCHEDULE referred to in the foregoing Order.

Melfort.

PART I.—TONNAGE RATES OF VESSELS EXCLUSIVE OF THEIR CARGOES.

	£	s.	d.	
1. Vessels loading or discharging at the pier per register ton ...	0	0	2	
2. Pleasure yachts not carrying goods or passengers for hire using the pier per register ton ...	0	0	3	5

Note.—Rowing boats and sailing boats under ten tons register shall be exempt from the rates in Part I. of the Schedule.

PART II.—RATES ON FISHING BOATS AND OTHER FISHING VESSELS USING THE PIER. 10

	£	s.	d.	
1. Boats or vessels employed at the herring fishery for the herring fishing season payable on or before the 26th July :—				
If under thirty tons register each ...	1	0	0	15
If thirty tons register or above each ...	1	5	0	
2. Boats or vessels prosecuting the white or other fishing other than the herring fishing :—				
If manned by six hands or more—				
From the 1st October to 1st January each ...	0	10	0	20
From the 1st January to 1st April each ...	0	10	0	
From the 1st April to 1st July each ...	0	10	0	
If manned by less than six hands for each of those periods each ...	0	5	0	
3. Boats or vessels not employed at the regular fishings as above but which shall load or discharge herrings or other fish each ...	0	2	0	25
4. Boats or fishing vessels loading or discharging any other cargo than fish at the pier or within the limits of this Order on entering such limits :—				
If under thirty tons register each ...	0	3	0	30
If thirty tons register or above same as other trading vessels.				

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	£	s.	d.	A.D. 1905.
5. Boats and fishing vessels fitting out for or returning from other fishing stations not paying dues as above including dues on furniture each	0	2	6	<u>Melfort.</u>
5 <i>Note.</i> —Fishing boats and other fishing vessels shall be exempt from the rates in Part II. of this schedule if under ten tons register.				

PART III.—RATES FOR PERSONS LANDING OR EMBARKING AT THE PIER.

	£	s.	d.
10 For every master or member of the crew of any ship vessel or boat going to or returning from his ship vessel or boat an annual sum not exceeding	0	10	0
Or if the annual sum is not paid for each time	0	0	1
For every other person for each time any sum not exceeding	0	0	2
15 Provided always that the master and every member of the crew of any ship vessel or boat coming within the limits of this Order in respect of which rates have been duly paid under this Order shall be entitled to use the pier free of charge for the purpose of landing from or embarking on board his ship vessel or boat.			
20			

PART IV.—RATES ON GOODS SHIPPED TRANSHIPPED OR UNSHIPED AT THE PIER.

Articles of Export or Import.	Weight or Measure.	Rates.
		s. d.
25 Ale and beer - - - - -	per 3 gallons - - - - -	0 0½
" " (bottled) - - - - -	per gross - - - - -	1 0
Alum - - - - -	per cwt. - - - - -	0 1¼
Anchora - - - - -	per ton - - - - -	5 0
Ashes - - - - -	per ton - - - - -	2 0
30 Asphalte and bitumen - - - - -	per ton - - - - -	1 3
Aerated water (all kinds) - - - - -	per ton - - - - -	1 8
Bacon or hams - - - - -	per ton - - - - -	3 4
Barilla - - - - -	per ton - - - - -	3 0
Bark oak - - - - -	per ton - - - - -	2 6
35 Barley and other groats - - - - -	per ton - - - - -	2 0
Barrels (empty herring) - - - - -	each - - - - -	0 1
Baskets under 12 inches in diameter - - - - -	per dozen - - - - -	0 6
" above " " - - - - -	per dozen - - - - -	1 0
Basket rods - - - - -	per cwt. - - - - -	0 2
40 Beef or pork (fresh or salt) - - - - -	per ton - - - - -	3 6
Beer (black or spruce) - - - - -	per 3 gallons - - - - -	0 2
Billiard table - - - - -	per cwt. - - - - -	0 2
Biscuits - - - - -	per ton - - - - -	3 0
Blacking - - - - -	per cwt. - - - - -	0 6
45 Bleaching salts - - - - -	per cwt. - - - - -	0 2¼
Blubber - - - - -	per 252 gallons - - - - -	3 0
Bones (crushed or uncrushed) - - - - -	per ton - - - - -	1 6

(61.)

B 2

A.D. 1905.

Melfort.

Articles of Export or Import.	Weight or Measure.	Rates.
		<i>s. d.</i>
Books and stationery	per cwt.	0 4
Bottles	per gross	0 4
„ (broken)	per ton	0 6
Boxwood	per cwt.	0 1 $\frac{3}{4}$
Bran	per ton	1 0
Brass	per ton	2 0
Bricks	per 1000	0 10
Brimstone	per ton	2 0
Bristles	per cwt.	0 9
Brooms (common)	per dozen	0 2
Bulrushes	per cwt.	0 2
Butter	per cwt.	0 3
Boxes (empty)	each	0 1
Candles	per ton	3 6
Canvas	per cwt.	0 2
Carpets rugs and upholstery articles	per ton	2 6
Cane reeds	per cwt.	0 2
Carboys (empty)	each	0 1
Carriages with springs under 5 cwt.	each	3 0
„ 5 cwt. and under 7 $\frac{1}{2}$ cwt.	each	5 6
„ 7 $\frac{1}{2}$ cwt. and under 10 cwt.	each	7 6
„ 10 cwt. and above	each	10 0
Carrots	per ton	1 0
Casks boxes sacks and kits (empty) except returned empties as provided for in the notes to this schedule	each	0 1
Cattle:—		
Bulls cows and oxen	each	0 6
Calves	each	0 1
Horses	each	1 0
Ponies under 12 hands	each	0 6
Asses or mules	each	1 0
Pigs	each	0 3
Sheep and lambs	each	0 1
Small cattle and ponies from Orkney and Shetland	each	0 8
Cement	per ton	1 6
Chalk	per ton	1 6
Cheese	per ton	2 6
Chimney tops	each	0 1
Chocolate	per cwt.	0 3
Cider	per 3 gallons	0 0 $\frac{1}{2}$
Cinders and charcoal	per ton	0 9
Clay viz. china or stone	per ton	1 0
Clay pipes	per ton	1 0
Clocks	each	1 0
Clothing haberdashery silk mercery &c. not otherwise enumerated	per ton	3 0
Coals	per ton	0 4
Cocoa	per cwt.	0 3
Cocoa nuts	per 100	0 4
Coffee	per cwt.	0 3
Coke	per ton	0 10
Confections of all kinds	per cwt.	0 2
Copper	per ton	3 0
„ (old)	per ton	2 0
„ ore	per ton	0 1

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Articles of Export or Import.		Weight or Measure.	Rates.	A.D. 1905. Melfort.
	Copperas	per cwt.	0	1 $\frac{3}{4}$
	Colours	per cwt.	0	1 $\frac{3}{4}$
5	Cordage	per ton	2	6
	" old not in use	per ton	1	0
	Cork wood and corks	per ton	3	4
	Corn and meal viz.:—			
	Barley and bigg	per ton	1	4
10	Bere and meal	per ton	1	6
	Beans	per ton	1	4
	Indian corn	per ton	1	4
	" meal	per ton	1	6
	Malt	per ton	2	8
15	Oats	per ton	1	4
	Oatmeal	per ton	1	6
	Peas	per ton	1	6
	Rye	per ton	1	4
	Wheat	per ton	1	6
20	Cotton wool &c.	per ton	5	0
	Crystal	per ton	5	0
	Cutch	per ton	3	4
	Dogs	each	0	6
	Drugs	per cwt.	0	4
25	Dung	per ton	0	4
	Earthenware	per ton	2	6
	Eggs	per cwt.	0	3
	Emery and emery stones	per cwt.	0	3
	Feathers	per ton	10	0
30	Felt	per ton	2	6
	Fish dried	per cwt.	0	2
	" pickled or salted	per cwt.	0	2
	" fresh haddock cod ling and fish not enumerated	per cwt.	0	2
35	" large fresh cod ling and skate	per 20	0	3
	" offal	per ton	0	4
	Flax	per cwt.	0	2
	Flour	per ton	2	8
	Flower roots	per cwt.	0	2
40	Flint stones	per ton	0	6
	Fruit viz.:—			
	Apples pears and berries	per cwt.	0	3
	Plums cherries and grapes	per cwt.	0	4
	Melons	per cwt.	0	2
45	Peaches	per 100	0	2
	All not enumerated	per 10 $\frac{1}{2}$ value	0	10
	Furniture household	per 10 $\frac{1}{2}$ value	1	0
	Furriers' waste	per ton	0	4
	Game	per head	0	0 $\frac{1}{2}$
50	Ginger	per cwt.	0	3
	" preserved	per cwt.	0	6
	Glass of all descriptions	per cwt.	0	2
	Glue	per cwt.	0	4
	Grates stoves &c.	per ton	5	6
55	Grease	per ton	2	6
	Groceries all kinds not enumerated	per cwt.	0	3
	Gunpowder	per cwt.	0	3
	Guano	per ton	1	6

A.D. 1905.

Melfort.

Articles of Export or Import.	Weight or Measure.	Rates.
		s. d.
Hair all kinds { baken - - - - -	per cwt. - - - - -	0 4½
{ plasterers' - - - - -	per ton - - - - -	2 0
Hardware - - - - -	per cwt. - - - - -	0 2
Hats - - - - -	per dozen - - - - -	0 6
Hay - - - - -	per ton - - - - -	1 6
Hemp - - - - -	per ton - - - - -	3 6
Herrings fresh imported or exported - - - - -	per 37½ gallons - - - - -	0 3
" cured " " - - - - -	per 26½ gallons - - - - -	0 2
Hides raw - - - - -	per cwt. - - - - -	0 2
Honey - - - - -	per cwt. - - - - -	0 3
Hoops of wood - - - - -	per 1000 - - - - -	0 10
Hops - - - - -	per cwt. - - - - -	0 6
Horns slugs and tips - - - - -	per 1000 - - - - -	1 8
Husbandry implements - - - - -	per ton - - - - -	1 4
Iron viz. :-		
Bar plate bolt and rod - - - - -	per ton - - - - -	2 0
Forged made work and hoops - - - - -	per ton - - - - -	3 4
Old - - - - -	per ton - - - - -	1 3
Old and broken goods - - - - -	per ton - - - - -	0 6
Cast-iron goods - - - - -	per ton - - - - -	2 6
Wire - - - - -	per cwt. - - - - -	0 2
Pig - - - - -	per ton - - - - -	1 0
Kelp - - - - -	per ton - - - - -	1 0
Kiln pavement - - - - -	per 30 feet - - - - -	0 4
Lard - - - - -	per ton - - - - -	2 0
Lead - - - - -	per ton - - - - -	2 0
" black - - - - -	per ton - - - - -	2 0
" ore - - - - -	per ton - - - - -	2 0
Lead red and white - - - - -	per ton - - - - -	2 0
" shot - - - - -	per ton - - - - -	3 0
" sugar of - - - - -	per cwt. - - - - -	0 2
Leather (tanned and dressed) - - - - -	per cwt. - - - - -	0 3
Lemons - - - - -	per cwt. - - - - -	0 4
Lignum vitæ - - - - -	per ton - - - - -	3 0
Lime - - - - -	per ton - - - - -	0 6
Loam - - - - -	per ton - - - - -	0 4
Machinery - - - - -	per ton - - - - -	0 2
Manures manufactured and not otherwise enumerated - - - - -	per ton - - - - -	1 6
Mats and basses - - - - -	per dozen - - - - -	0 1
Mill waste - - - - -	per ton - - - - -	2 0
Molasses - - - - -	per ton - - - - -	2 0
Mussels - - - - -	per ton - - - - -	0 6
Nuts all kinds (except cocon) - - - - -	per cwt. - - - - -	0 3
Oakum - - - - -	per ton - - - - -	3 0
Ochre - - - - -	per cwt. - - - - -	0 1½
Oil of all kinds - - - - -	per ton - - - - -	3 4
" cakes - - - - -	per ton - - - - -	2 0
Onions - - - - -	per cwt. - - - - -	0 3
Oranges - - - - -	per cwt. - - - - -	0 2
Oysters - - - - -	per cwt. - - - - -	0 3
Peats - - - - -	per ton - - - - -	0 3
Paper - - - - -	per cwt. - - - - -	0 2
Pewter - - - - -	per ton - - - - -	2 0
" (old) - - - - -	per ton - - - - -	1 8
Pianoforte - - - - -	per 10l. value - - - - -	1 0

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Articles of Export or Import.		Weight or Measure.	Rates.	A.D. 1905. Melfort.
			<i>s. d.</i>	
	Pictures under 2 feet square	each	0 6	
	" 2 feet and under 4 feet	each	1 0	
5	" 4 feet and upwards	each	2 0	
	Pigs' head	per cwt.	0 0 $\frac{3}{4}$	
	Pipes drain under 3 inches diameter	per 1000	0 6	
	" above	per 1000	0 9	
	" collars	per 1000	0 3	
10	" spigot and faucet clay glazed	per ton	1 0	
	NOTE.—Drain tiles and mugs one-third less.			
	Pipes tobacco	per cwt.	0 4	
	Pitch	per cwt.	0 2	
	Plaster of Paris	per ton	2 8	
15	Plants nursery and garden (all kinds)	per cwt.	0 4	
	Porter	per 3 gallons	0 0 $\frac{1}{2}$	
	" (bottled)	per gross	1 0	
	Potatoes	per ton	1 0	
	Poultry (all kinds)	each	0 0 $\frac{1}{2}$	
20	Provisions preserved (all kinds)	per cwt.	0 2	
	Pumice stone	per cwt.	0 3	
	Rags	per ton	2 0	
	Rice	per cwt.	0 2	
	Rosin	per ton	2 6	
25	Saddlery (all kinds)	per cwt.	0 3	
	Salt in bulk	per ton	0 9	
	" rock	per ton	0 9	
	" saltpetre and Glauber salt	per ton	3 4	
	" in barrel including dues of barrel	per ton	1 4	
30	Salmon	per cwt.	0 6	
	Seed viz. :—			
	Rape and flax	per cwt.	0 1	
	Clover	per cwt.	0 3	
	Ryegrass	per ton	3 4	
35	Shoes of all kinds	per ton	3 0	
	Sheep skins with wool	per cwt.	0 3	
	" pelts	per cwt.	0 2	
	Slates large	per 1000	1 4	
	" sizeable	per 1000	0 10	
40	" small	per 1000	0 6	
	Snuff	per cwt.	0 6	
	Soap	per ton	2 0	
	Soda	per ton	1 6	
	Spades or shovels	per dozen	0 1	
45	Spirits of all kinds	per gallon	0 0 $\frac{1}{4}$	
	Starch	per cwt.	0 3	
	Steel	per ton	3 0	
	Straw	per ton	1 0	
	Stones viz. :—			
50	Freestone building	per ton	0 5	
	Polished granite	per ton	2 6	
	Causeway granite	per ton	0 3	
	Kerb pavement and building	per ton	0 5	
	Rubble and chips	per ton	0 2	
55	Rigging stones	per 100 running feet	1 6	
	Flagstones	per ton	0 9	
	Gravestones	each	3 0	
	Marble	per ton	3 0	
	Scythe stones	per cwt.	0 2	

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Melfort.

Articles of Export or Import.	Weight or Measure.	Rates.
Stones— <i>cont.</i>		<i>s. d.</i>
Grindstones - - - - -	each - - -	0 4
Millstones - - - - -	each - - -	0 6
All other descriptions except flint	per ton - - -	1 0
Stucco - - - - -	per ton - - -	1 8
Sugar (all kinds)	per ton - - -	1 8
Stoneware (all kinds) - - -	per cwt. - - -	0 2
Tallow - - - - -	per ton - - -	2 0
Tanners' waste - - - - -	per ton - - -	1 0
Tar coal - - - - -	per 39 gallons - - -	0 1
„ Archangel - - - - -	per 26½ gallons - - -	0 2
Tea - - - - -	per cwt. - - -	0 6
Tiles roofing - - - - -	per 1000 - - -	1 0
Tin of all kinds - - - - -	per ton - - -	2 0
„ plates - - - - -	per ton - - -	2 0
Tobacco in leaf - - - - -	per cwt. - - -	0 2½
„ manufactured - - - - -	per 100 lb. - - -	0 4½
„ stalks - - - - -	per cwt. - - -	0 3
Tongues smoked - - - - -	per dozen - - -	0 1½
„ pickled - - - - -	per cwt. - - -	0 4
Toys - - - - -	per cwt. - - -	0 3
Treenails - - - - -	per 1000 - - -	1 6
Turnery - - - - -	per 10 <i>l.</i> value - - -	0 10
Turnips - - - - -	per ton - - -	0 6
Twine - - - - -	per cwt. - - -	0 3
Tow (all kinds) - - - - -	per ton - - -	1 6
Vases or sculptured marble	per cwt. - - -	0 3
Vinegar - - - - -	per 3 gallons - - -	0 0½
Vitriol - - - - -	per gallon - - -	0 0½
Varnish - - - - -	per cwt. - - -	0 2
Veneers (all kinds)	per cwt. - - -	0 4
Vegetables - - - - -	per ton - - -	0 6
Whalebone or whalefins	per ton - - -	3 4
Wheels coach carriage or cart	per pair - - -	0 9
Whitening - - - - -	per ton - - -	0 10
Willow reeds - - - - -	per cwt. - - -	0 2
Wine - - - - -	per gallon - - -	0 0¼
„ bottled - - - - -	per gross - - -	1 0
Wood viz. :—		
Herring barrel billets - - -	per ton - - -	1 0
Herring barrel staves - - -	per 1000 superficial feet.	1 4
All other kinds not enumerated	per 1 <i>l.</i> value - - -	0 4
Wool - - - - -	per ton - - -	3 4
Yarn viz. :—		
Lint and cotton - - - - -	per ton - - -	4 6
Hemp - - - - -	per ton - - -	3 6
Worsted - - - - -	per ton - - -	4 6
Zinc - - - - -	per ton - - -	2 0

All goods or articles not enumerated in the foregoing schedule per cwt. 2*d.*

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Notes with reference to the foregoing Schedule.

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Melfort.

1. All empty boxes barrels sacks and packages returned to original shipper within three months from the date of import are exempted from rates.
2. All goods landed from any vessel and reshipped in the same or another vessel in the original packages and without being transferred from the lander or if the said goods have been put into other packages from the original packages having been destroyed or damaged shall only pay rates on landing and may be reshipped in the same or another vessel upon her departure outwards without paying rates again.
- 10 3. The personal luggage of each passenger landing from any vessel not exceeding two hundredweight in weight shall be exempted from rates.
4. If any goods for which rates shall have been paid when loaded shall from any accident or otherwise be unloaded no rates shall be charged a second time for such goods on being reloaded.
- 15 5. Goods of all descriptions rated by weight shall be charged according to gross weight fractional parts of any weight measure number or value shall be charged proportionally and the minimum charge for a single package shall be one penny.

20 PART V.—RATES FOR THE USE OF SHEDS CRANES WEIGHING MACHINES
WARPS & C.

(1.) *Sheds.*

For each ton of goods which shall remain in any shed or on the pier for a longer time than 24 hours the sum of three pence and the further sum of three halfpence per ton for each day or part of a day during which such
25 goods shall remain after the first 48 hours.

(2.) *Cranes.*

			<i>s.</i>	<i>d.</i>
	All goods or packages not exceeding 1 ton ...	...	0	3
	Exceeding 1 ton and not exceeding 2 tons ...	...	0	4
30	Exceeding 2 tons and not exceeding 3 tons ...	...	0	6
	Exceeding 3 tons and not exceeding 4 tons ...	...	0	8
	Exceeding 4 tons and not exceeding 5 tons ...	...	0	10
	Exceeding 5 tons and not exceeding 6 tons ...	...	1	0
	Exceeding 6 tons and not exceeding 7 tons ...	...	1	2
35	Exceeding 7 tons and not exceeding 8 tons ...	...	1	4
	Exceeding 8 tons and not exceeding 9 tons	1	8
	Exceeding 9 tons and not exceeding 10 tons	...	2	0
	Exceeding 10 tons	3	0

(61.)

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Melfort.(3.) *Weighing Machines.*

		<i>s.</i>	<i>d.</i>	
For potatoes salt and coals each ton or part of a ton	0	4	
Goods in quantities of 20 tons and upwards of same cargo per ton	...	0	3	
Other goods per ton or part of a ton... ..	...	0	6	5

(4.) *Warps or Planks where used.*

Harbour warps all vessels per registered ton ... ..	...	0	0	¼	
Harbour planks long per pair ... ..	...	3	0		
Harbour planks short ... ..	...	1	0		
The long planks to be paid for by vessel and short planks by merchant.					10

(5.) *Water Money.*

For every 25 gallons or part of 25 gallons of pure and wholesome drinking water supplied to any vessel or boat	0	1	½	
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(6.) *Pier Lights.*

For every fishing boat under 30 tons payable in advance per season	2	6			
For every fishing boat of 30 tons or above payable in advance per season	5	0			
For all other boats each	0	6			
For every ship under 100 tons register each	2	0			20
For every ship 100 tons register or above each	2	6			

But rates for lights shall only be demanded and received so long as a light or lights are duly exhibited during the proper hours.

PORTENCROSS PIER AND HARBOUR.

A.D. 1905.

Provisional Order for the construction and maintenance of new Pier and the widening and extension of the existing Harbours at Portencross in the Parish of West Kilbride in the County of Ayr constituting Harbour Authority the levying of rates the maintenance and regulation of the Harbour and for other purposes. *Portencross.*

Preliminary.

1.—(1) This Order may be cited as "The Portencross Pier and Harbour Order 1905." Short title commencement and interpretation.

(2) This Order shall come into force upon the day when the Act confirming this Order is passed and that day is in this Act referred to as the commencement of this Order.

(3) In this Order unless the context otherwise requires—

15 The expression "the existing harbours" means the harbours at Portencross known and shown on the twenty-five inch scale revised Ordnance Survey Map of the parish of West Kilbride marked second edition one thousand eight hundred and ninety-six as the old and new harbours as existing at the commencement of this Order and the quays works roads and conveniences connected therewith;

The expression "the harbour" includes the existing harbours and the works authorised by this Order;

25 The expression "the deposited plan" and "the deposited sections" mean respectively the plan and sections deposited with reference to this Order with the Board of Trade.

Undertakers.

2. William Adams of Overton and Auchenames in the parish of West Kilbride and county of Ayr or other the owner or owners for the time being of the pier herein-after mentioned shall be the Undertakers for carrying this Order into execution and are in this Order referred to as "the Undertakers." Undertakers.

Limits.

3. The limits within which the Undertakers shall have authority and within which the powers of the harbour-master may be exercised and which shall be deemed the limits to which this Order extends shall comprise the harbour and also the area below the line of high water mark of ordinary Limits of Order.

(61.)

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A.D. 1905. spring tides as delineated on the Ordnance Survey Map within one hundred yards from any part of the harbour and those limits are in this Order referred to as "the limits of this Order."

—
Portencross.

Deposit of
plan.

4. A map or plan showing the limits of this Order having been signed in triplicate by an Assistant Secretary of the Board of Trade one copy thereof shall within two weeks after the commencement of this Order be deposited at the Board of Trade another copy thereof shall within the same period be deposited at the office of the Principal Sheriff Clerk for the county of Ayr at Ayr and the third copy thereof shall within the same period be deposited at the office of the harbour-master In case of any discrepancy between the limits of this Order as shown on the said map or plan and the limits of this Order as described in the last preceding section of this Order the said map or plan shall be deemed to be correct and shall prevail.

Works.

Power to con-
struct works.

5. Subject to the provisions of this Order and subject also to such alterations (if any) in the deposited plan and deposited sections as the Board of Trade require before completion of the works authorised by this Order in order to prevent injury to navigation the Undertakers may in the lines and situations and according to the levels shown on the deposited plan and sections so far as the same are shown thereon and within the limits of deviation shown on the said plan or specified in the Order make and maintain the works authorised by this Order.

Description of
works.

6. The works authorised by this Order comprise—

A pier commencing at high water mark opposite a point one hundred and seventy-five yards or thereabouts northwards from the entrance gate of Auchenames House Portencross West Kilbride measuring along the existing roadway and terminating in the bed of the sea at a point sixty yards or thereabouts westwards from the said point of commencement The said pier will be constructed partly solid and partly open.

Power to
deviate.

7. In constructing the works authorised by this Order the Undertakers may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation marked on the deposited plan and may with the like consent deviate vertically to any extent approved by the Board of Trade.

Penalty for
obstructing
works.

8. If any person wilfully obstructs any person acting under the authority of the Undertakers in setting out the lines of the works authorised by this Order or pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works or defaces or destroys those works or any part thereof that person shall for each offence be liable to a penalty not exceeding five pounds.

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9. The Undertakers may at any time with the previous consent in writing of the Board of Trade extend widen and otherwise improve the existing harbours or either of them.

Portencross.
Extension and improvement of existing harbours.

10.—(1) Subject to the provisions of this Order the Undertakers may
5 construct and maintain or take on feu or lease all warehouses offices sheds weighing machines cranes and other works buildings and conveniences which may be found necessary or convenient in connexion with the existing harbours and the said pier for the accommodation of vessels and traffic landed at or embarked from the existing harbours and the said pier and they may
10 also lay down and maintain lighting apparatus rails tramways sidings and turntables on and along the existing harbours the said pier and other works and the lands connected therewith.

Power to construct or lease warehouses and other buildings.

(2) A line of rails or tramway constructed under the powers of this Order shall not be used for the public conveyance of passengers unless and
15 until it has been inspected and certified by the Board of Trade to be fit for that use.

11.—(1) If within two years from the commencement of this Order the works authorised by this Order are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto
20 shall cease unless the time for commencement is extended by the special direction of the Board of Trade.

Power to cease in certain events

(2) If the works authorised by this Order after having been substantially commenced are virtually suspended for twelve consecutive months the powers given by this Order for executing those works or otherwise in relation
25 thereto shall cease except as to so much of the works as are then completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the date of the passing of the Act confirming this Order.

(3) In either of the above cases a certificate from the Board of Trade to
30 the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in that certificate.

12. The Undertakers may make and maintain in connection with the
35 works all necessary and proper embankments excavations quays jetties landing-places slips roads approaches sheds and gas and water pipes electric mains and other works and conveniences.

Power to make embankments &c.

13. Any electric lighting apparatus or other electric mains and works
40 constructed or maintained under this Order shall be so constructed used and worked as to prevent any interference with telegraphic or telephonic communication by means of any telegraphic or telephonic line of the Postmaster-General or with any telephonic communication by means of any apparatus of the National Telephone Company Limited.

For protection of telegraphs and telephones.

A.D. 1905.

Portencross
Consent of
Board of Trade
to works.

14. Any works authorised by this Order below high-water mark shall not be commenced without the consent in writing of the Board of Trade and shall be executed only in accordance with the terms of such consent.

Acquisition of Lands.

Incorporation
of Lands
Clauses Acts.

15. The Lands Clauses Acts (except so much thereof as relates to the taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are hereby incorporated with this Order. 5

Power to take
lands by agree-
ment for extra-
ordinary pur-
poses.

16.—(1) For the purposes of the works authorised by this Order and for other extraordinary purposes connected with this Order the Undertakers may by agreement enter upon and take for a freehold feuhold leasehold or other interest and use any lands not exceeding in the whole three acres. 10

(2) This section or anything contained therein shall not exempt the Undertakers from any proceedings for nuisance caused or permitted by them on lands taken by them under the powers conferred by this Order. 15

Owners may
grant servi-
tudes &c.

17. 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 Order grant to the Undertakers any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in or affecting any such lands and the provisions of the said Acts with respect to lands feu-duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively. 20

Supplemental Provisions with regard to Management. 25

Maintenance of
pier.

18. Subject to the provisions of this Order the Undertakers may hold and maintain and with the consent of the Board of Trade alter and improve the pier and harbour.

Dredging &c.

19.—(1) The Undertakers in connection with the works authorised by this Order may within the limits to which this Order extends dredge scour deepen enlarge alter and improve the entrances channels and approaches to the existing harbours and the works authorised by this Order and for these purposes may remove gravel sand or other materials. 30

(2) All sand mud gravel and other materials dredged up or removed within the limits of this Order shall be the property of the Undertakers and they may sell or otherwise dispose of the same or lay down the same in another place within those limits as they think fit. 35

(3) All money arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses

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connected therewith shall be applied in the same manner as the revenue received from rates under this Order is to be applied.

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Portencross.

(4) Sand mud stone or other material shall not be laid down or deposited in any place below high water mark without the consent of the Board of Trade.

20. The Undertakers may for the purposes of the works authorised by this Order provide purchase lease or hire such steam or other dredgers engines tugs lighters and other vessels diving bells ballast lighters rubbish lighters tools plant or other materials and machinery as they think fit and may demand and receive such sums for the use of them as they think fit and may sell or dispose of them and the money thereby realised shall be applied towards carrying into effect any purposes of this Order to which capital is properly applicable.

Power to purchase or hire dredgers &c.

21. The Undertakers shall have the appointment of meters and weighers within the limits to which this Order extends.

Meters and weighers.

22.—(1) The Undertakers may in addition to the power to make byelaws under the Harbours Docks and Piers Clauses Act 1847 make byelaws for the regulation and control—

Power to make byelaws.

Of vessels and boats within the limits to which this Order extends;
20 Of the fishermen and others frequenting or resorting to or employed at the pier or within the limits to which this Order extends;
Of the embarking disembarking loading or unloading of any goods or traffic at the pier or within the limits to which this Order extends;

(2) The byelaws may provide for imposing and recovering a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(3) A byelaw under this section shall not come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

30 (4) Sections 84 and 85 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order.

Rates

23. When in addition to the certificate to be granted under section 26 of the Harbours Docks and Piers Clauses Act 1847 a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given the Undertakers may subject and according to the provisions of this Order demand recover and receive in respect of vessels persons animals fish goods matters and things and services rendered described in the schedule to

Power to levy rates 10 & 11 Vict. c. 27.

A.D. 1905. this Order any sums not exceeding the several rates specified in that
Portencross. schedule.

Rates may be
levied though
works not
complete.

24. If it is at any time certified in writing under the hand of an officer
to be appointed for the purpose by the Board of Trade but to be paid by the
Undertakers that the works authorised by this Order have been so far 5
completed as to afford accommodation for the landing and embarking of
passengers and goods by means of those works the Undertakers may notwith-
standing section 25 of the Harbours Docks and Piers Clauses Act 1847 and
although the whole of the works authorised by this Order have not then been
completed demand recover and receive such of the rates or such proportion of 10
all or any of the rates specified in the schedule to this Order as shall in the
opinion of the Board of Trade be commensurate with the accommodation
afforded.

Rates for use
of warehouses
&c.

25. The Undertakers may (so far as the rates specified in the schedule
to this Order do not extend) demand and receive such rates or other 15
consideration as they think reasonable for the use of any warehouses
buildings works and conveniences belonging to or provided by the Under-
takers or in respect of any services rendered by them in connexion with the
harbour.

Power to vary
exemptions
and compound.

26. The Undertakers may confer vary or extinguish exemptions from and 20
enter into compositions with any person with respect to the payment of the
rates authorised by this Order but so that no preference be in any case given
to any person over any other person using the pier and works under the like
circumstances and that anything done under this section shall not prejudice
the other provisions of this Order. 25

Power to
lease under-
taking or rates.

27. The Undertakers may from time to time lease the rates and other
charges authorised by this Order and in the case of leasing for any period not
exceeding seven years and for such rent and consideration and on such terms
and conditions as they think fit and the lessee shall have and may exercise 30
during the continuance of his lease the same powers of levying and recovering
rates and charges as the Undertakers have or might exercise under the
Harbours Docks and Piers Clauses Act 1847 and this Order and shall be
subject to all the provisions as to accounts and otherwise to which the
Undertakers are made subject under this Order.

Pass tickets for
use of piers.

28.—(1) The Undertakers may grant to any persons pass tickets for the 35
use of the pier at such rates on such terms and for such periods not exceeding
one year as may be agreed upon but so that no preference be given to any
person.

(2) A pass ticket shall not be transferable nor be used by any person
except the person to or for whom it is granted nor by any person after the 40
period limited for its use.

(3) If any person act in any way in contravention of the provisions of
this section or uses or attempts to use any false or counterfeit pass ticket he
shall for each offence be liable to a penalty not exceeding twenty shillings.

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*Portencross.*Rates for
ballast.

29. The Undertakers may take such rates as they think proper for the supply and the removal of ballast for the accommodation of vessels.

30. If at any time and from time to time the clear annual income derived from the rates received under this Order on the average of the then three last
5 preceding years after payment of all expenses and outgoings other than principal or interest in respect of money borrowed exceeds interest at the rate of ten per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Undertakers in
10 executing the works authorised by this Order the Board of Trade may if in their discretion they think fit reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten per centum per annum and the rates shall thereupon be reduced
15 accordingly but with power to the Board of Trade at any time to raise them again to sums not exceeding the amounts specified in the schedule to this Order.

Reductions of
rates by Board
of Trade.

31.—(1) The master or owner of every vessel (not being a pleasure boat) with a take or a cargo of fish shall on the arrival of the vessel within the limits to which this Order extends forthwith furnish to the collector of rates a true and accurate statement of his take or cargo of fish and the name of every
20 person obtaining delivery thereof.

Master or
owner to report
take of fish.

(2) If the master or owner of a vessel fails to comply with this section he shall be liable for each offence to a penalty not exceeding ten pounds.

32.—(1) The Undertakers may levy demand recover and receive the rates for white fish and for fresh herrings direct from the sea transhipped
25 or unshipped within the harbour (without prejudice to their rights to levy demand recover and receive the rates from any other person) either from the fish salesmen or auctioneers who dispose of the fish or from the persons purchasing or receiving delivery of the fish (otherwise than as carriers) from any vessel.

Provisions as
to collection of
rates on white
fish and fresh
herrings.

30 (2) Any such fish salesman auctioneer purchaser or receiver respectively shall be entitled to deduct the amount of the rates from the price at which the fish were sold or purchased but shall when required furnish the Undertakers or their collector of rates with an account under their hands of the quantity of the fish and verify the account by the production of their books
35 accounts or other documents to the Undertakers or to their collector of rates.

(3) If any such fish salesman auctioneer purchaser or receiver when so required refuses or fails to give and verify an account under this section or gives or subscribes a false account he shall for each offence be liable to a penalty not exceeding ten pounds.

40 33. The harbour-master may prevent the removal or sailing from within the limits of this Order of any vessel in respect of which or the goods imported or exported therein any rates are payable until evidence has been produced to him of the payment of those rates to the collector and in the case of a

Harbour-
master may
prevent sailing
of vessels.

(61.)

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A.D. 1905. vessel with a take or cargo of fish until the master or owner of a vessel has given in the account of his take or cargo of fish required by this Order.

Portencross.

Undertakers may supply and charge for water.

34. If and so long as the Undertakers shall make and maintain such provisions and appliances as may be necessary for furnishing to vessels resorting to the pier a supply of pure and wholesome water they shall be entitled to make and receive such reasonable charges as they may think fit not exceeding the rates specified for that purpose in the schedule to this Order for pure and wholesome water supplied by them. 5

Certain fishing vessels under stress of weather exempt from rates.

35. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the pier and not breaking bulk while making use thereof be exempt from rates leviable under this Order. 10

Extension of 10 & 11 Vict. c. 27 (ss. 28 and 99) as to exemption of Government officers &c.

36. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order shall apply to and for the benefit of any Government department in the same manner as they apply to and for the benefit of the Government departments specially named in those sections. 15

Lifeboat crew exempt from rates.

37. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to or along and on and from the pier without payment. 20 25

Finance.

Power to borrow money.

38. The Undertakers may borrow and reborrow at interest such money as may be required for the purposes of this Order not exceeding in the whole the sum of three thousand pounds on the security of the rates authorised by this Order or they may accept and take from any bank or banking company credit for any amount not exceeding in the whole the said sum of three thousand pounds on a cash account to be opened and kept in the name of the Undertakers according to the usage of bankers in Scotland but so that the whole sums owing by the Undertakers on such cash account and for other money borrowed and for the time being unpaid shall not exceed in the whole the sum of three thousand pounds exclusive of interest and the Undertakers may grant bonds and assignations of the rates under this Order in security of the repayment of the sum or sums so borrowed or of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon respectively and such bonds and assignations and any transfers thereof may be in the forms contained in Schedules (B) and (C) annexed to the Burgh Harbours (Scotland) Act 1853 or to the 30 35 40

16 & 17 Vict. c. 93.

[5 EDW. 7.] *Pier and Harbour Provisional Orders*
(No. 2).

27

like effect and shall be recorded in the Division of the General Register of Sasines at Edinburgh applicable to the county of Ayr. A.D. 1905.
Portencross.

39. All money borrowed under this Order shall be applied only for the purposes of the Order for which capital money may properly be applied and not otherwise. Application of money borrowed.

40.—(1) The mortgagees of the Undertakers in respect of money borrowed under this Order may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor. For appointment of a judicial factor.

10 (2) In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than five hundred pounds in the whole.

15 (3) Sections 86 and 87 of the Commissioners Clauses Act 1847 shall be incorporated with this Order and in such sections the expression "commissioners" shall mean the Undertakers and the expression "receiver" shall mean judicial factor and the expressions "mortgage" and "mortgagee" shall respectively include any security for money borrowed under this Order and the holder of any such security. 10 & 11 Vict. c. 16.

20 41. The revenue received from rates or otherwise under this Order shall be applicable for the purposes and in the order following and not otherwise:— Application of rates received.

(1) In paying the costs of and connected with the preparation and making of this Order;

25 (2) In paying the expense properly chargeable to revenue of the maintenance repair and management of the pier and of carrying into effect any powers given by this Order for works and the management and regulation of traffic within the limits of this Order;

30 (3) In payment year by year of the interest accruing on money borrowed under this Order;

(4) The surplus (if any) after providing for the purposes aforesaid shall belong to the Undertakers for their own use.

35 42.—(1) The Undertakers within one month after sending to the sheriff-clerk the copy of their annual account in abstract shall send a copy of it to the Board of Trade and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account: Annual account to be sent to Board of Trade.
25 & 26 Vict. c. 19.

(2) The account shall be made up to the thirty-first day of March in each year:

40 (3) The Undertakers shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this section,

(61.)

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A.D. 1905.

Life-Saving Apparatus.

Portencross.
Portions of
Harbours &c.
Clauses Act
excepted.
10 & 11 Vict.
c. 27.

43.—(1) Sections 16 to 19 inclusive of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order. 5

(2) The Undertakers shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the pier and build on that site a house and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus. 5

(3) If the Undertakers fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues. 10

Life saving
apparatus may
be attached to
pier.

44. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the pier spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the pier. 15

Lifebuoys to be
kept.

45. The Undertakers shall at all times keep at convenient places on the pier and in obedience to any requirements which may from time to time be made by the Board of Trade lifebuoys and life lines in good order and fit and ready for use. 20

Lights.

As to lights
during con-
struction of
works.

46.—(1) Before commencing the works authorised by this Order the Undertakers shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards from time to time given as to like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to those matters during the construction of the works. 25 30

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.

As to lights
after comple-
tion of works.

47.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Undertakers shall exhibit at the outer extremity of the pier or the completed portion thereof or in such other places as may be required from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and take such other steps for the prevention of danger to navigation as are directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for such directions. 35 40

[5 EDW. 7.] *Pier and Harbour Provisional Orders* 29
(No. 2).

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such directions. A.D. 1905.
Portencross.

48.—(1) In case of injury to or destruction or decay of the pier or the works or any part thereof the Undertakers shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for such directions. As to buoys
and lights in
case of decay
of works.

10 (2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect any such directions.

Miscellaneous.

49. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847 and for all the purposes of that Act this Order shall be deemed the special Act. Recovery of
penalties.
10 & 11 Vict.
c. 27.

50. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the King's most Excellent Majesty and in particular nothing herein contained shall authorise the Undertakers to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any lands hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained (which consent those Commissioners and that Board are hereby respectively authorised to give). Saving rights
of Crown.

51. All costs charges and expenses of and incident to the preparing and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Undertakers. Costs of Order.

52. The works authorised by this Order shall be deemed to be for all purposes within the parish of West Kilbride in the county of Ayr. Works to be
in parish of
West Kilbride.

A.D. 1905.

Portencross.

The SCHEDULE to which the foregoing Order refers.

I.—RATES ON PASSENGERS USING THE PIER AND HARBOUR.

	<i>s.</i>	<i>d.</i>
For every passenger or other person who shall land on the pier or harbour or embark therefrom on board of any ship vessel packet or passage boat or steamer for each and every time any sum not exceeding	0	2
Children under twelve years of age in charge of parent guardian or servant or servants going for or with luggage free but the luggage to be paid for.		10

II.—RATES ON PASSENGERS' LUGGAGE &c.

For every trunk portmanteau box parcel or package within the description of luggage and not carried by the passenger not exceeding 28 lbs.	0	1
For every trunk portmanteau box parcel or package within the description of luggage over 28 lbs. and not exceeding 112 lbs. ...	0	2
Over 112 lbs. and not exceeding 2 cwts.	0	4
And for every cwt. beyond	0	2

III.—RATES ON VESSELS USING THE PIER AND HARBOUR.

For every steamer using the pier or harbour for discharging or shipping passengers or goods—per ton register	0	2
For every other vessel decked or undecked using the pier or harbour for discharging or shipping goods—per ton register	0	2
No vessel shall be charged rates for more than one call on the same day and if the vessels of the owner or owners of any steam or other vessels engaged in a regular trade with the pier or harbour shall collectively make in any one year from January to December inclusive fifty or more calls at the pier or harbour one-half of the rates for the time being levied shall be chargeable on each of such steam or other vessels in respect of such year.		25
For the use of gangways or fastening of ropes provided or rendered by the Undertakers by the desire of the owner or person in charge of any vessel such sum as may be agreed upon between the Undertakers and such owner or person in charge.		30

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(No. 2).

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IV.—RATES ON GOODS, &c.

A.D. 1905.

*Portencross.**Articles of Export and Import.*

		s.	d.
	Ale beer and porter per 54 gallons	0	6
5	Ale beer and porter per 9 gallons	0	1
	Ale beer and porter (bottled in pint bottles) per dozen	0	1
	Anchors per cwt.	0	9
	Ashes of all kinds per ton	1	0
	Bark per ton	2	0
10	Barley (pot shelled or pearl) per ton	1	8
	Bedding per cwt.	0	3
	Beef or pork per cwt.	0	2
	Biscuits or bread per ton	2	0
	Bones and bone dust per ton	1	6
15	Bottles per gross	0	6
	Bran per ton	1	8
	Bricks per 1,000	1	4
	Butter and lard per ton	3	4
	Cables iron or hempen per ton	1	6
20	Candles per ton	1	6
	Canvas per 56 lbs.	0	1
	Carrots per ton	1	0
	Casks and barrels empty not being returned packages each	0	1
	Carriages—		
25	Chaises and other four-wheeled carriages each	2	6
	Gigs and other two-wheeled carriages each	1	0
	Carts each	1	0
	Hand-carts and perambulators each	0	2
	Cattle—		
30	Bulls each	1	0
	Cows and oxen each	0	6
	Calves each	0	3
	Horses asses and mules each	1	0
	Ponies under 12 hands each	0	6
35	Pigs each	0	3
	Sheep each	0	0½
	Lambs each	0	0½
	Cement per ton	1	0
	Cheese per cwt.	0	2
40	Chimney cans each	0	2
	Cinders and charcoal per ton	0	6
	Clay (manufactured) per ton	0	3
	Clay (common) per ton	0	1
	Cloth haberdashery &c. per cwt.	0	2
45	Coals per ton	0	4

A.D. 1905.

Portencross.

	s.	d.	
Copper per ton	2	0	
Copper (old) per ton	1	3	
Cordage per ton	2	0	
Cork per cwt.	0	2	5
Crabs per dozen	0	1	
Crystal per cwt.	0	2	
Cutch per ton	0	10	
Dogs each	0	2	
Drugs (in casks hampers or boxes) per ton	4	0	10
Earthenware or chinaware (in casks hampers or boxes) per cwt.	0	2	
Earthenware or chinaware (in crates) per cwt.	0	2	
Eggs per ton	2	0	
Fish (dried and salted) per cwt.	0	2	
Fish (fresh in bulk) per cwt.	0	1½	15
Flax per ton	2	6	
Flour per 2½ cwt.	0	2½	
Fruit per cwt.	0	2	
Furniture (household) per cwt.	0	2	
Game of all kinds per cwt.	0	6	20
Glass of all descriptions per cwt.	0	1	
Groceries viz.—			
Tea coffee confections dried fruits spices rice tobacco snuff &c.			
per cwt.	0	3	
Guano per ton	1	0	25
Gunpowder per 100 lbs.	0	3	
Hams bacon or tongues per ton	2	0	
Hardware per ton	1	6	
Hay and straw per ton	1	6	
Hemp per ton	3	0	30
Herrings cured per 26⅔ gallons	0	2	
Herrings (fresh) per 37½ gallons	0	2	
Hides—			
Ox cow or horse (wet or dry) each	0	1	
Hoops of wood per 1,500	1	0	35
Hoops of iron per cwt.	0	2	
Husbandry implements of per cwt.	0	2	
Iron—			
Bar bolt and rod plate sheet and forged iron gates stoves nails			
and other ironmongery and rails per cwt.	0	1	40
Old per cwt.	0	0½	
Pig and unmanufactured per ton	1	0	
Lead per ton	0	10	
Leather (tanned and dressed) per ton	2	0	
Lime per ton	0	6	45
Limestone per ton	0	6	
Lobsters per dozen	0	1	

[5 EDW. 7.] *Pier and Harbour Provisional Orders*
(No. 2).

33

							s.	d.	A.D. 1905.
									<u>Portencross.</u>
	Machinery of all kinds per cwt.	...	...	...	...	...	0	1	
	Manure not enumerated per ton	...	...	...	...	...	1	0	
	Masts and spars 10 inches in diameter and upwards each	...	...	...	...	...	1	6	
5	Meal per 2½ cwt. ...	...	...	...	...	...	0	2½	
	Meat (fresh) per cwt.	...	...	...	...	...	0	2	
	Milk per 3 gallons	...	...	...	...	...	0	1	
	Musical instruments per cubic foot	...	...	...	...	...	0	1	
	Oils per ton	...	...	...	...	...	1	6	
10	Oilcake per ton	...	...	...	...	...	1	6	
	Oranges and lemons per cwt.	...	...	...	...	...	0	2	
	Paint per cwt.	...	...	...	...	...	0	3	
	Pitch per cwt.	...	...	...	...	...	0	2	
	Potatoes per ton	...	...	...	...	...	0	6	
15	Poultry each	...	...	...	...	...	0	0½	
	Rabbits per dozen	...	...	...	...	...	0	4	
	Rags and old rope per ton	...	...	...	...	...	1	8	
	Sails per cwt.	...	...	...	...	...	0	6	
	Salmon per cwt.	...	...	...	...	...	0	6	
20	Salt per ton	...	...	...	...	...	0	6	
	Sand and gravel per ton	...	...	...	...	...	0	8	
	Seeds per quarter	...	...	...	...	...	0	3	
	Sheep skins with wool per cwt.	...	...	...	...	...	0	3	
	Slates per ton	...	...	...	...	...	1	0	
25	Soap per cwt.	...	...	...	...	...	0	1	
	Spirits per 54 gallons	...	...	...	...	...	2	0	
	Spirits per gallon	...	...	...	...	...	0	1	
	Stones—								
	Rubble per ton	...	...	...	...	...	0	2	
30	Hewn Ashlar per ton	...	...	...	...	...	0	6	
	Rough per ton	...	...	...	...	...	0	4	
	Pavement per ton	...	...	...	...	...	0	4	
	Curb per ton	...	...	...	...	...	0	4	
	Paving and causeway stones per ton	...	...	...	...	...	0	2	
35	Grindstones each	...	...	...	...	...	0	4	
	Millstones each	...	...	...	...	...	0	6	
	Gravestones each	...	...	...	...	...	1	0	
	Sugar of all kinds per ton	...	...	...	...	...	1	6	
	Tallow per cwt.	...	...	...	...	...	0	2	
40	Tar per cwt.	...	...	...	...	...	0	1	
	Tiles roofing per ton	...	...	...	...	...	0	6	
	Tin per ton	...	...	...	...	...	1	6	
	Tow per cwt.	...	...	...	...	...	0	2	
	Turnips per ton	...	...	...	...	...	0	6	
45	Turpentine per cwt.	...	...	...	...	...	0	1	

(61.)

E

A.D. 1905.								<i>s.</i>	<i>d.</i>	
<i>Portencross.</i>	Varnish per cwt. ...	...	...	...	...	...	...	0	1
	Vegetables (not enumerated) per cwt. ...	...	...	...	...	...	...	0	2
	Vitriol per cwt. ...	...	...	...	...	...	...	0	1
	Wheels coach or cart per pair ...	...	...	...	...	...	...	0	3 5
	Wine per 54 gallons ...	...	...	...	...	...	...	1	0
	Wine bottled per dozen quarts ...	...	...	...	...	...	...	0	2
	Wine bottled per dozen pints ...	...	...	...	...	...	...	0	1
	Wood fir beech oak ash elm and other hard woods rough and round or in plank or sided per 50 cubic feet ...	...	...	...	...	...	...	1	0 10
	Wool per cwt. ...	...	...	...	...	...	...	0	2
	Yarn—									
	Cotton lint and worsted per cwt. ...	...	...	...	...	...	...	0	2
	Other kinds per cwt. ...	...	...	...	...	...	...	0	1
	Zinc per ton ...	...	...	...	...	...	...	1	6 15

ALL OTHER GOODS NOT ENUMERATED ABOVE.

Light goods per cubic foot ...	...	...	...	...	...	...	...	0	1
Heavy goods per ton ...	...	...	...	...	...	...	...	2	0

In charging the rates on goods the gross weight or measurement of all goods including the packages to be taken and for any less weights measures and quantities than those above specified a proportion of the respective rates shall be charged and the minimum charge for a single packet shall be one penny.

Empty boxes casks and packages returned to the original shipper after importation or exportation with goods are exempted from dues. 25

V.—RATES FOR USE OF CRANES WEIGHING MACHINES AND SHEDS.

(1) *Rates on Cranage.*

	<i>s.</i>	<i>d.</i>
All goods or packages not exceeding 1 ton
Exceeding 1 ton and not exceeding 2 tons
Exceeding 2 tons and not exceeding 3 tons
Exceeding 3 tons and not exceeding 4 tons
Exceeding 4 tons and not exceeding 5 tons
Exceeding 5 tons and not exceeding 6 tons
Exceeding 6 tons and not exceeding 7 tons
Exceeding 7 tons and not exceeding 8 tons
Exceeding 8 tons and not exceeding 9 tons
Exceeding 9 tons and not exceeding 10 tons
Exceeding 10 tons

(2) *Weighing Machines.*

For goods weighed for each ton or part of a ton	0	2
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40

[5 EDW. 7.] *Pier and Harbour Provisional Orders* 35
(No. 2).

(3) *Shed Dues.*

s. d. A.D. 1905.

Portencross.

5 For each 40 cubic feet of goods or for each ton of goods which shall remain in any shed or on the pier for a longer time than 48 hours the sum of 8*d.* and the sum of 2*d.* for each 40 cubic feet or per ton for each 24 hours during which such goods shall remain after the first 48 hours.

For any portmanteau trunk parcel or other article of passengers' luggage for each day or part of a day after the first 24 hours—per package 0 2

10

VI.—WATER MONEY.

For every 25 gallons or part of 25 gallons of pure and wholesome drinking water supplied to any vessel 0 1½

**Pier and Harbour
Provisional Orders
(No. 2). [H.L.]**

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Melfort and Portencross.

The Lord Privy Seal (M. Salisbury).

Ordered to be printed 8th May 1905.

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OLIVER and BORD, Edinburgh; or
E. POSONBY, 116, Grafton Street, Dublin.

[Price 3½d.]

(61.)

**Pier and Harbour Provisional Orders
(No. 2.) Bill [H.L.]**

A M E N D M E N T

T O B E M O V E D I N C O M M I T T E E

BY

BY THE LORD PRIVY SEAL (*M. Salisbury.*)

PORTENCROSS PIER AND HARBOUR ORDER.

Clause 7, page 20, lines 34 and 35, leave out ("approved by
" the Board of Trade ")

(61 a.)

Pier and Harbour Provisional
Orders (No. 2.) Bill [H.L.]

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE LORD PRIVY SEAL (*M. Salisbury*).

24th May 1905.

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E. PONSONBY, 116, Grafton Street, Dublin.

[Price 4d.]

(61 a.)

[5 EDW. 7.] *Pier and Harbour Provisional Order* 1
(No. 3).

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Aberystwyth. A.D. 1905.

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 is not of any validity or force whatever until the confirmation thereof by Act of Parliament : 24 & 25 Vict.
c. 45.

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

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

1. The Order as amended and set out in the schedule to this Act shall be and the same is hereby confirmed and all the provisions thereof in manner and form as they are set out in the
15 said schedule shall from and after the passing of this Act have full validity and force. Confirmation
of Order
in schedule.

2. This Act may be cited as the Pier and Harbour Order Confirmation (No. 3) Act 1905. Short title.

A.D. 1905.

S C H E D U L E.

ABERYSTWYTH HARBOUR.

Aberystwyth. *Provisional Order authorising the Mayor Aldermen and Burgesses of the Borough of Aberystwyth to levy rates at their existing harbour in accordance with a new schedule to borrow money for the purposes of works and to charge certain funds under their control for securing the repayment of such money with interest and for other purposes.* 5

Preliminary.

Short title. 1. This Order may be cited as the Aberystwyth Harbour Order 1905 and shall be construed as one with the Aberystwyth Corporation Act 1874 (in this Order referred to as "the Act of 1874") as amended by this Order. 10

Commencement. 2. This Order shall come into force upon the day when the Act confirming this Order is passed and that day is in this Order referred to as "the commencement of this Order." 15

Interpretation. 3. In this Order unless the subject or context otherwise requires—
 "The borough" means the borough of Aberystwyth ;
 "The Corporation" means the mayor aldermen and burgesses of the borough ; 20
 "The town council" means the town council of the borough ;
 "The borough fund" means the borough fund of the borough ;
 "The harbour" means the area within which the Corporation have jurisdiction as a harbour authority immediately before the commencement of this Order ; 25
 "The annuities" means the annuities created under the Act of 1874 and for the time being outstanding and unredeemed ;
 "The 1874 Loan" means the moneys borrowed on mortgage under the Act of 1874 and for the time being outstanding and undischarged. 30

Undertakers.

Undertakers. 4. The Corporation acting by the town council shall be the undertakers for carrying this Order into execution.

[5 EDW. 7.] *Pier and Harbour Provisional Order*
(No. 3).

3

Additional Powers.

A.D. 1905.

5.—(1) The Corporation may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the harbour for vessels using the same.

Aberystwyth.
Power to dredge.

5 (2) All sand and other materials dredged up or removed shall be the property of the Corporation and they may sell or otherwise dispose of or remove or deposit the same as they think fit. Provided that no sand mud stone or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade
10 having first been obtained.

(3) All money arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the revenue received from rates under this Order is to be applied.

15 6. The Corporation may for the purposes of this Order provide purchase lease or hire such steam or other dredgers engines tugs lighters or other vessels diving bells tools plant or other materials as they may think fit and may demand and receive such reasonable sums for the use of the same as they may think fit or may sell or dispose of the same and the
20 money realised by any sale thereof shall be applied towards carrying into effect any of the purposes of this Order to which capital is properly applicable.

Power to purchase or hire dredgers.

Rates.

25 7.—(1) From and after the commencement of this Order the rates dues and duties which the Corporation are authorised by the Act of 1874 to levy collect and take in respect of the harbour undertaking shall cease to be levied collected and taken and in lieu thereof rates dues and duties not exceeding the rates dues and duties specified in the Schedules A and B to this Order may be levied collected and taken by the Corporation in the
30 same manner and subject to and in accordance with the same conditions and statutory provisions as if the same had been authorised by the Act of 1874 to be levied collected and taken. Provided always that all goods wares merchandise things and commodities which are not particularised and set forth in the Schedule B to this Order shall be charged and chargeable with
35 and shall pay a rate equal to the rate rated and affixed on the goods wares merchandise things and commodities of a similar nature package and quality specified in and by the said Schedule B.

Scheduled rates substituted for rates under Act of 1874.

(2) From and after the commencement of this Order any mortgages annuities or other securities charged upon the rates dues and duties which
40 the Corporation are authorised by the Act of 1874 to levy collect and take

(133.)

A 2

A.D. 1905. shall be deemed to be charged in the same manner and to the same extent
Aberystwyth. upon the rates dues and duties which the Corporation are by this Order
authorised to levy collect and take.

Board of Trade
may reduce
rates.

8.—(1) The rates to be received by the Corporation shall be adjusted
by them in such a manner that as far as possible the income of the harbour 5
shall be sufficient and not more than sufficient for the purposes of the
harbour.

(2) If at any time it appears to the Board of Trade from the annual
account to be sent to them under this Order that the clear annual income
derived from the rates leviable by the Corporation on the average of the then 10
three last preceding years after payment of all expenses and outgoings
exceeds the amount sufficient for the purposes of this Order the Board may if
in their discretion they think fit to reduce the rates leviable under this Order
to such amounts as will be sufficient to provide the amount aforesaid and may 15
again at any time raise the rates to any amount not exceeding the rates
specified in the schedule to this Order.

Certain fishing
vessels under
stress of
weather exempt
from rates.

9. Fishing vessels belonging to countries with which for the time being
treaties exist exempting from duties and port charges those vessels when
forced by stress of weather to seek shelter in the ports or on the coasts of the 20
United Kingdom shall when forced by stress of weather to make use of the
harbour and not breaking bulk while making use thereof be exempt from
rates leviable under this Order.

Exemption of
lifeboat crew.

10. All persons going to or returning from any lifeboat or using any
apparatus for saving life and being persons either belonging to the crew of
the lifeboat or to the coastguard or being persons for the time being actually 25
employed in saving life or in exercising or using the lifeboat or the
apparatus for saving life and all persons brought ashore from any vessel in
distress shall at all times have free ingress passage and egress to in and from
the harbour and every part of it.

Annual ac-
count to be sent
to the Board
of Trade.
25 & 26 Vict.
c. 19.

11.—(1) The Corporation shall within one month after sending to the 30
clerk of the peace the copy of their annual account in abstract send a copy of
the same to the Board of Trade and the sixteenth section of the General Pier
and Harbour Act 1861 Amendment Act shall apply to and include any such
account.

(2) The account shall be made up to the end of the thirty first day of 35
March in each year.

(3) The Corporation shall as from the expiration of that month be liable
to a penalty not exceeding twenty pounds for every week or part of a week
during which they refuse or neglect to comply with this section.

Application of
rates &c.

12.—(1) Section 30 of the Act of 1874 is hereby repealed. 40
(2) The moneys from time to time received by the Corporation in respect
of the rates dues and charges authorised to be levied and received under this

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Order (herein-after called "the harbour revenue") shall in each and every year be applied in the following manner and order (that is to say):—

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- 5 (i) In paying and discharging all salaries wages and other necessary expenses properly chargeable to income and incurred by the Corporation in regulating conducting and working the harbour and in providing maintaining and repairing plant matters and things necessary to such regulating conducting and working ;
- (ii) In repairing maintaining and improving the harbour ;
- (iii) In paying the interest on the 1874 loan ;
- 10 (iv) In paying the annuities ;
- (v) In paying the interest on the moneys by this Order authorised to be borrowed ;
- (vi) In providing the sinking fund required by the Act of 1874 to be formed for the payment off of the 1874 loan ;
- 15 (vii) In providing the sinking fund by this Order required to be formed for the purpose of redeeming the annuities ;
- (viii) In paying the annual sum in respect of principal and interest by section 18 subsection 3 (iii) of this Order provided for in respect of the overdraft therein mentioned ;
- 20 (ix) In paying the instalments as they become due in respect of the principal of any moneys borrowed under this Order or in providing in accordance with this Order a sinking fund for the discharge of those principal moneys ;
- (x) In repaying to the district fund or the general district rate all moneys and interest paid thereout for the purposes of the harbour whether in respect of money borrowed or otherwise ;
- 25 (xi) In repaying to the borough fund all moneys which may have been paid thereout under the provisions of the Act of 1874 or this Order ;
- 30 (xii) In reduction of the 1874 loan ;
- (xiii) In purchasing and extinguishing if the Corporation think fit all or any of the annuities ;
- (xiv) In reduction of the principal money borrowed under this Order.

Finance.

- 35 13.—(1) In addition to the moneys which the Corporation are authorised to borrow under the Act of 1874 the Corporation may for the purpose of paying off the liabilities incurred by them in respect of new works which have been constructed by them in connexion with the harbour and for the purpose of paying the costs charges and expenses in section 27 of this Order
- 40 mentioned borrow at a rate of interest not exceeding five per centum per annum on the security of the harbour revenue any sums not exceeding in the aggregate fourteen thousand pounds under this Order.

Power to borrow.

A.D. 1905. (2) By way of collateral security for the repayment of any moneys
 Aberystwyth. borrowed under this Order and for the payment of the interest thereon the
 Corporation shall mortgage or charge their corporate property and the rents
 and profits derived from the Corporation lands mentioned in Part II. of the
 Act of 1874 or any part or parts thereof and the borough fund subject to any 5
 mortgages or charges thereon existing at the commencement of this Order.

Mode of repay- 14.—(1) The Corporation shall pay off all moneys borrowed by them on
 ment of moneys mortgage under the powers of this Order either by equal yearly or half-
 borrowed under yearly instalments of principal or of principal and interest or by means of a 10
 this Order. sinking fund or partly by such instalments and partly by a sinking fund and
 the payment of the first instalment or the first annual payment to the said
 sinking fund shall be made within one year after the date of borrowing the
 sum in respect of which the payment is made.

(2) Money borrowed by the Corporation under this Order shall be repaid
 within the respective periods following (that is to say):— 15

- (a) Money borrowed for the purpose of paying off liabilities incurred by
 the Corporation in respect of new works which have been con-
 structed by them in connexion with the harbour shall be repaid
 within forty years from the date or dates of borrowing the same ;
- (b) Money borrowed for the purpose of paying the costs charges and 20
 expenses in section 27 of this Order mentioned shall be repaid
 within five years from the commencement of this Order.

Deficiency of 15. All expenses of and incidental to the maintenance of the harbour and
 revenue and all charges on the harbour revenue (including the payments required by
 borough fund section 12 subsection 2 (i) to (ix) inclusive of this Order to be made thereout) 25
 to be a charge which the harbour revenue and the annual sum by section 18 of this Order
 on district rate required to be appropriated and set apart may be insufficient to defray shall
 &c. be charged on and paid out of the district fund and general district rate of
 the borough and the Corporation shall include in each general district rate
 the amount (if any) which it is estimated may be required to cover the 30
 deficiency accruing during the currency of the rate or which is required
 to make up any deficiency which has occurred during any previous period.

Sinking fund to 16.—(1) The Corporation shall in the year ending the thirty-first day of
 meet annuities. March one thousand nine hundred and six and in every subsequent year
 appropriate and set apart out of the harbour revenue (if any) remaining after 35
 providing for the expenses mentioned in subsection 2 (i) to (vi) inclusive of
 section 12 of this Order to a fund (herein-after called "the annuities sinking
 fund") such an equal annual sum as will with the accumulations thereof by
 way of compound interest at a rate not exceeding three per centum per
 annum together with the sum of one thousand and seventy-seven pounds 40
 nineteen shillings and sixpence now standing to the credit of the annuities
 sinking fund and the accumulations thereof be sufficient to provide on the
 thirty-first day of March one thousand nine hundred and forty-five the
 principal sum of nine thousand seven hundred and forty-six pounds seventeen

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shillings and sixpence (being the capitalised value of the annuities at twenty-five years' purchase).

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(2) Every annual sum so appropriated and set apart to the annuities sinking fund shall be invested in some or one of the investments upon which trustees are for the time being by statute authorised to invest trust moneys other than securities of the Corporation or in the bonds debentures debenture stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority as defined by section 34 of the Local Loans Act 1875 other than the Corporation and shall be increased by accumulation by way of compound interest.

(3) The annuities sinking fund shall be applied in the purchase and redemption of such of the annuities as the Corporation may from time to time be able to purchase by agreement.

(4) If and so soon as the annual income of the annuities sinking fund shall be equal to the annual sums payable in respect of the annuities no further appropriation shall be made towards the annuities sinking fund.

(5) Sections 37 and 38 of the Act of 1874 are hereby repealed.

17.—(1) If any money borrowed under this Order is to be repaid by means of a sinking fund the Corporation shall in each year ending the thirty-first day of March after the date of the borrowing of those moneys appropriate and set apart out of the surplus harbour revenue (if any) after providing for the expenses mentioned in subsection 2 (i) to (viii) inclusive of section 12 of this Order to a fund (herein-after called "the 1905 sinking fund") such a sum as will with the accumulations thereof by way of compound interest be sufficient to pay off the whole of the principal moneys borrowed under this Order and to be repaid by means of a sinking fund within the respective period prescribed in that behalf by this Order.

Sinking fund to meet moneys borrowed under this Order.

(2) Every sum appropriated and set apart to the 1905 sinking fund shall be invested in some or one of the investments in which trustees are for the time being by statute authorised to invest trust moneys other than securities of the Corporation or in the bonds debentures debenture stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority as defined by section 34 of the Local Loans Act 1875 other than the Corporation.

(3) The Corporation may from time to time apply any portion of the 1905 sinking fund in or towards paying off the money for the repayment of which it was created.

18.—(1) The Corporation shall in the year ending the thirty-first day of March one thousand nine hundred and six and in every subsequent year in which the harbour revenue shall be insufficient to provide (a) the amount which ought to be appropriated towards the sinking fund by the Act of 1874 required to be provided for the payment off of the 1874 loan (herein-after called "the 1874 sinking fund") (b) the amount which ought to be

Appropriation out of borough fund and general district rate.

A.D. 1905. appropriated towards the annuities sinking fund (c) the annual payment
 — mentioned in subsection 2 (viii) of section 12 of this Order as from the date
Aberystwyth. when that annual payment is by subsection 3 (iii) of this section required
 to be made and (d) the annual instalment of principal or of principal and
 interest which ought to be repaid in respect of the moneys borrowed under 5
 this Order and the sum (if any) which ought to be appropriated towards
 the 1905 sinking fund appropriate and set apart the annual sum of eighteen
 hundred pounds or such smaller sum as is required to provide the sums
 mentioned in subsection (3) of this section.

(2) One thousand pounds part of the annual sum by the last preceding 10
 subsection required to be appropriated and set apart shall be appropriated out
 of the rents and profits derived from the Corporation lands mentioned in
 Part II. of the Act of 1874 or any part or parts thereof and out of the
 borough fund and the residue of the said annual sum shall be appropriated
 out of the general district rate. 15

(3) The annual sum by subsection (1) of this section directed to be
 appropriated and set apart shall be applied in manner following:—

(i) In contributing to the 1874 sinking fund the whole or such part
 as the harbour revenue is insufficient to meet of the sum which
 ought in each year to be appropriated towards the 1874 sinking 20
 fund:

(ii) In contributing to the annuities sinking fund the whole or such
 part as the harbour revenue is insufficient to meet of the annual
 sum which ought in each year to be appropriated towards the
 annuities sinking fund: 25

(iii) In payment off in the year ending the thirty-first day of March one
 thousand nine hundred and ten and in each of the ten then next
 succeeding years of one equal eleventh part of the sum of eight
 thousand nine hundred and ninety-seven pounds sixteen shillings
 and sevenpence (which represents the present overdraft and 30
 liability of the Corporation in respect of past deficiencies of the
 revenue derived from the harbour undertaking in the Act of
 1874 mentioned) and in payment of the interest payable on so
 much of the said sum of eight thousand nine hundred and ninety-
 seven pounds sixteen shillings and sevenpence as for the time 35
 being remains owing and unpaid by the Corporation:

(iv) In payment of the annual instalment of principal or of principal
 and interest which ought to be repaid in respect of the moneys
 borrowed under this Order and of the sum (if any) which ought
 to be appropriated and set apart towards the 1905 sinking 40
 fund.

Deficiency to
 be provided
 for by general
 district rate.

19.—(1) If in the year ending the thirty-first day of March one
 thousand nine hundred and six or any subsequent year the rents and
 profits derived from the Corporation lands mentioned in Part II. of the
 Act of 1874 or any part or parts thereof and the borough fund (after 45
 providing for the interest on any prior incumbrances on the borough fund)

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shall be insufficient to produce the said annual sum of one thousand pounds by the second subsection of section 18 required to be appropriated and set apart thereout the Corporation shall in the year in which such deficiency arises or is estimated to arise levy by way of addition to the general district rate of the borough a rate of such amount as shall be necessary to make up the deficiency and the proceeds of such rate shall be applied in making good the said deficiency.

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(2) The Corporation in preparing the estimates of the amount required in their judgment to be raised by means of a general district rate for the purposes of the borough shall include therein as well the sum required to be appropriated under section 18 subsection (2) of this Order as such sum (if any) as in their judgment is necessary to be provided to cover any deficiency from time to time arising or expected to arise as well under this section as under section 15 of this Order so that as far as practicable any such deficiency shall be made good within the year in which it arises.

20. Sections 236 237 238 and 239 of the Public Health Act 1875 shall apply to all mortgages made under this Order but in those sections as so applied the word "rates" shall mean the harbour revenue and the borough fund.

Application of sections of Public Health Act 1875. 38 & 39 Vict. c. 55.

20 21. Any person advancing money to the Corporation for the purposes of this Order shall not be bound to require any further or other evidence of the power of the Corporation to borrow the money advanced by such person than such as is afforded by a certificate signed by the town clerk of Aberystwyth that the Corporation are not exceeding the powers of borrowing conferred on them by section 13 of this Order and by an inspection of the register of mortgages by section 237 of the Public Health Act 1875 required to be kept by the undertakers.

Protection of lenders.

22. Every part of the money borrowed under this Order shall be applied only for the purposes of this Order to which capital is properly applicable and not otherwise.

Application of money borrowed.

23. Nothing in this Order contained shall prejudice or affect the priority of the annuities created or any sums borrowed under the Act of 1874 and respectively remaining unpaid at the commencement of this Order or the security therefor.

Prior securities saved.

35 24. —(1) The town clerk of Aberystwyth shall within two months after the expiration of each year during which any sum is required to be paid as an instalment or set apart for any of the sinking funds in this Order mentioned transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by that Board showing the amount which has been paid as an instalment or invested for the purpose of any such sinking fund during that year and the description of the securities upon which the amount has been

Annual return to Local Government Board.

(133.)

B

A.D. 1905. *Aberystwyth.* invested and also showing the purposes to which any portion of the moneys invested for the sinking funds and the interest thereof have been applied during that year and the total amount of any moneys repayable by instalments remaining unpaid and the total amount remaining invested in respect of each sinking fund respectively at the end of that year. 5

(2) The town clerk in the event of any wilful default in making the return under this section shall be liable to a penalty not exceeding twenty pounds and that penalty shall be paid to the Local Government Board and shall be recoverable by that Board in a summary manner.

(3) If it appears to the Local Government Board by the return under this section or otherwise that the Corporation have failed to set apart in accordance with the provisions of this Order any sum required by this Order for the respective sinking funds or have applied any portion of the moneys set apart for any of those funds or any interest thereof to any purposes other than those authorised by the Act of 1874 as by this Order amended and by this Order respectively the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which the default has been made shall be set apart and invested as part of that sinking fund respectively and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court. 15 20

(4) Section 40 of the Act of 1874 is hereby repealed.

Annual account to be sent to the Board of Trade. 25 & 26 Vict. c. 19.

25.—(1) The Corporation shall within one month after sending to the clerk of the peace the copy of their annual account in abstract send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account. 25

(2) The account shall be made up to the end of the thirty-first day of March in each year.

(3) The Corporation shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this section. 30

Miscellaneous.

Saving rights of the Crown.

26. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the King's most Excellent Majesty and in particular nothing herein contained shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on 35 40

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behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give). A.D. 1905.
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27. All costs charges and expenses of and incidental to preparing and Costs of Order.
5 obtaining this Order or otherwise incurred in relation thereto (the same to be taxed by the proper officer) shall be paid by the Corporation out of money borrowed for the purpose under the provisions of this Order.

The SCHEDULES to which the foregoing Order refers.

SCHEDULE A.

10 TONNAGE RATES ON VESSELS.

For all ships or vessels coming from foreign ports and unloading their cargoes or part thereof within the harbour six pence per register ton.

For all ships or vessels loading within the harbour three pence per register ton.

15 For all ships or vessels driven by or coming in consequence of stress of weather within the harbour or otherwise coming within the harbour and not unloading any part of their cargoes within the harbour two pence per register ton.

20 For all coasting and other vessels not coming from foreign parts unloading within the harbour (except in ballast or loaded with limestone) four pence per register ton.

For all coasting and other vessels not coming from foreign parts unloading within the harbour (if in ballast or loaded with limestone) two pence per register ton.

25 For every steam vessel exclusively employed in carrying passengers and their luggage which shall enter or come within or leave the harbour six pence per register ton.

30 *Note.*—Every ship or vessel not coming within the harbour and all boats and vessels exclusively employed in fishing to be exempted from the above rates and duties.

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SCHEDULE B.

Aberystwyth.

	Rates and Duties Inwards.	Rates and Duties Outwards.	Per Weight or Measure.	
A.				5
	<i>s. d.</i>	<i>s. d.</i>		
Alabaster - - - - -	0 2	0 1	per cwt	
Albutite or Bitumen - - - - -	2 0	1 0	per ton	
Ale, Beer, Stout and Porter - - - - -	3 0	1 6	per ton	
Alkali - - - - -	0 3	0 0½	per cwt	10
Almonds, see Groceries				
Alpaca - - - - -	0 4	0 2	per cwt	
Alum Rock - - - - -	0 2	0 1	per cwt	
Anchors - - - - -	0 2	0 1	per cwt	
Anchovies, see Fish				
Animals, alive not otherwise rated	3 0	1 6	each	15
Stuffed or preserved - - - - -	0 8	0 4	each	
Aniseeds - - - - -	0 4	0 2	per cwt	
Annatto - - - - -	0 4	0 2	per cwt	
Antimony - - - - -	0 6	0 3	per cwt	20
Ore of - - - - -	1 0	0 6	per ton	
Anvils - - - - -	0 2	0 1	per cwt	
Apples and Pears - - - - -	0 2	0 1	per cwt	
Aquafertis - - - - -	1 0	0 6	per cwt	
Argol - - - - -	0 6	0 3	per cwt	25
Arms, viz. :-				
Fire arms - - - - -	0 6	0 3	per cwt	
Other than fire arms - - - - -	0 6	0 3	per cwt	
Arrowroot and Powder - - - - -	0 6	0 3	per cwt	
Arsenic - - - - -	0 4	0 2	per cwt	30
Ashes, Pot or Pearl } - - - - -	0 2	0 1	per cwt	
Weed or Wood }				
Asphalte Rock - - - - -	2 0	1 0	per ton	
Asphaltum - - - - -	2 0	1 0	per ton	
B.				35
Bacon or Hams - - - - -	0 2	0 1	per cwt	
Baggage or Luggage - - - - -	0 2	0 2	per cwt	
Bags and bundles of goods not otherwise rated - - - - -	0 3	0 1	per cwt	
Bags or sacks - - - - -	0 2	0 1	per cwt	40
Balk - - - - -	1 0	0 6	per 50 cubic feet	
Bar Iron, see Iron				
Barilla - - - - -	0 2	0 1	per cwt	
Bark, medicinal - - - - -	1 0	1 0	per ton	
Oak and Birch - - - - -	1 0	1 0	per ton	45
Quercitron - - - - -	1 2	0 7	per ton	

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		Rates and Duties Inwards.	Rates and Duties Outwards.	Per Weight or Measure.
		<i>s. d.</i>	<i>s. d.</i>	<i>Aberystwyth.</i>
5	Barley, see Corn			
	Shelled or Pearled, see Corn			
	Barrels, empty herring - - -	0 2	0 1	per cwt
	Baskets, viz. :—			
	Twelve inches diameter - - -	0 2	0 2	per doz
10	Under twelve inches diameter - - -	0 1	0 1	per doz
	Basket Rods - - - - -	0 2	0 1	per cwt
	Battery - - - - -	3 6	1 6	per ton
	Bay Berries, see Berries			
	Beans, see Corn			
15	Beef or Pork - - - - -	1 4	1 4	per ton
	Preserved - - - - -	0 2	0 2	per cwt
	Bee hives - - - - -	0 4	0 2	per doz
	Beer, spruce - - - - -	3 0	1 0	per ton
	Beeswax - - - - -	0 2	0 1	per cwt
20	Bellows, smith's or part thereof - - -	1 6	0 9	per ton
	Bells - - - - -	0 8	0 4	per cwt
	Berries, Bay, Juniper, Yellow and Cran -	1 6	0 3	per ton
	Birds, singing - - - - -	1 0	0 3	per doz
	Blacking - - - - -	0 2	0 1	per cwt
25	Black Jack - - - - -	0 8	0 4	per ton
	Black lead, see Lead			
	Bladders - - - - -	0 2	0 1	per cwt
	Bleaching powder (chloride of lime) - -	0 3	0 2	per cwt
	Blocks, ship - - - - -			
30	" heel - - - - -	} 0 4	0 2	per cwt
	" last - - - - -			
	Blubber - - - - -	0 2	0 1	per cwt
	Boards of all sorts, see Wood			
	Bones and bone dust - - - - -	0 6	1 0	per ton
35	" for manure - - - - -	1 6	0 6	per ton
	Bonnets - - - - -	0 4	0 4	per doz
	Books - - - - -	0 4	0 4	per cwt
	Boots, shoes and clogs - - - - -	1 6	0 8	per ton
	Borax, or tincal - - - - -	0 6	0 3	per cwt
40	Bottles of all sorts - - - - -	0 4	0 2	per ton
	" broken - - - - -	0 3	0 3	per ton
	Bowls and buckets of wood - - - - -	3 4	1 8	per ton
	Brads - - - - -	0 3	0 1½	per cwt
	Bran - - - - -	0 1	0 1	per cwt
45	Brandy, see Spirits			
	Brass, new - - - - -	0 2	0 2	per cwt
	" old - - - - -	0 2	0 1½	per cwt
	Bread and biscuits - - - - -	0 1	0 2	per cwt
	Bricks—			
50	Bath - - - - -	1 0	0 6	per ton
	Common - - - - -	0 9	0 6	per ton
	Fire - - - - -	1 0	0 7	per ton
	Ganister - - - - -	1 0	0 7	per ton
	Glazed - - - - -	1 2	0 8	per ton
	Pressed - - - - -	1 0	0 6	per ton
55	Rubbish - - - - -	0 9	0 4	per ton
	Scoria - - - - -	1 0	0 6	per ton
	Tiles - - - - -	1 0	0 6	per ton

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	Rates and Duties Inwards.	Rates and Duties Outwards.	By Weight or Measure.	
	<i>s. d.</i>	<i>s. d.</i>		
Brimstone - - - - -	0 3	0 3	per cwt	5
Bristles - - - - -	0 6	0 3	per cwt	
Broom and brush handles - - - - -	0 3	0 1	per cwt	
Brooms - - - - -	2 6	0 9	per ton	
Broomheads - - - - -	0 1	0 1	per cwt	
Brushes - - - - -	1 8	0 9	per ton	10
" clothes and sweeping - - - - -	3 4	1 8	per ton	
Bullion or specie - - - - -	0 2	0 2	per £1 in value	
Bulls, see Cattle				
Bulrushes - - - - -	1 8	1 8	per ton	
Buoys - - - - -	0 6	0 3	per cwt	15
" Life - - - - -	0 9	0 4	per cwt	
Butter - - - - -	0 3	0 3	per cwt	
C.				
Cakes, Linseed or Rape - - - - -	0 3	0 2	per cwt	20
Calamine - - - - -	0 2	0 1	per cwt	
Calf skins, see Skins				
Callavances - - - - -	0 4	0 2	per quarter	
Calves, velvets - - - - -	0 1	0 1	per doz	
Camomile flowers - - - - -	0 6	0 3	per cwt	
Camphor - - - - -	0 6	0 3	per cwt	25
Canalla Alba - - - - -	0 4	0 2	per cwt	
Candle wick - - - - -	0 4	0 2	per cwt	
Candles - - - - -	0 3	0 3	per cwt	
Cane or reeds for making brooms - - - - -	0 6	0 3	per cwt	
Cane reeds - - - - -	0 6	0 3	per cwt	30
Canes, common rattan - - - - -	0 4	0 2	per cwt	
" ground rattan or walking sticks - - - - -	0 9	0 4½	per cwt	
Cantharides - - - - -	0 6	0 3	per cwt	
Canvas - - - - -	0 3	0 1½	per cwt	
Caoutchouc - - - - -	0 4	0 2	per cwt	35
Capers - - - - -	0 3	0 1½	per cwt	
Capillaire - - - - -	1 3	0 8	per ton	
Capsicums - - - - -	3 0	1 6	per cwt	
Carboys, new - - - - -	2 0	0 6	per ton	
Cardamoms - - - - -	0 6	0 3	per cwt	40
Carpets - - - - -	0 6	0 3	per cwt	
Carriages for guns - - - - -	0 3	0 2	each	
Carriages, coaches, chaises, and cars, including landaus, broughams, phaetons, motor cars, other like (four wheels) - - - - -	3 0	3 0	each	45
Ditto (two wheels) - - - - -	2 0	2 0	each	
Railway carriage bodies - - - - -	2 6	1 3	per ton	
Carrots, see Turnips				

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15

		Rates and Duties Inwards.	Rates and Duties Outwards.	Per Weight or Measure.	A.D. 1905. <i>Aberystwyth.</i>
		<i>s. d.</i>	<i>s. d.</i>		
5	Casks, empty pipe, butt or puncheon	0 4	0 2	each	
	Castor seed	0 3	0 1½	per cwt	
	Cattle, viz. :—				
	Asses and mules	1 0	0 9	each	
	Bulls	2 6	1 0	each	
10	Calves	0 6	0 6	each	
	Cows	2 0	1 0	each	
	Horses	3 0	2 0	each	
	Lambs	0 2	0 1	each	
	Oxen	2 0	1 0	each	
15	Pigs and goats	0 3	0 2	each	
	Sheep	0 2	0 2	each	
	Cement	1 0	0 1	per ton	
	Chairs, see Furniture				
	Chalk	0 8	0 8	per ton	
20	Charcoal	1 0	0 3	per ton	
	Cheese	0 3	0 1	per cwt	
	Chesnuts	2 6	1 3	per ton	
	Chicory root	0 4	0 2	per cwt	
	Chilies	0 4	0 2	per cwt	
25	China	0 3	0 3	per cwt	
	„ root	0 3	0 1½	per cwt	
	Chocolate and cocoa paste	0 6	0 3	per cwt	
	Cider and perry	0 6	0 3	per 36 gallons	
	Cigars and cigarettes	0 2	0 1	per cwt	
30	Cinders	0 4	0 2	per ton	
	Cinnamon, see Groceries				
	Citron	0 4	0 2	per cwt	
	Clay china or pipe clay	0 6	0 3	per ton	
	Clocks	0 2	0 2	per cwt	
35	Clog soles	0 1½	0 0½	per cwt	
	Cloth, viz. :—				
	Bagging of all kinds 34 inches and under	0 2	0 1	per cwt	
	Above 34 inches	0 3	0 1½	per cwt	
	Browns	0 2	0 1½	per cwt	
40	Dowlas	0 2	0 2	per cwt	
	Drillings and shirtings	0 2	0 1	per cwt	
	Ducks	0 2	0 1	per cwt	
	Osnaburghs	0 2	0 2	per cwt	
	Pimento bagging	0 2	0 1	per cwt	
45	Raven Ducks	0 2	0 1	per cwt	
	Sacks made	0 2	0 1	per cwt	
	Sailcloth bleached	0 2	0 2	per cwt	
	Sheeting	0 2	0 2	per cwt	
	Silesias	0 2	0 2	per cwt	
50	Tarpaulings	0 2	0 1½	per cwt	
	Ticklenburghs	0 2	0 2	per cwt	
	Unbleached linens	0 2	0 0½	per cwt	
	Clothiery :—				
55	Haberdashery comprehending cotton and silk goods	2 0	2 0	per ton	
	Hosiery	2 0	2 0	per ton	
	Clover seeds, see Seeds				
	Cloves	0 3	0 3	per cwt	

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	Rates and Duties Inwards.		Rates and Duties Outwards.		Per Weight or Measure.	
	s.	d.	s.	d.		
Coals Scotch } English } Dust } Smithy }	-	-	0	2	per ton	5
Cobalt	-	-	0	3	per cwt	
Ore -	-	-	1	0	per ton	10
Regulus -	-	-	1	0	per ton	
Cobbles -	-	-	0	6	per ton	
Cocculus indicus -	-	-	0	3	per cwt	
Cochineal -	-	-	0	3	per cwt	
Cocoa	-	-	0	3	per cwt	15
fibre -	-	-	1	0	per ton	
nuts -	-	-	0	3	per cwt	
Codilla, see Hemp						
Coffee -	-	-	0	3	per cwt	
Coffins covered with cloth -	-	-	5	0	each	20
Velvet -	-	-	10	0	each	
Without cloth or velvet	-	-	2	0	each	
Coir, rough press packed -	-	-	1	8	per ton	
Rope under 6 inches -	-	-	1	8	per ton	
Yarn -	-	-	1	8	per ton	25
Coke -	-	-	0	4	per ton	
Copper wrought	-	-	1	4	per ton	
Old -	-	-	1	4	per ton	
Ore -	-	-	1	0	per ton	
Copperas -	-	-	0	2	per cwt	30
Coral -	-	-	1	0	per cwt	
Cordage, rope cables, wire, hemp cord, &c.	-	-	0	3	per cwt	
Corks	-	-	1	4	per ton	
Wood -	-	-	0	6	per ton	
Corn and meal, viz. :—						35
Barley	-	-	1	0	per ton	
Shelled and pearled	-	-	1	8	per ton	
Beans -	-	-	1	0	per ton	
Flour -	-	-	1	8	per ton	
Indian corn -	-	-	1	0	per ton	40
Malt -	-	-	1	6	per ton	
Meal -	-	-	1	6	per ton	
Oatmeal -	-	-	1	8	per ton	
Oats -	-	-	0	9	per ton	
Peas -	-	-	1	0	per ton	45
Rye -	-	-	1	0	per ton	
Wheat -	-	-	1	6	per ton	
Corpse -	-	-	5	0	each	
Cotton, see Cloth						
Cotton seed	-	-	0	1	per cwt	50
In the seed or unginned cotton	-	-	0	1	per cwt	
Twist thread and yarn	-	-	0	3	per cwt	
Waste -	-	-	0	3	per cwt	
Wool -	-	-	0	2	per cwt	
Cow, ox or bull hair, see Hair						55
Cows, see Cattle						
Cradles -	-	-	0	3	each	
Cranberries, see Berries						
Cream of tartar -	-	-	0	4	per cwt	

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		Rates and Duties		Per Weight or Measure.	A.D. 1905.
		Inwards.	Outwards.		<i>Aberystwyth.</i>
		<i>s. d.</i>	<i>s. d.</i>		
5	Crystal rough - - - - -	0 2	0 2	per cwt	
	Culm - - - - -	0 4	0 2	per ton	
	Curiosities, natural or artificial - - -	0 4	0 2	per cwt	
	Currants, see Groceries				
D.					
10	Damsons - - - - -	0 2	0 1	per cwt	
	Dates - - - - -	0 2	0 1	per cwt	
	Deal boards, see Wood				
	Diamonds and other precious stones - -	1 0	0 6	per £100 in value	
	Dogs - - - - -	0 4	0 2	each	
15	Dollies - - - - -	0 1½	0 0½	each	
	Down - - - - -	1 0	0 6	per cwt	
	Drugs simple or medicinal herbs - - -	2 0	1 6	per ton	
	Dyers' ware - - - - -	0 2	0 1	per cwt	
E.					
20	Earthenware - - - - -	2 8	1 9	per ton	
	Eau de Cologne - - - - -	0 3	0 3	per cwt	
	Eggs - - - - -	2 0	1 0	per ton	
	Elephants' teeth - - - - -	1 0	0 6	per cwt	
	Enamel - - - - -	1 0	0 6	per cwt	
25	Engines, locomotive - - - - -	20 0	10 0	each	
	Essence, lemon lime and other - - -	1 0	0 6	per cwt	
	Extract, medicinal - - - - -	1 6	0 9	per cwt	
	oak or other bark for manufacturing purposes - - - - -	0 9	0 4	per cwt	
F.					
30	Feathers in bags or beds - - - - -	0 2	0 2	per cwt	
	Felspar - - - - -	0 2	0 1	per cwt	
	Felt - - - - -	0 2	0 1	per cwt	
	Figs, see Groceries				
35	Filtering stones and drip stones - - -	0 4	0 2	each	
	Fish, viz. :—				
	All kinds of, in tins, bottles, jars, &c. .	1 4	1 4	per ton	
	Cured, dried, or salted, packed in ice or otherwise preserved - - - - -	1 4	1 4	per ton	
40	Fresh, imported in vessels - - - - -	1 4	1 4	per ton	
	Flannel - - - - -	0 4	0 2	per cwt	
	Flax, dressed - - - - -	0 9	0 4	per cwt	
	undressed - - - - -	1 4	1 4	per ton	
	Flint stones - - - - -	0 6	0 3	per ton	
45	Flocks - - - - -	0 2	0 1	per cwt	
	Floor cloth - - - - -	0 3	0 2	per cwt	
	Flower roots - - - - -	3 4	1 8	per ton	

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	Rates and Duties Inwards.		Rates and Duties Outwards.		Per Weight or Measure.	
	s.	d.	s.	d.		
Flowers, artificial	1	0	0	6	per cwt	5
Foreign spirits, see Spirits						
Fruit, green	2	0	1	3	per ton	
Fullers' earth	1	0	0	6	per ton	
Furniture of all sorts	3	4	1	6	per ton	
Furriers' waste	0	6	0	3	per cwt	10
Fustians	0	4	0	2	per cwt	
G.						
Galangal	0	3	0	0 $\frac{1}{2}$	per cwt	
Galls	1	0	0	6	per ton	
Gamboge	0	4	0	2	per cwt	15
Gambree or terra japonica	1	6	0	9	per ton	
Garden seeds, see Seeds						
Gates, wooden	0	2	0	1	each	
Geneva, see Spirits						
Gentian root	0	4	0	3	per cwt	20
Ginger	3	4	1	8	per ton	
Glass, Window, per box, 16 inches square	2	0	1	0	per ton	
" " broken	2	0	1	0	per ton	
Glue	3	4	1	8	per ton	
spatches	1	0	0	6	per ton	25
Goats' hair, see Hair						
Gold, see Bullion						
ores	4	0	2	0	per cwt	
Granilla (cochineal refuse)	0	4	0	2	per cwt	
Grapes	0	6	0	3	per cwt	30
Grass	0	4	0	2	per ton	
seeds, see Seeds						
Grates and Stoves	0	6	0	3	per cwt	
Grease or Greaves	2	0	1	0	per ton	
Groceries, viz. :—						35
Almonds	2	0	1	0	per ton	
Cinnamon	2	0	1	0	per ton	
Currants	2	0	1	0	per ton	
Figs	2	0	1	0	per ton	
Pepper	2	0	1	0	per ton	40
Pimento	2	0	1	0	per ton	
Plums	2	0	1	0	per ton	
Prunes	2	0	1	0	per ton	
Raisins, common	2	0	1	0	per ton	
" Sun or Muscatel	2	0	1	0	per ton	45
Groceries not otherwise rated	2	0	1	0	per ton	
Guano	0	6	1	0	per ton	
Guinea grains	0	6	0	0	per cwt	
Gums	3	4	1	8	per ton	
Gun flints	1	0	0	6	per cwt	50
Gunpowder	5	0	0	6	per ton	

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		Rates and Duties		Per Weight or Measure.	A.D. 1905.
		Inwards.	Outwards.		<i>Aberystwyth.</i>
		<i>s. d.</i>	<i>s. d.</i>		
5	Gutta percha unmanufactured	0 2	0 1	per cwt	
	" " manufactured	0 4	0 2	per cwt	
	Gypsum	1 0	1 0	per ton	
H.					
	Haberdashery, see Clothiery				
10	Hair, viz. :—				
	Cow, ox, or bull	2 0	1 0	per ton	
	Goats hair or wool	2 0	1 0	per ton	
	Horse	2 0	1 0	per ton	
	Plasterers'	2 0	1 0	per ton	
15	powder	2 0	1 0	per ton	
	Hammocks	2 0	1 0	per ton	
	Hampers of goods not otherwise rated	0 4	0 2	each	
	Hardens	0 6	0 3	per cwt	
	Hardware	0 2	0 1	per cwt	
20	Harrows	0 3	0 2	each	
	Hats	1 0	0 6	per cwt	
	Hay	1 6	0 6	per ton	
	Hemp, rough	1 4	1 3	per ton	
	" dressed	1 4	1 4	per ton	
25	Herrings, see Fish				
	Hides, dry, cow, ox	1 4	1 4	per ton	
	horse	1 4	1 4	per ton	
	pieces of or glue pieces	1 0	0 6	per ton	
	salted ditto	1 4	1 4	per ton	
30	Honey	0 3	0 2	per cwt	
	Hoofs of cattle	2 0	1 0	per ton	
	Hoops, wooden	0 3	0 6	per cwt	
	mast and truss	0 4	0 2	per cwt	
	iron, see Iron				
35	Hops	0 4	0 3	per cwt	
	Horns, slugs and tips	0 2	0 1	per cwt	
	Horses, see Cattle				
	Household furniture, see Furniture				
	Hurdles	2 6	1 3	per ton	
I.					
40	Ice	1 0	1 2	per ton	
	Iceland moss, or lichen islandicus	0 6	0 3	per cwt	
	Indian corn or meal, see Corn				
	Indigo	0 3	0 3	per cwt	
45	Ink	0 4	0 2	per cwt	
	Printers'	0 6	0 3	per cwt	
	Ipecacuanha root	1 0	0 6	per cwt	

A.D. 1905.
Aberystwyth.

	Rates and Duties Inwards.	Rates and Duties Outwards.	By Weight or Measurc.	
	<i>s. d.</i>	<i>s. d.</i>		
Iron, viz. :—				5
Bar, plate, bolt, rail, sheet - - - -	1 4	0 9	per ton	
Cast goods - - - - -	2 0	2 0	per ton	
Forged - - - - -	1 6	0 9	per ton	
Hoops - - - - -	1 0	1 0	per ton	
Iron pots - - - - -	1 0	1 0	per ton	10
Ironworks - - - - -	1 0	1 0	per ton	
Old - - - - -	1 0	0 6	per ton	
Old broken cast - - - - -	1 0	0 6	per ton	
Pig - - - - -	1 0	0 9	per ton	
Iron boilers, castings, engines, guns, pipes and other ironwork under 20 cwt. - -	0 1	0 0½	per cwt	15
20 cwt. and under 5 tons - - - - -	1 6	0 9	per ton	
5 tons and above - - - - -	2 0	1 0	per ton	
in packages, see Hardware				
Ore stone, blackland pyrites - - - -	0 3	0 1½	per cwt	20
Isinglass - - - - -	3 4	1 8	per ton	
Ivory - - - - -	2 0	1 0	per cwt	
J.				
Jack screws - - - - -	0 6	0 3	per pair	
Joinery, manufactured - - - - -	0 2	0 1	per £1 in value	25
Juice, lemon, lime, and orange - - - -	3 6	1 9	per ton	
Juniper berries, see Berries				
Junk, old - - - - -	0 0½	0 0½	per cwt	
Jute, hemp - - - - -	0 1	0 1	per cwt	
K.				
Kelp - - - - -	0 8	0 8	per ton	30
L.				
Lac, gum, stick, seed and shell - - - -	0 2	0 1	per cwt	
Lace - - - - -	1 0	0 6	per cwt	
Lamb and kid skins, see Skins				35
Lampblack - - - - -	3 4	1 8	per ton	
Lard - - - - -	2 0	1 4	per ton	
Laths, see Wood				
Latten black - - - - -	2 0	1 0	per ton	
Lavender flowers - - - - -	2 6	2 6	per ton	40
Lead Ore - - - - -	1 0	1 0	per ton	
„ Red and white - - - - -	0 2	0 1	per cwt	
„ Shot - - - - -	0 4	0 2	per cwt	
Lead, sheet - - - - -	1 4	1 4	per ton	
„ Pig - - - - -	1 4	1 4	per ton	45
„ Black - - - - -	1 4	1 4	per ton	
Leather, tanned and dressed - - - - -	2 0	2 0	per ton	
Leeches - - - - -	0 6	0 3	per 12 lbs	

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A.D. 1905.

		Rates and Duties Inwards.	Rates and Duties Outwards.	Per Weight or Measure.	<i>Aberystwyth.</i>
		<i>s. d.</i>	<i>s. d.</i>		
5	Lemons - - - - -	3 4	1 8	per ton	
	Lime, salt acetate of - - - - -	0 2	0 1	per ton	
	Limes - - - - -	3 4	1 8	per ton	
	Limestone - - - - -	0 1	0 1	per ton	
	Linen cloth, see Cloth				
10	Linseed, see Seed				
	" Oil, see Oil				
	Liquorice, paste - - - - -	0 4	0 2	per cwt	
	" or luccus liquorita - - - - -	1 6	0 9	per cwt	
	" root, bundles or loose - - - - -	2 0	1 0	per ton	
15	Litharge - - - - -	0 3	0 1½	per ton	
	Logwood - - - - -	0 2	0 1	per cwt	
M.					
	Maccaroni - - - - -	2 0	1 0	per ton	
	Mace - - - - -	1 4	1 4	per ton	
20	Machinery not otherwise rated - - - - -	0 3	0 3	per cwt	
	Madder - - - - -	0 2	0 1	per cwt	
	" roots - - - - -	0 2	0 1	per cwt	
	Magnesia - - - - -	0 4	0 2	per cwt	
	Malt, see Corn				
25	Malt liquors, see Ale				
	Manganese - - - - -	2 0	1 0	per ton	
	Mangles - - - - -	1 0	0 6	each	
	Manna - - - - -	0 6	0 3	per cwt	
	Manure - - - - -	0 1	0 1	per ton	
30	" artificial, not otherwise rated - - - - -	1 0	0 6	per ton	
	Marble - - - - -	1 6	0 9	per ton	
	" and other stones, sculptured - - - - -	0 2	0 2	per £1 in value	
	Marbles - - - - -	2 6	1 0	per ton	
	Marmalade - - - - -	0 4	0 2	per cwt	
35	Mastic - - - - -	1 8	1 8	per ton	
	Mats - - - - -	0 4	0 3	per cwt	
	" Indian - - - - -	0 6	0 3	per cwt	
	Mats, bass - - - - -	0 3	0 1	per cwt	
	Meal, Indian, see Corn				
40	Meats, preserved or dressed - - - - -	0 6	0 6	per cwt	
	Medicines, see Drugs				
	Melons, loose - - - - -	3 4	1 8	per ton	
	Melting pots - - - - -	0 3	0 1	per cwt	
	Metals and alloys not containing copper and not otherwise rated - - - - -	1 6	0 9	per ton	
45	Mill boards - - - - -	0 2	0 1	per cwt	
	" stones, see Stones				
	Mill waste - - - - -	0 4	0 2	per ton	
	Millinery - - - - -	0 6	0 3	per cwt	
50	Mineral waters - - - - -	0 6	0 3	per cwt	
	Mohair yarn - - - - -	0 6	0 3	per cwt	
	Molasses - - - - -	0 1	0 1	per cwt	
	Morels - - - - -	0 6	0 3	per cwt	
	Moss, rock - - - - -	0 6	0 3	per cwt	
55	Mother of pearl shell - - - - -	0 8	0 4	per cwt	
	Muriatic acid - - - - -	0 8	0 4	per cwt	

A.D. 1905.
Aberystwyth.

—	Rates and Duties Inwards.	Rates and Duties Outwards.	Per Weight or Measure.
	<i>s. d.</i>	<i>s. d.</i>	
Musical instruments - - - - -	0 2	0 2	per £1 in value 5
Muskets, see Guns and Firelocks - - - - -			
Mustard - - - - -	0 6	0 3	per cwt
Myrobalans - - - - -	3 4	1 8	per ton
Myrrh - - - - -	1 0	0 6	per cwt
N.			
Nails and spikes - - - - -	0 2	0 1	per cwt
Nanari - - - - -	0 4	0 2	per cwt
Naphtha, camphine and spirits of wine - - - - -	0 3	0 1½	per 10 gallons
Natron - - - - -	0 4	0 2	per ton
Nests of trunks - - - - -	0 6	0 6	each 15
Nets - - - - -	0 6	0 3	each
Nickel - - - - -	0 4	0 2	per ton
„ Ore of - - - - -	0 2	0 1	per cwt
Nitrate of soda - - - - -	0 2	0 1	per cwt
Nutmegs - - - - -	3 4	1 8	per ton 20
Nuts - - - - -	3 4	1 8	per ton
Nuts, coquiltra - - - - -	3 4	1 8	per ton
Nux vomica - - - - -	1 0	0 6	per ton
O.			
Oak Boards, see Wood - - - - -			25
„ Timber, see Wood - - - - -			
Oakum - - - - -	1 6	0 9	per ton
Oatmeal, see Corn - - - - -			
Oats, see Corn - - - - -			
Ochre - - - - -	0 1½	0 1	per cwt 30
Oil, Linseed - - - - -	2 0	1 0	per ton
„ Cake - - - - -	2 0	1 0	per ton
„ Cod and seal - - - - -	2 0	1 0	per ton
„ Palm - - - - -	1 0	1 0	per ton
„ Rape - - - - -	2 0	1 0	per ton 35
Oil, Turpentine - - - - -	2 0	1 0	per ton
„ Sperm - - - - -	2 0	1 0	per ton
„ Vitriol - - - - -	2 0	1 0	per ton
„ Whale or train - - - - -	2 0	1 0	per ton
Oil in flasks - - - - -	2 0	2 0	per ton 40
„ Animal - - - - -	0 9	0 6	per ton
„ Castor - - - - -	2 0	2 0	per ton
„ Chemical - - - - -	2 0	2 0	per ton
„ Coconut - - - - -	1 6	0 9	per ton
„ Dubbing - - - - -	2 0	2 0	per ton 45
„ Perfumed - - - - -	3 0	2 0	per ton
„ Petroleum - - - - -	0 1½	0 1	per cwt
„ Refuse of - - - - -	0 1	0 0½	per cwt
„ All others - - - - -	2 0	1 0	per ton
Oil of tar - - - - -	0 1	0 0½	per cwt 50
Olives - - - - -	0 4	0 2	per cwt

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		Rates and Duties Inwards.		Rates and Duties Outwards.		Per Weight or Measure.	A.D. 1905. <i>Aberystwyth.</i>
		<i>s.</i>	<i>d.</i>	<i>s.</i>	<i>d.</i>		
5	Onions - - - - -	0	2	0	1	per cwt	
	Opium - - - - -	0	4	0	3	per cwt	
	Oranges - - - - -	3	4	1	8	per ton	
	Orchill - - - - -	2	0	1	6	per ton	
	Orchilla weed - - - - -	0	8	0	4	per cwt	
10	Ore of Iron, see Iron						
	„ Lead, see Lead						
	Orpiment - - - - -	0	2	0	1	per cwt	
	Orrice root - - - - -	0	3	0	0	per cwt	
	Ostrich feathers - - - - -	5	0	2	6	per ton	
15	Oysters - - - - -	3	4	1	8	per ton	
P.							
	Packthread - - - - -	3	4	1	8	per ton	
	Paddy or rice in the husk - - - - -	0	1½	0	1	per cwt	
	Painters' Colors - - - - -	1	0	1	0	per ton	
20	Pegs - - - - -	0	2	0	1	per cwt	
	Palm Leaf - - - - -	0	2	0	0	per cwt	
	Nuts - - - - -	0	2	0	0	per cwt	
	Paper, viz. :—						
	Packing and cap - - - - -	2	0	2	0	per ton	
25	Writing and printing - - - - -	2	0	2	0	per ton	
	Paper Sheathing - - - - -	2	0	2	0	per ton	
	Stained - - - - -	2	0	2	0	per ton	
	Parchment - - - - -	0	1	0	6	per cwt	
	Pasteboard - - - - -	0	2	0	1	per cwt	
30	Patent and other fuels not otherwise rated -	0	6	0	6	per ton	
	Pearl Barley, see Corn						
	Peas, see Corn						
	Peat - - - - -	0	3	0	3	per ton	
	Pelts, see Skins						
35	Pepper, black and white - - - - -	0	3	0	1	per cwt	
	Perry, see Cider						
	Pewter - - - - -	0	3	0	3	per cwt	
	Pickles - - - - -	0	4	0	2	per cwt	
	Pig iron, see Iron						
40	Pigs, see Cattle						
	Pigs' Heads - - - - -	0	2	0	1	per cwt	
	Pill boxes - - - - -	0	9	0	6	per cwt	
	Pimento, see Groceries						
	Pineapples (loose) - - - - -	0	9	0	6	per cwt	
45	Pink root - - - - -	0	4	0	2	per cwt	
	Pitch - - - - -	1	0	0	6	per ton	
	Plants and trees - - - - -	0	3	0	1	per cwt	
	Plaster of Paris - - - - -	2	0	1	0	per ton	
	Plate and plate ware - - - - -	0	2	0	2	per £1 in value	
50	Platina - - - - -	1	0	1	0	every £100 in value	
	ore - - - - -	0	6	0	6	every £100 in value	
	Ploughs - - - - -	0	3	0	2	each	
	Plums, see Groceries						

A.D. 1905. Aberystwyth.		Rates and Duties Inwards.	Rates and Duties Outwards.	Per Weight or Measure.	
		<i>s. d.</i>	<i>s. d.</i>		
	Pomegranate peel	0 2	0 2	per cwt	5
	Pomegranates	0 6	0 6	per cwt	
	Pork, see Beef				
	Potatoes	1 0	0 6	per ton	
	Poultry, alive	0 1	0 1	per dozen	
	„ dead	1 6	0 9	per ton	10
	Powder of Lead, see Lead				
	Preserves	0 4	0 2	per cwt	
	Prints or pictures	0 2	0 2	per £1 in value	
	Prunelloes	0 2	0 1	per cwt	
	Prunes, see Groceries				15
	Prussiate of potash	1 0	0 9	per ton	
	Pulse	0 3	0 1	per quarter	
	Pumice stones	0 6	0 3	per cwt	
	Puzzolano	1 0	1 0	per ton	
	Pyroligneous acid	0 9	0 6	per cwt	20
	Q.				
	Quassia wood	0 6	0 3	per cwt	
	Quercitron bark, see Bark				
	Quicksilver	0 6	0 3	per cwt	
	Quills	0 6	0 3	per cwt	25
	Quilts and Blankets	0 3	0 1	per cwt	
	Quinine, see Drugs.				
	R.				
	Rabbits alive	0 2	0 1	per dozen	30
	„ dead	1 6	0 9	per ton	
	Raft or timber, see Wood				
	Rags, linen	1 4	0 8	per ton	
	„ Other rags, old ropes and old leather	1 4	0 8	per ton	
	Raisins, see Groceries				
	Rape Cake	1 0	1 0	per ton	35
	„ Seed, see Seeds				
	Red Lead, see Lead				
	Reeds for thatching	0 1	0 0	per cwt	
	Regulus of metal other than copper or tin	1 0	0 6	per ton	
	Rhatany root or radix rahatania	0 6	0 3	per cwt	40
	Rhubarb	0 6	0 3	per cwt	
	Rice	0 1½	0 1	per cwt	
	Rock Moss, see Moss				
	Rosin	0 2	0 1	per cwt	45
	Rotten stone	0 3	0 2	per cwt	
	Rugs	0 6	0 3	per cwt	

[5 Edw. 7.] *Pier and Harbour Provisional Order*
(No. 3).

25

		Rates and Duties Inwards.	Rates and Duties Outwards.	Per Weight or Measure	A.D. 1905. <i>Aberystwyth.</i>
		<i>s. d.</i>	<i>s. d.</i>		
5	Rum, see Spirits				
	Rushes - - - - -	1 0	0 6	per ton	
	Rye, see Corn				
	Rye grass, see Seeds				
S.					
10	Sails of ships and vessels } new - - - - -	0 3	0 1	per cwt	
	„ and windmills } old - - - - -	0 3	0 0½	per cwt	
	Saintfoin seed - - - - -	0 2	0 1	per cwt	
	Salmon - - - - -	0 3	0 0½	per cwt	
	Salt - - - - -	1 0	0 9	per ton	
15	„ coarse, for manure and curing fish - - - - -	0 8	0 6	per ton	
	Saltpetre - - - - -	0 2	0 1	per cwt	
	„ Rock - - - - -	0 8	0 4	per ton	
	Sand - - - - -	0 2	0 3	per ton	
	Satin, see Clothiery				
20	Sedan chairs - - - - -	2 0	1 0	each	
	Seeds, viz. :—				
	Clover - - - - -	2 0	2 0	per ton	
	Flax and rape seed - - - - -	2 0	1 4	per ton	
	Garden seeds - - - - -	2 0	2 0	per ton	
25	Rye grass - - - - -	2 0	2 0	per ton	
	Seeds of all kinds not otherwise enumerated - - - - -	2 0	2 0	per ton	
	Turnip - - - - -	2 0	2 0	per ton	
	Sheep, see Cattle.				
30	Shoes, see Boots				
	Shovels - - - - -	1 6	0 9	per ton	
	Shumack - - - - -	0 2	0 1	per cwt	
	Silk, viz. :—				
	Raw - - - - -				
35	Silk and inkle - - - - -				
	Silk stockings - - - - -				
	Silk and worsted - - - - -				
	Stuffs of silk only - - - - -				
	} See Clothiery				
	Skins, viz. :—				
40	Calf and kip, dry - - - - -	1 8	0 10	per ton	
	„ „ wet - - - - -	1 8	0 10	per ton	
	Cat, chinchilla, husse, mink, racoon, seal (hair), goat, fitch, kid, lamb, musquash, mitria, sheep, and swan - - - - -	1 8	0 0	per ton	
45	Deer - - - - -	1 8	0 10	per doz	
	Hare, mole, and rabbit - - - - -	1 8	0 0	per ton	
	Kid - - - - -	1 8	0 10	per doz	
	Lamb - - - - -	0 1	0 1	per ton	
	Leopard, lion, panther, tiger, and bear - - - - -	1 8	0 0	per doz	
50	Sheep - - - - -	1 8	0 10	per ton	
	Slates - - - - -	0 4	0 2	per ton	
	Pencil and slates - - - - -	0 2	0 1	per cwt	
	Slabs - - - - -	0 4	0 4	per ton	

(133.)

D

A.D. 1905.

Aberystwyth.

	Rates and Duties Inwards.	Rates and Duties Outwards.	Per Weight or Measure.	
	<i>s. d.</i>	<i>s. d.</i>		
Smaltz	0 4	0 2	per cwt	5
Smelts	0 3	0 2	per cwt	
Soap	0 1	0 1	per cwt	
Soapers' waste	0 6	0 2	per ton	
Soda	0 2	0 1	per cwt	
Soot	1 0	0 6	per ton	10
Spermaceti	4 0	2 0	per ton	
Spirits	0 0½	0 0½	per gallon	
Spokes { waggon coach or cart } See Wood				
Starch	0 3	0 3	per cwt	15
Steel	1 8	1 8	per ton	
Stockings { of worsted of cotton } See Clothiery				
Stone blocks	0 6	0 0	per ton	
Stones, viz. :—				
Blocks stone	0 4	0 2	per ton	20
Causeway, dressed	0 4	0 2	per ton	
Curb	0 3	0 2	per ton	
Emery	5 0	2 0	per ton	
Grindstones under eighteen inches diameter	0 1	0 1	each	25
Above eighteen and under twenty- eight inches	0 3	0 2	each	
Above twenty-eight inches	0 4	0 2	each	
Head gravestones	0 3	0 2	each stone	30
Hewn ashlar freestone	0 3	0 2	per ton	
Home gravestones	0 4	0 2	each per inch thick	
Lithographic and Turkey	2 0	1 0	per ton	
Mill stones	0 8	0 6	each	
Pavement	0 2	0 2	per ton	35
Pebble stones	0 2	0 2	per ton	
Rubble causeway	0 2	0 2	per ton	
freestone	0 2	0 2	per ton	
Scythe stones	1 0	0 6	per ton	
Whet stones	0 2	0 1	per cwt	40
Works of art	0 2	0 2	per £1 in value	
Straw	0 6	0 3	per ton	
plait	0 9	0 4	per ton	
Stucco	1 0	1 0	per ton	
Stuffs of all sorts made or mixed with wool	0 3	0 1	per cwt	45
Succades	0 4	0 2	per cwt	
and sweetmeats	0 4	0 1½	per cwt	
Sugar	1 6	1 6	per ton	
of lead	1 0	0 3	per ton	
Refined lump	1 6	1 6	per ton	50
Sulphur, roll and flowers	0 3	0 6	per cwt	
Sulphuric acid (oil of vitriol)	0 2	0 1	per cwt	
Sulphate of soda (salt cake)	0 4	0 2	per ton	
copper (blue vitriol)	0 5	0 3	per ton	
iron (green vitriol)	0 4	0 2	per ton	55
potash (sal inixum)	0 5	0 3	per ton	
zinc (white vitriol)	0 4	0 2	per ton	
Swan skins	0 4	0 2	each	
Swine, see Pigs				

[5 EDW. 7.] *Pier and Harbour Provisional Order*
(No. 3).

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		Rates and Duties Inwards.	Rates and Duties Outwards.	Per Weight or Measure.	A.D. 1905. <i>Aberystwyth.</i>
T.					
5	Talc	s. d. 0 6	s. d. 0 3	per cwt	
	Tallow	1 4	1 4	per ton	
	Tamarinds	0 4	0 1	per cwt	
	Tanners' waste	0 4	0 2	per ton	
10	Tapioca	0 3	0 2	per cwt	
	Tar	0 2	0 1	per cwt	
	„ coal and gas	0 3	0 1	per cwt	
	„ water	0 6	0 3	per ton	
	Tarras	0 2	0 1	per cwt	
15	Tea	0 4	0 4	per cwt	
	Teazles	0 2	0 0½	per 1,000	
	Terrapins	0 2	0 2	per cwt	
	Tessera	1 0	1 0	per ton	
	Thick or ticks for beds	0 3	0 2	per cwt	
20	Thread	3 4	1 8	per ton	
	Thumbes	0 1	0 1	per cwt	
	Tiles, ridge, see Bricks				
	Tin ore	1 0	0 2	per ton	
	„ plates or sheets	1 6	1 6	per ton	
	„ ware	3 4	1 8	per ton	
25	Tobacco, unmanufactured and stalks	2 6	2 6	per ton	
	„ manufactured, cigars and snuff	2 6	2 6	per cwt	
	„ pipes	0 1	0 1	per cwt	
	Tongues, smoked	0 6	0 3	per cwt	
30	„ pickled	0 6	0 3	per cwt	
	Tonquin beans	0 4	0 3	per cwt	
	Tools of all sorts not before enumerated	0 2	0 1	per £1 in value	
	Tortoiseshell	0 0½	0 0½	per lb	
	Tow	2 0	2 0	per ton	
35	Toys	0 3	0 2	per cwt	
	Treacle	0 1	0 1	per cwt	
	Trees, loose or in bundles	0 2	0 2	per £1 in value	
	Trenails	0 1	0 0	per cwt	
	Tripe, see Beef and Pork				
40	Truffles	1 0	1 0	per cwt	
	Turmeric	0 4	0 2	per cwt	
	Turnips carrots beets parsnips and mangolds	0 6	0 2	per ton	
	Turpentine, see Oil				
	Turtles	0 6	0 3	each	
45	Twine	0 3	0 3	per cwt	
	Twist	0 3	0 1	per cwt	
	Type	0 3	0 1	per cwt	
U.					
	Umbrellas	0 3	0 2	per doz	

A.D. 1905. Aberystwyth.		Rates and Duties Inwards.	Rates and Duties Outwards.	Per Weight or Measure.	
V.					
	Valerian - - - - -	s. d. 0 6	s. d. 0 3	per cwt	5
	Valonia - - - - -	1 8	0 10	per ton	
	Vanilla - - - - -	0 6	0 4	per cwt	
	Varnish of all sorts - - - - -	0 2	0 1	per £1 in value	
	Vases or sculptured marble - - - - -	0 2	0 1	per £1 in value	10
	Verdigris - - - - -	0 3	0 2	per cwt	
	Vermicelli - - - - -	2 0	1 0	per ton	
	Vermilion - - - - -	0 3	0 3	per cwt	
	Vinegar - - - - -	0 3	0 1½	per 25 gallons	
	Vitriol, see Oil				15
W.					
	Wax - - - - -	0 4	0 4	per cwt	
	Weld - - - - -	0 3	0 2	per cwt	
	Whalebone - - - - -	2 6	0 0	per ton	
	Whale fins - - - - -	2 0	1 0	per ton	20
	Wheelbarrows - - - - -	0 2	0 1	each	
	Wheels, wooden - - - - -	0 2	0 1	per pair	
	Whetstones, see Stones				
	Whips and whip sticks - - - - -	0 2	0 1	per £1 in value	
	Whisky, see Spirits				
	Whitening - - - - -	1 0	0 8	per ton	25
	Whiting - - - - -	0 1	0 4	per cwt	
	Willow reeds - - - - -	0 1	0 1	per cwt	
	Window frames - - - - -	3 4	1 8	per ton	
	Wine, in wood or jars - - - - -	0 0½	0 0½	per gallon	30
	in bottles - - - - -	0 3	0 1½	per 1½ doz	
	½ bottle - - - - -	0 1½	0 0¾	per 1½ doz	
	¼ bottle - - - - -	0 0¾	0 0¾	per 1½ doz	
	Wire, iron - - - - -	0 3	0 2	per cwt	
	copper - - - - -	0 4	0 4	per cwt	35
	Woad - - - - -	2 0	2 0	per ton	
	Wood, viz. :—				
	Anchor stocks - - - - -	0 2	0 1	each	
	Bar wood - - - - -	0 2	0 1	per cwt	
	Batten ends - - - - -	0 8	0 4	per ton	40
	Battens - - - - -	2 0	1 0	per ton	
	Boards oak or wainscot - - - - -	5 0	2 6	per ton	
	Board paling - - - - -	0 6	0 3	per 120 cubic feet	
	Box wood - - - - -	0 4	0 2	per cwt	
	Brazil wood - - - - -	0 4	0 2	per cwt	45
	Cam wood - - - - -	0 4	0 2	per cwt	
	Cart-wheel spokes - - - - -	0 6	0 3	per cwt	
	Deal ends - - - - -	3 3	0 6	per 120 cubic feet	
	Deals - - - - -	3 0	1 5	per 120 cubic feet	

[5 EDW. 7.] *Pier and Harbour Provisional Order*
(No. 3).

29

		Rates and Duties Inwards.	Rates and Duties Outwards.	Per Weight or Measure.
		<i>s. d.</i>	<i>s. d.</i>	
5	Wood, viz. :—			
	Dyers' wood not specified - - -	0 4	0 1½	per cwt
	Ebony - - - - -	2 0	2 0	per ton
	Faustic - - - - -	0 4	0 2	per cwt
	Fir - - - - -	0 9	0 4½	per 50 cubic feet
10	Firewood - - - - -	0 3	0 1	per ton
	Handspikes - - - - -	0 10	0 6	per 120 cubic feet
	Hard wood - - - - -	0 9	0 4½	per 50 cubic feet
	Laths - - - - -	0 2	0 1	per 1,000
	Lignum Vitæ - - - - -	1 4	1 4	per ton
15	Masts, yards, or bowsprits, viz. :—			
	6 inches diameter and under 8 inches - - - - -	0 9	0 4½	per 50 cubic feet
	8 inches diameter and under 12 inches - - - - -			
20	12 inches diameter and upwards - - - - -			
	Oak - - - - -	0 10	0 5	per 50 cubic feet
	„ planks - - - - -	1 6	0 9	per 50 cubic feet
	Oars and oar rafters - - - - -	2 0	1 0	per 120 cubic feet
	Pine - - - - -	0 9	0 4½	per 50 cubic feet
25	Rickers, boat hooks, and hooks - - - - -	0 6	0 3	per 120 cubic feet
	Spars - - - - -	2 0	1 0	per 120 cubic feet
	Staves, pipe, above 50 inches long - - - - -	1 0	0 6	per 120 cubic feet
	50 inches long and under - - - - -	0 8	0 4	per 120 cubic feet
30	Hogshead, 50 inches long and under, not above 1½ inch thick - - - - -	2 0	1 0	per 1,200 cubic feet
	Barrel and all under 50 inches long - - - - -	0 8	0 4	per 120 cubic feet
	Above 1½ inch thick :			
	Not exceeding 36 inches long - - - - -	0 6	0 3	per 120 cubic feet
35	Exceeding 36 inches long and under 60 inches long - - - - -	0 8	0 4	per 120 cubic feet
	Exceeding 60 inches long - - - - -	1 0	0 6	per 120 cubic feet
	Not exceeding 1½ inch thick :			
	Not exceeding 36 inches long - - - - -	1 0	0 6	per 1,200 cubic feet
40	Exceeding 36 inches and under 60 inches - - - - -	2 0	1 0	per 1,200 cubic feet
	Exceeding 60 inches in length - - - - -	3 0	1 6	per 1,200 cubic feet
	Logs - - - - -	—	—	8d. per 50 cubic feet
	Lathwood - - - - -	—	—	8d. per 50 cubic feet
45	Ufers - - - - -	1 0	0 6	per 120 cubic feet
	Wainscot or other logs delivered by weight - - - - -	1 0	0 6	per 50 cubic feet
	Mahogany - - - - -	3 0	1 6	per 12 cubic feet
	Nicaragua wood - - - - -	2 8	1 4	per ton
50	Red wood - - - - -	2 0	1 0	per ton
	Sassafras - - - - -	2 0	1 0	per ton
	Wool, other than cotton wool - - - - -	0 2	0 2	per cwt
	Woollen broad cloth - - - - -	0 3	0 1	per cwt
	„ narrow cloth - - - - -			
55	Works of art - - - - -	0 2	0 2	every £1 in value
	Worsted yarn, see Yarn			

A.D. 1905.

Aberystwyth.

Pier and Harbour Provisional Order [5 EDW. 7.]
(No. 3).

A.D. 1905.

Aberystwyth.

		Rates and Duties Inwards.	Rates and Duties Outwards.	Per Weight or Measure.
		<i>s. d.</i>	<i>s. d.</i>	
Y.				
Yams	- - - - -	0 1	0 0	per cwt
Yarn bags	- - - - -	1 4	1 4	per ton
" cotton or twist	- - - - -	1 4	1 4	per ton
" grogram	- - - - -	1 4	1 4	per ton
" linen	- - - - -	1 4	1 4	per ton
" mohair	- - - - -	1 4	1 4	per ton
" worsted	- - - - -	1 4	1 4	per ton
Yeast	- - - - -	1 4	0 0	per ton
Z.				
Zaffres	- - - - -	0 4	0 0	per cwt
Zinc	- - - - -	1 4	1 4	per ton
Ores	- - - - -	0 4	0 4	per ton

5

10

15

**Pier and Harbour Provisional Order
(No. 3.) Bill.**

A M E N D M E N T S

TO BE MOVED IN COMMITTEE

BY

THE LORD PRIVY SEAL (*M. Salisbury.*)

[To be substituted for Amendments previously circulated.]

ABERYSTWYTH ORDER.

Clause 12, page 5, line 18, leave out (“(iii.)”) and insert (“(iv.)”), and transpose sub-section (“(viii.)”) so that it becomes (“(ix.)”), and transpose sub-section (“(ix.)”) so that it becomes (“(viii.)”)

Clause 13, page 6, line 3, after (“property”) insert (“real and
“personal”)

line 4, leave out the first (“the”) and
insert (“their”)

lines 4 and 5, leave out (“mentioned in
“Part II. of the Act of 1874”) and insert (“and hereditaments”)

line 6, after (“Order”) insert (“and shall
“also charge (if necessary) the District Fund and General
“District Rate”)

Clause 17, page 7, line 22, leave out (“(viii.)”) and insert
 (“(vii.)”), and after (“inclusive”) insert (“and (ix.)”)

Clause 18, page 8, line 2, leave out (“(viii.)”) and insert
 (“(ix.)”)

line 3, leave out (“(iii.)”) and insert
 (“(iv.)”)

lines 12 and 13, leave out (“mentioned in
“Part II. of the Act of 1874”) and insert (“and hereditaments”)

(133 b.)

Clause 18, page 8, line 29, leave out ("nine") and insert ("three"), leave out ("seven") and insert ("three"), and leave out ("sixteen") and insert ("ten")

line 30, leave out ("seven") and insert ("two")

line 34, leave out ("nine") and insert ("three")

line 35, leave out ("seven") and insert ("three"), leave out ("sixteen") and insert ("ten"), and leave out ("seven") and insert ("two"), and transpose subsection ("(iv.)") so as to become ("(iii.)"), and transpose subsection ("(iii.)") so as it becomes ("(iv.)")

Clause 19, page 8, lines 44 and 45, leave out ("mentioned in Part II. of the Act of 1874") and insert ("and hereditaments")

Pier and Harbour Provisional
Order (No. 3.) Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

THE LORD PRIVY SEAL. (*M. Salisbury*)

[*To be substituted for Amendments
previously circulated.*]

26th July 1905.

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[*Price 4d.*]

(133 b.)

[5 EDW. 7.]

Polling Arrangements
(*Parliamentary Boroughs*). [H.L.]

1

A

B I L L

INTITULED

An Act to amend the Law relating to the Arrangement of Polling Districts in Parliamentary Boroughs. A.D. 1905.

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 (that is to say):—

5 **1.** This Act may be cited as the Polling Arrangements (Parliamentary Boroughs) Act, 1905. Short title.

10 **2.** The second paragraph of section eighteen of the Parliamentary Electors Registration Act, 1868, is hereby repealed, and the following enactment is substituted therefor: The local authority within the meaning of the same section, in boroughs where the town council is not the local authority, shall be the county council having jurisdiction over such borough, or over the greater part of the area thereof. Constitution of county council as the local authority in parliamentary boroughs.
31 & 32 Vict. c. 58.

3. This Act shall not extend to Scotland or Ireland. Extent of Act.

A

B I L L

INTITULED

An Act to make further provision with respect to the Arrangement of Polling Districts for the Election of County Councillors. A.D. 1905.

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 (that is to say) :—

5 **1.** This Act may be cited as the Polling Districts (County Councils) Act, 1905. Short title.

10 **2.** The powers of county councils for dividing electoral divisions into polling districts for the purpose of the election of county councillors may be exercised by them from time to time, and as often as they think fit, and such powers shall be deemed to include the power of altering any polling district from time to time. Extension of powers of county councils in relation to polling districts.

[5 Edw. 7.] *Port Glasgow Improvement Provisional Order.* 1

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Housing of the Working Classes Act 1890 relating to the Burgh of Port Glasgow. A.D. 1905.

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Housing of the Working Classes Act 1890 and it is requisite that the said Order should be confirmed by Parliament: 53 & 54 Vict.
c. 70.

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

- 10 **1.** The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation
of Order in
schedule.
- 15 **2.** Money borrowed by the town council of Port Glasgow for the purposes of the Order confirmed by this Act shall be wholly repaid together with the accruing interest within fifty years from the date of the loan. Repayment
of borrowed
money.
- 3.** This Act may be cited as the Port Glasgow Improvement Order Confirmation Act 1905. Short title.

A.D. 1905.

SCHEDULE.

BURGH OF PORT GLASGOW.

Provisional Order for confirming an Improvement Scheme under Part I. of the Housing of the Working Classes Act 1890 relating to the Burgh of Port Glasgow. 5

WHEREAS the provost magistrates and councillors of the burgh of Port Glasgow being the local authority therein under the Housing of the Working Classes Act 1890 presented to the Secretary for Scotland a petition praying that an Order might be made confirming a scheme prepared by the said local authority under Part I. of the said Act for the improvement of a certain area within the said burgh: 10

And whereas the estimate required by section 6 of the Housing of the Working Classes Act 1890 is as follows:—

Cost of acquiring the lands and buildings for the purposes of the scheme clearing the sites and incidental works - - - - -	£	s.	d.	15
	47,700	0	0	
Expenses of Provisional Order and arbitrations - - - - -	1,800	0	0	
	<u>£49,500</u>	<u>0</u>	<u>0</u>	
Estimated value of surplus lands available for resale feu or rentcharge (exclusive of cost of scheme Provisional Order and confirming Act) - - - - -	£18,500	0	0	20
Nett cost of scheme - - - - -	<u>£31,000</u>	<u>0</u>	<u>0</u>	

And whereas after inquiry I am of opinion that the scheme so made by the local authority should be confirmed subject to certain modifications and conditions: 25

And whereas the working-class population occupying the area comprised in the scheme is estimated at two thousand and seven persons and it is proved to my satisfaction that sufficient and suitable accommodation for such population will be provided within the area:

Now therefore in pursuance of the powers vested in me by the said Act I do hereby confirm the following scheme and authorise the same to be carried into execution:— 30

SCHEME.

1. This scheme may be cited as the Port Glasgow (Housing of the Working Classes Act) Improvement Scheme 1905. 35

[5 EDW. 7.] *Port Glasgow Improvement Provisional Order.* 3

2. In this scheme the following expressions shall have the meanings hereby assigned to them. "The burgh" means the burgh of Port Glasgow "the town council" means the provost magistrates and councillors of the burgh of Port Glasgow "the town clerk" and "burgh surveyor" mean
 5 the town clerk and burgh surveyor respectively of the burgh of Port Glasgow "The map" means the map which accompanies this scheme showing the area included therein "The area" means the area coloured red on the map and lies within the burgh and parish of Port Glasgow and county of Renfrew.

A.D. 1905

10 3. The unhealthy area in this scheme is the area exclusive of the properties numbered 99 100 101 103 104 105 and 106 on the map The said properties are included in the scheme as necessary for making the scheme efficient for sanitary purposes or for widening existing approaches to the unhealthy area or otherwise for opening out the same for the purposes
 15 of ventilation or health.

A duplicate of the map is deposited at the office of the town clerk and a copy of the map or any part or parts thereof certified by the burgh surveyor shall be received in all courts of justice or elsewhere as evidence of the contents thereof respectively.

20 4. The town council may for the purposes of this scheme and from time to time enter upon purchase take compulsorily and deal with all or any of the lands houses buildings streets lanes closes and passages within the area and take down rearrange or reconstruct all or any of such houses and buildings and dispose of or clear away the materials thereof and close up divert
 25 rearrange or reconstruct all or any of such streets lanes closes and passages or parts thereof.

5. The town council may upon the land purchased or acquired by them form and lay out and pave causeway or macadamise and complete in the lines shown on sheet 3A of said map and of such width and gradients
 30 as they may see fit all or any of the following new streets and also the widenings extensions and improvements of the existing streets and lanes following viz. :—

- (1) The forming of a new street (No. 1) to extend between Princes Street and Dockhead Street :
- 35 (2) The widening extension and improvement of King Street along the east side thereof commencing at the south-west corner of Custom-house Lane and terminating at the junction with the said new street (No. 1) :
- (3) The widening extension and improvement of a portion of March
 40 Lane extending from Barr's Braefoot to said new street (No. 1) :
- (4) The widening extension and improvement of the street called Barr's Braefoot along the north-east side thereof :

(128.)

A 2

4 *Port Glasgow Improvement Provisional Order.* [5 EDW. 7.]

A.D. 1905.

- (5) The forming of a new street (No. 2) running from Barr's Braefoot in an easterly direction along the northern boundary of the Caledonian Railway to the new street (No. 4) herein-after mentioned :
- (6) The forming of a new lane running from new street (No. 2) in an easterly direction along the northern boundary of the Caledonian Railway to the new street (No. 3) :
- (7) The forming of a new street (No. 3) running from the northern boundary of the Caledonian Railway to Bay Street :
- (8) The forming of a new street (No. 4) running from the new street (No. 2) to Bay Street : 10
- (9) The widening and improvement of Dockhead Street along the west side and of the west end of Bay Street along the south-west side :
- (10) The improvement of another portion of Bay Street along the south side thereof by straightening the building line : 15
- (11) The widening extension improvement closing up or diverting of such other existing streets lanes courts approaches and passages as may hereafter be determined by the council to be necessary or proper for the purposes of this scheme. 20

All these new streets and improvements and widenings will lie and be within the burgh and parish of Port Glasgow and county of Renfrew.

6. In laying out the said new streets and widened and extended streets shown on the map the town council may deviate from the lines shown on the map to any extent within the limits of the area and beyond those limits with the consent of the owners lessees and occupiers of the lands through which a deviation is made but not otherwise. 25

7. The town council may from time to time appropriate any part of the area and also any lands for the time being belonging to them or which they may have power to acquire for the erection of suitable dwellings for the accommodation of persons of the working classes who shall be from time to time displaced within the area. 30

8. The town council may at any time if they consider it necessary and with the approval of the Secretary for Scotland erect and maintain or otherwise provide on any part of the area or on such other lands as they may acquire suitable dwellings for the accommodation of persons of the working classes displaced as aforesaid. 35

9. The town council may sell feu lease or otherwise dispose of all or any part of the area either with or without the buildings and erections thereon and that at such rate rent feu-duty or price as may be agreed upon between the parties and failing agreement then the same may be disposed of by public roup. 40

10. The town council in any grant or lease of any part of the area may impose conditions and restrictions as to the elevation size and design of the

[5 Edw. 7.] *Port Glasgow Improvement Provisional Order.* 5

dwelling-houses to be erected thereon and the extent of the accommodation to be afforded thereby and all dwelling-houses or any other buildings to be erected shall be well and substantially built and shall be so situated and constructed as to secure efficient ventilation and shall be furnished with a
 5 proper water supply and with proper drainage and other sanitary appliances and apparatus all to the satisfaction of the town council and the town council may enforce the erection and maintenance of all other proper sanitary arrangements.

A.D. 1905.

11. The town council may engage with any body of trustees society
 10 company or person to carry the whole or any part of this scheme into effect upon such terms as the town council may think expedient.

12. The town council shall as soon as practicable after the passing of the Act authorising this scheme proceed to carry the same into execution but they may from time to time purchase and deal with parts and portions of the
 15 lands within the area without being required to purchase and deal with the whole of the lands within the same.

13. The town council may in carrying out any of the purposes of this scheme form any part or parts of the area as they may consider necessary into and may maintain or require the same to be maintained as open spaces
 20 or they may sell or dispose of the lands or property herein-before authorised to be dealt with by them or any part of the same.

14. The town council if satisfied that the retention of any existing buildings in the area is expedient and is not inconsistent with properly carrying out the scheme may with the approval of the Secretary for Scotland
 25 in place of acquiring such buildings agree with the owner of any such building for the execution either by the town council or by such owner of such alterations upon such building and its surroundings or for the extension of the site of such building all as the town council may consider to be necessary to render any such building sanitary and to adapt it to the scheme and that
 30 upon such terms and conditions as may be so agreed Provided that if the town council and such owner fail to agree the town council may acquire the property execute any such alterations and repairs as they consider necessary and sell or deal with the property in such way and manner and for such price or consideration as they deem most expedient.

15. In the event of the town council finding it necessary for the purposes of the scheme to acquire the property numbered 45 on the map and to demolish the same in whole or in part they may agree with the owner of the said property for the rebuilding or the alteration thereof on such terms and conditions as may be so agreed and failing agreement the town council may
 40 deal with the said property in their discretion in carrying out the scheme.

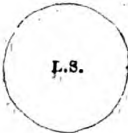
16. The town council shall not eject or displace within any period of six months any number of persons of the labouring classes exceeding two hundred persons without having first obtained a certificate from the sheriff that other and suitable accommodation has been provided for such persons and the

A.D. 1905. burgh surveyor and medical officer shall produce to the sheriff a joint report showing the number of houses available for such persons intended to be displaced and the rental condition and situation of such houses.

17. The costs charges and expenses of and incident to the preparation of this scheme and the obtaining of the relative Provisional Order and confirmation by Parliament and the expenses of the execution of this scheme so far as not defrayed out of moneys received by the town council pursuant to the Housing of the Working Classes Act 1890 shall be paid by the town council out of the local rate defined in the said last-mentioned Act to be imposed by them under the provisions of the Public Health (Scotland) Act 1897 or out of moneys borrowed for the purposes of the Housing of the Working Classes Act 1890 or out of any other moneys which the town council may have under their control.

Given under my hand and seal at Whitehall this fifth day of June one thousand nine hundred and five.

15



LINLITHGOW.

**Port Glasgow
Improvement
Provisional Order.**

A

B I L L

INTITLED

An Act to confirm a Provisional Order under the Housing of the Working Classes Act 1890 relating to the Burgh of Port Glasgow.

(Brought from the Commons 7th July 1905.)

Ordered to be printed 7th July 1905.

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E. POSENER, 116, Grafton Street, Dublin.

[Price 1d.]

(128.)

A

B I L L

INTITULED

An Act for the better Prevention of Corruption.

A.D. 1905.

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 :—

- 5 **1.**—(1) If any agent corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do, or for having after the passing of this Act done or forborne to do, any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business ; or
- 10
- 15 If any person corruptly gives or agrees to give or offers any gift or consideration to any agent as an inducement or reward for doing or forbearing to do, or for having after the passing of this Act done or forborne to do, any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business ; or
- 20
- 25 If any person knowingly gives to any agent, or if any agent knowingly uses with intent to deceive his principal, any receipt, account, or other document in respect of which the principal is interested, and which contains any statement which is false or erroneous or defective in any material particular, and which to his knowledge is intended to mislead the principal ;
- he shall be guilty of a misdemeanour, and shall be liable on conviction on indictment to imprisonment, with or without hard labour, for a term not exceeding two years, or to a fine not exceeding
- 30 (19.)

Punishment
of corrupt
transactions
with agents.

A.D. 1905. five hundred pounds, or to both such imprisonment and such fine, or on summary conviction to imprisonment, with or without hard labour, for a term not exceeding four months, or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine. 5

(2) For the purposes of this Act the expression "consideration" includes valuable consideration of any kind; the expression "agent" includes any person employed by or acting for another; and the expression "principal" includes an employer.

(3) A person serving under the Crown is an agent within the meaning of this Act. 10

Prosecution of offences.

2.—(1) A prosecution for an offence under this Act shall not be instituted without the consent, in England, of the Attorney-General or Solicitor-General, and in Ireland of the Attorney-General or Solicitor-General for Ireland. 15

(2) The Vexatious Indictments Act, 1859, as amended by any subsequent enactment, shall apply to offences under this Act as if they were included among the offences mentioned in section one of that Act.

(3) Every information for any offence under this Act shall be upon oath. 20

(4) The expenses of any prosecution on indictment under this Act shall be defrayed as in cases of indictment for felony.

(5) A court of quarter sessions shall not have jurisdiction to inquire of, hear, and determine prosecutions on indictments for offences under this Act. 25

(6) Any person aggrieved by a summary conviction under this Act may appeal to a court of quarter sessions.

Application to Scotland.

3. This Act shall extend to Scotland, subject to the following modifications:— 30

(1) Section two shall not extend to Scotland:

(2) In Scotland all offences which are punishable under this Act on summary conviction shall be prosecuted before the sheriff in manner provided by the Summary Jurisdiction (Scotland) Acts. 35

Short title and commencement.

4.—(1) This Act may be cited as the Prevention of Corruption Act, 1905.

(2) This Act shall come into operation on the first day of January nineteen hundred and six.

Prevention of Corruption Bill [H.L.]

A M E N D M E N T S

TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

BY

THE LORD JAMES OF HEREFORD.

Clause 1, page 2, line 11, after (" Act ") insert :

(4) In any prosecution under this Act evidence shall not be admissible to show that any such gift or consideration as is mentioned in this section is customary in any trade or calling.

(5) For the purposes of this Act where it is shown that any such gift or consideration as in this section mentioned has been taken, given, or offered without the assent of the principal, the burden of proving that such gift or consideration was not taken, given, or offered corruptly shall lie on the accused.

Leave out clause 2.

Prevention of Corruption Bill
[H.L.]

A M E N D M E N T S

TO BE MOVED IN COMMITTEE OF THE
WHOLE HOUSE

BY

THE LORD JAMES OF HEREFORD,

16th March 1905.

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[Price 4d.]

(19 a.)

A

B I L L

INTITLED

An Act for amending the Law relating to the Administration of Oaths for the purpose of Proceedings in Prize Courts. A.D. 1905.

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 :—

- 5 **1.** There shall be added to section four of the Commissioners for Oaths Act, 1889 (which relates to the appointment of persons to administer oaths in prize proceedings), the following provisions :—
- “Any officer for the time being holding any prescribed office on board any of His Majesty's ships, or any of his Majesty's ships of any prescribed class, shall, whilst on the high seas or out of His Majesty's dominions, by virtue of his office, be empowered to administer oaths and take affidavits for any purpose relating to proceedings in any prize court within the meaning of the Naval Prize Act, 1864, as amended by any subsequent enactment.
- 10 “ In this section the expression ‘ prescribed ’ means prescribed in any regulations made by the Admiralty with the consent of the Lord Chancellor, and the expression ‘ His Majesty's ships ’ includes any of His Majesty's vessels of war and any hired ship or vessel in His Majesty's service.
- 15 “ Any document purporting to have subscribed thereto the signature of any person authorised by or under this section to administer an oath, in testimony of any oath or affidavit being administered or taken before him, shall be admitted in evidence without proof of the signature being the signature of that person, or of the official character of that person.”
- 20 25

Power of officers to administer oaths in prize proceedings.

52 Vict. c. 10.

27 & 28 Vict. c. 25.

[See 27 & 28 Vict. c. 25. s. 2.]

[See 52 & 53 Vict. c. 10. s. 6 (2).]

A.D. 1905.
Short title.

2. This Act may be cited as the Commissioners for Oaths (Prize Proceedings) Act, 1905, and the Commissioners for Oaths Acts, 1889 and 1891, and the Commissioners for Oaths Amendment Act, 1890, and this Act may be cited together as the Commissioners for Oaths Acts, 1889 to 1905.

Public Health Acts (Amendment) Bill.
[H.L.]

MEMORANDUM.

The objects of the Bill are as follows :—

Clause 1.—Act to be construed with the Public Health Acts, and to apply co-extensively with those Acts.

Clause 2.—To exempt buildings sufficiently isolated from the operation of existing and future building byelaws.

Clause 3.—To provide against alterations of buildings erected under the exemptions provided by clause 2.

Clause 4.—To render exempted buildings subject to byelaws relating to sanitation.

Clause 5.—To empower the Local Government Board, upon representation by ratepayers, to disallow byelaws after confirmation where any such are found unsuited to the district in respect to which they apply or to operate contrary to the public interests.

Public Health Acts (Amendment) Bill.
[H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Application and extent of Act.
 2. Exemption of certain buildings from building byelaws.
 3. As to alterations to exempted buildings.
 4. Sanitary byelaws to apply to exempted buildings.
 5. Power to Local Government Board to disallow byelaws and substitute others.
-

A

B I L L

INTITULED

An Act to amend the Public Health Acts.

A.D. 1905.

WHEREAS it is expedient to amend the provisions of the Public Health Acts :

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

1.—(1) This Act shall be construed as one with the Public Health Acts, and shall extend to England and Wales, exclusive of the administrative county of London. Application and extent of Act.

10 (2) This Act may be cited as the Public Health Acts (Amendment) Act, 1905, and this Act and the Public Health Acts may be cited together as the Public Health Acts.

2.—(1) The following buildings shall be exempt from the operation of any byelaw now or hereafter in force within any
15 "county district" with respect to the structure of walls, foundations, roofs, floors, chimneys, or hearths, or with respect to the sufficiency of the space to be provided about buildings, or with respect to the ventilation of buildings, or with respect to the giving of notices or the deposit of plans or sections, namely:— Exemption of certain buildings from building byelaws. See Local Government Act, 1894, s. 21 (3).

20 Any building, not being a public building or factory (or which, being a public building or factory, is one storey only in height and is without any gallery), which is situated at a distance from every boundary of the curtilage thereof of not less than fifteen feet, or, if the height of the building
25 measured from the ground base thereof to the spring of the roof exceeds fifteen feet, at a distance from every boundary of the curtilage thereof at least equal to such height, and also at a distance from any other building of not less than thirty feet.

(39.)

A.D. 1905.

(2) A building shall not be excluded from this exemption by reason of its being situated within the distance prescribed by subsection one of a boundary of the curtilage thereof fronting or abutting on a street, provided that no part of such building is situated within such prescribed distance from the centre of such street. 5

(3) A detached dwelling-house shall not be excluded from this exemption by reason only of it being within thirty feet of another detached building constructed as stabling or offices to be used in connection with such dwelling-house. 10

(4) For the purposes of this Act two dwelling-houses separated by a party division of fire-resisting material shall be deemed to be a single building.

As to alterations to exempted buildings.

3.—(1) If any addition be made to any such building specified in section two of this Act whereby any increase is caused in the height of such building, or any diminution in the distance thereof from the curtilage or from any other building, so that the same shall be of greater height or less distance than those respectively in such section mentioned, the district council may give notice to the owner or occupier of such building requiring the removal of such addition within a reasonable time to be named in such notice, and if default shall be made in complying with such notice the exemption provided by the said section shall thereupon cease to apply to such building. 15 20

(2) If any alteration shall be made to the curtilage of any building specified in section two of this Act, whereby such building shall be situate at a less distance from any boundary thereof than is in such section mentioned (regard being had to subsection two of such section), the exemption provided by the said section shall thereupon cease to apply to such building. 25 30

(3) Upon the exemption provided by section two of this Act ceasing to apply to any building (by reason of subsections one or two of this section) such building shall for the purposes of any byelaws in force within the county district in which the same is situated, and of the enforcement thereof, be deemed to have been first erected by the then owner thereof at the time of such exemption ceasing to exist in respect thereof. 35

Sanitary byelaws to apply to exempted buildings.

4. Nothing in this Act contained shall exempt any building from the operation of any byelaw with respect to the drainage of buildings or with respect to water-closets, earth-closets, privies, ashpits, or cesspools in connection therewith. 40

[5 EDW. 7.] *Public Health Acts (Amendment).*

3

- 5.—(1) Where any byelaws made under the provisions of the Public Health Acts are in force in any county district the Local Government Board shall, upon an application signed by five rate-payers in the district, hold an inquiry as to the operation and effect of any such byelaws specified in such application, and may by order disallow any such byelaws either wholly or in part, and from and after the date provided in that behalf in any such order any byelaws disallowed thereby shall cease to have effect. The Local Government Board may by any such order of disallowance direct that any byelaws specified therein shall from and after a date to be named therein be substituted for the byelaws disallowed until such time as new byelaws shall be passed by the council of such district and allowed by the Local Government Board, and such substituted byelaws shall have effect accordingly.
- 15 (2) The Local Government Board may at any stage require payment to them by such applicants of such sum not exceeding fifty pounds as they may deem right to provide in the first instance for any expenses of the Board in connection with any inquiry held under this section, and at or after any such inquiry the Board may
- 20 make an order by whom the costs of the inquiry shall be borne, and may by such order direct that any sum paid to them as aforesaid shall be dealt with as they may deem right.

A.D. 1905.
Power to
Local
Government
Board to
disallow bye-
laws and
substitute
others.

**Public Health Acts
(Amendment). [H.L.]**

A

B I L L

INTRODUCED

An Act to amend the Public
Health Acts.

The Lord Hylton.

Ordered to be printed 30th March 1905.

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[*Price 1d.*]

(39.)

Public Health Acts (Amendment) Bill.
[H.L.]

[AS AMENDED IN SELECT COMMITTEE.]

MEMORANDUM.

The objects of the Bill are as follows :—

Clause 1.—Act to be construed with the Public Health Acts, and to apply co-extensively with those Acts.

Clause 2.—To exempt buildings sufficiently isolated from the operation of existing and future building byelaws.

Clause 3.—To provide against alterations of buildings erected under the exemptions provided by clause 2.

Clause 4.—To render exempted buildings subject to byelaws relating to sanitation.

Clause 5.—To empower the Local Government Board, upon representation by ratepayers, to disallow byelaws after confirmation where any such are found unsuited to the district in respect to which they apply or to operate contrary to the public interests.

Public Health Acts (Amendment) Bill.
[H.L.]

[AS AMENDED IN SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Application and extent of Act.
 2. Exemption of certain buildings from building byelaws.
 3. As to alterations to exempted buildings.
 4. Power to Local Government Board to disallow byelaws and substitute others.
 5. Mode of procedure of person aggrieved by byelaw.
-

A

B I L L

[AS AMENDED IN SELECT COMMITTEE]

INTITULED

An Act to amend the Public Health Acts.

A.D. 1905.

WHEREAS it is expedient to amend the provisions of the Public Health Acts :

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

1.—(1) This Act shall be construed as one with the Public Health Acts, and shall extend to England and Wales, exclusive of the administrative county of London. Application and extent of Act.

10 (2) This Act may be cited as the Public Health Acts (Amendment) Act, 1905, and this Act and the Public Health Acts may be cited together as the Public Health Acts.

15 2.—(1) Except as hereinafter mentioned the following buildings shall be exempt from the operation of any byelaw now or hereafter in force within any "county district" with respect to the structure of walls, foundations, roofs, floors, chimneys, or hearths, or with respect to the sufficiency of the space to be provided about buildings, or with respect to the deposit of plans or sections, so far as the foregoing matters are concerned, 20 namely:—

Any building, not being a public building or factory (or which, being a public building or factory, is one storey only in height and is without any gallery), which is situated at a distance from every boundary of the curtilage thereof of not less than fifteen feet, or, if the height of the building measured from the ground base thereof to the spring of
25 (153.)

Exemption of certain buildings from building byelaws. See Local Government Act, 1894, s. 21 (3).

A.D. 1905.

(2) A building shall not be excluded from this exemption by reason of its being situated within the distance prescribed by subsection one of a boundary of the curtilage thereof fronting or abutting on a street, provided that no part of such building is situated within such prescribed distance from the centre of such street. 5

(3) A detached dwelling-house shall not be excluded from this exemption by reason only of it being within thirty feet of another detached building constructed as stabling or offices to be used in connection with such dwelling-house. 10

(4) For the purposes of this Act two dwelling-houses separated by a party division of fire-resisting material shall be deemed to be a single building.

(5) Nothing in this Act shall exempt a person from complying with any byelaw so far as it relates to purposes of health. 15

As to alterations to exempted buildings.

3.—(1) If any addition be made to any such building specified in section two of this Act whereby any increase is caused in the height of such building, or any diminution in the distance thereof from the curtilage or from any other building, so that the same shall be of greater height or less distance than those respectively in such section mentioned, the district council may give notice to the owner or occupier of such building requiring the removal of such addition within a reasonable time to be named in such notice, and if default shall be made in complying with such notice the exemption provided by the said section shall thereupon cease to apply to such building. 20 25

(2) If any alteration shall be made to the curtilage of any building specified in section two of this Act, whereby such building shall be situate at a less distance from any boundary thereof than is in such section mentioned (regard being had to subsection two of such section), the exemption provided by the said section shall thereupon cease to apply to such building. 30

(3) Upon the exemption provided by section two of this Act ceasing to apply to any building (by reason of subsections one or two of this section) such building shall for the purposes of any byelaws in force within the county district in which the same is situated, and of the enforcement thereof, be deemed to have been first erected by the then owner thereof at the time of such exemption ceasing to exist in respect thereof. 35 40

[5 Edw. 7.] *Public Health Acts (Amendment).*

3

situated, and of the enforcement thereof, be deemed to have been first erected by the then owner thereof at the time of such exemption ceasing to exist in respect thereof. A.D. 1905.

4. Where any byelaws made under the provisions of the Public Health Acts are in force in any county district, and the Local Government Board shall find the same to be unsuited to the district, or to any particular parish or parishes in the district, or to operate contrary to the public interest, the Local Government Board may by Order disallow any of such byelaws in respect of the whole of the district, or of any parish or parishes therein, or provide that any buildings or class or kind of buildings shall be exempt from the operation of all or any of such byelaws as from and after the date provided in that behalf in any such Order.

Power to
Local
Government
Board to
disallow bye-
laws and
substitute
others.

5. Where any person is aggrieved by the requirement of any byelaw, or the refusal of the council of any county district to approve any plan submitted in pursuance of any byelaw, such person may by summons obtain the decision of a court of summary jurisdiction on the validity of such byelaw, subject, nevertheless, to an appeal to a court of quarter sessions, and any person challenging the reasonableness of such requirement may appeal to a body of three persons appointed by the county council who shall determine whether it is reasonable and desirable that such requirement be dispensed with.

Mode of pro-
cedure of
person
aggrieved by
byelaw.

Public Health Acts
(Amendment). [H.L.]

A

B I L L

[AS AMENDED IN COMMITTEE]

INTRODUCED

An Act to amend the Public
Health Acts.

The Lord Hylton.

Ordered to be printed 1st August 1905.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
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35, Abingdon Street, Westminster, S.W.; or
OLIVER and BOWEN, Rathfriland, or
E. PONSORBY, 116, Grafton Street, Dublin.

[*Price 1d.*]

(159.)

[5 EDW. 7.] *Public Meetings (Facilities).* [H.L.]

A

B I L L

INTITULED

An Act for granting the use of Schoolrooms for Public Meetings. A.D. 1905.

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:—

- 5 **1.** From and after the passing of this Act, if there be no other public building available which shall be suitable and convenient for the purpose, the electors and inhabitants of any district served by a public elementary school receiving a grant out of moneys provided by Parliament, or supported or assisted out of moneys payable out of any local rate, shall be entitled, free of charge, at all reasonable times, and after reasonable notice given by any member of Parliament, county councillor, or member of any public body elected by the ratepayers of the area in which such district is situated, or any parliamentary candidate or candidate for the county council or other elective body for such area or district, or any of their agents, to use any suitable room in the schoolhouse of such public elementary school for the purpose of holding a public meeting in pursuance of the candidature of the person by whom or on whose behalf the notice is given; provided that such public meeting shall not be held at such times or in such manner as to interfere with the hours set apart for the secular instruction of day or evening scholars as set forth in the approved time-table of such school.

When public elementary schools may be used for public meetings.

- 25 **2.** Every local education authority shall, as soon as possible after the passing of this Act, make regulations for the proper carrying out of the provisions of the foregoing section, and which shall, among other things, provide—

Regulations by local education authority.

(23.)

A.D. 1905.

- (a) That if, by reason of the use of any room for the purposes specified in the foregoing section, any expense is incurred by the managers of the school or the local education authority, or any damage is done to the room or to the building of which the room is a part, or its appurtenances, or the furniture of the room, or the apparatus for instruction, the expense or damage shall be defrayed (subject to a fair valuation) by the person by whom or on whose behalf the meeting is convened; and
- (b) That (except during such times as an election is actually in progress) no room shall be used for the purposes of this Act by, or on behalf of, any particular person on more than two occasions during the same year.

Power of Board of Education, and definition.

3.—(1) If any question arises under this Act as to what is reasonable, suitable, or convenient, it may be determined by the Board of Education.

(2) "The times during which an election is actually in progress" shall, for the purposes of this Act, be the period intervening between the issue of the writ in respect of parliamentary elections, and the publication of the notice of election in respect of county council and other elections, and the day fixed for taking a poll of the electors.

Short title.

4. This Act may be cited for all purposes as the Public Meetings (Facilities) Act, 1905.

Public Meetings (Facilities) Bill [H.L.]

A M E N D M E N T

T O B E M O V E D I N C O M M I T T E E

BY

T H E L O R D C L I F F O R D O F C H U D L E I G H .

Clause 2, page 1, line 27, after ("provide") insert:

- (a) That the person on whose behalf the notice is given shall pay to the managers of the school a reasonable sum by way of hire of the room.
-

(23 a.)

Public Meetings (Facilities) Bill
[H.L.]

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE LORD CLIFFORD OF
CHUDLEIGH.

25th May 1905.

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OLIVER and BOYD, Edinburgh; or
E. POSENER, 116, Grafton Street, Dublin.

[Price 4d.]

(23 a.)

Public Meetings (Facilities) Bill [H.L.]

AMENDMENT

TO BE MOVED IN COMMITTEE.

BY

THE LORD ESTCOURT.

Clause 1, page 1, line 16, leave out ("or any of their
"agents")

Public Meetings (Facilities) Bill
[H.L.]

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE LORD ESTCOURT.

29th May 1905.

PRINTED BY EYRE AND SPOTTISWOOD,
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And to be purchased, either directly or through any Bookseller, from
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82, Abingdon Street, Westminster, S.W.1; or
OLIVER and BOYD, Edinburgh; or
E. PONSORBY, 116, Grafton Street, Dublin.

[Price 4d.]

(23 c.)

Public Meetings (Facilities) Bill [H.L.]

A M E N D M E N T S

T O B E M O V E D I N C O M M I T T E E

B Y

T H E M A R Q U E S S O F B R I S T O L .

Clause 1, line 5, leave out from (" Act ") to the second (" the ") in line 7.

line 10, leave out (" free of charge ")

line 11, leave out from (" by ") to (" any ") in line 14.

line 16, leave out (" their ") and insert (" such " candidates' duly appointed ")

line 20, after (" given ") insert (" and who, if " required to do so, shall pay such accustomed charges as are " payable by other persons using the rooms in the school ")

line 22, leave out (" secular ")

Clause 2, page 2, leave out paragraph (b) and insert the following new paragraph :

(b) That (except during such times as an election is actually in progress) the right to use such rooms shall not be exercised by or on behalf of any particular candidate more than once in reference to the same candidature.

Public Meetings (Facilities) Bill
[H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE MARQUESS OF BRISTOL.

6th June 1905.

PRINTED BY EYRE AND SPOTTISWOODE,
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32 Abingdon Street, Westminster, S.W., or
JULVER and BOYD, Edinburgh; or
E. POWSON & CO., 116, Grafton Street, Dublin.

[Price 4d.]

(23 d.)

Public Meetings (Facilities) Bill [H.L.]

A M E N D M E N T S

T O B E M O V E D I N C O M M I T T E E

B Y

T H E L O R D H E N E A G E .

[To be substituted for Amendments previously circulated.]

Clause 1, page 1, line 10, leave out ("free of charge")
 line 16, leave out ("any of their agents"),
 and after ("or") insert ("the responsible and duly appointed
 " election agent of such candidate")
 line 22, leave out ("secular")
 line 23, after ("school") insert ("or interfere
 " with any other meeting or entertainment for which the use of
 " the school had previously been granted")

Clause 2, page 2, line 10, leave out ("and") and insert
 ("provided that nothing contained in this Act shall prevent any
 " school managers from making a fixed charge for the reasonable
 " expenses incurred by them in connection with the necessary
 " preparation of the room or rooms for the purposes of any meeting,
 " including coals, lighting, and cleaning; and provided also")

Public Meetings (Facilities) Bill
[H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD HENEGGE.

*[To be substituted for Amendments
previously circulated.]*

8th June 1905.

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32, Abchurch Lane, Westminister, S.W. or
J. HARRIS and Boyd, Edinburgh; or
E. PONSORBY, 116, Grafton Street, Dublin.

[Price 1d.]

(23 e.)

Public Meetings (Facilities) Bill [H.L.]

A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

BY THE LORD BURGHLERE.

Clause 1, page 1, line 7, after the second ("the") insert ("parochial, municipal, or parliamentary"), and leave out ("and inhabitants")

line 22, leave out ("secular")

Clause 3, page 2, line 15, leave out ("arises") and insert ("shall arise")

line 17, leave out ("board of education") and insert ("local education authority for the district, provided always that no room or building registered for divine worship, nor any room connected with or attached to any place licensed for the sale of intoxicating liquors shall be deemed a suitable room for the purposes of this Act")

After clause 3, page 2, insert as a new clause:

. This Act shall not extend to Ireland.

BY THE LORD CLIFFORD OF CHUDLEIGH.

Page 1, line 10, leave out ("free of charge")

line 22, leave out ("secular")

Public Meetings (Facilities) Bill
[H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD BURGHCLERE

AND

THE LORD CLIFFORD OF
CHUDLEIGH.

26th June 1905.

PRINTED BY EYRE AND SPOTTISWOODE,
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OLIVER and BOND, Edinburgh; or
E. POMEROY, 116, Grafton Street, Dublin.

[Price 4d.]

(23 f.)

Public Meetings (Facilities) Bill [H.L.]

A M E N D M E N T S

T O B E M O V E D I N C O M M I T T E E

B Y

T H E L O R D A R C H B I S H O P O F C A N T E R B U R Y .

Clause 1, page 1, line 20, after (“ held ”) insert (“ on Sundays,
“ nor on Ash Wednesday, Good Friday, Ascension Day, Christmas
“ Day, nor ”)

line 22, after (“ the ”) insert (“ religious or ”)

line 24, after (“ school ”) insert (“ or with
“ such other lawful use of the building as has under proper
“ authority been customary ”)

Clause 2, page 2, after line 14, insert as a new subsection :

(c) That a day be appointed in each year on or before which
the Local Education Authority shall publish a schedule
showing what schoolrooms within such district are
liable during the ensuing twelve months to be used as
aforesaid, on the ground that there is no other public
building suitable and available.

Clause 3, page 2, line 17, leave out (“ Board of Education ”)
and insert (“ Local Education Authority, provided that a room in
“ the same district shall not be deemed unsuitable or inconvenient
“ on the ground of any reasonable rent which may be demanded
“ for it by the owners thereof ”)

Public Meetings (Facilities) Bill

[H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD ARCHBISHOP OF
CANTERBURY.

27th June 1905.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any bookseller, from
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32, Abingdon Street, Westminster, S.W.1; or
OLIVER and BOYD, Edinburgh; or
E. PONSORRY, 116, Trafalgar Street, Dublin.

[Price 4d.]

(23 g.)

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act for granting the use of Schoolrooms for Public Meetings. A.D. 1905.

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:—

- 5 **1.** From and after the passing of this Act, if there be no other public building available which shall be suitable and convenient for the purpose, the parochial, municipal, or parliamentary electors of any district served by a public elementary school receiving a grant out of moneys provided by Parliament, or supported or
- 10 assisted out of moneys payable out of any local rate, shall be entitled, at all reasonable times and after reasonable notice given by any member of Parliament, county councillor, or member of any public body elected by the ratepayers of the area in which such district is situated, or any parliamentary candidate or can-
- 15 didate for the county council or other elective body for such area or district, or the responsible and duly appointed election agent of such candidate, to use any suitable room in the school-house of such public elementary school for the purpose of holding a public meeting in pursuance of the candidature of the person
- 20 by whom or on whose behalf the notice is given; provided that such public meeting shall not be held on Sundays, nor on Ash Wednesday, Good Friday, Ascension Day, Christmas Day, nor at such times or in such manner as to interfere with the hours set apart for the religious or secular instruction of day or evening
- 25 scholars as set forth in the approved time table of such school, or with such other lawful use of the building as has under proper authority been customary, or if the use of the schoolrooms on

When public elementary schools may be used for public meetings.

(112.)

A.D. 1905. — the said day and at the said time has previously to the receipt of the notice of the meeting been granted for some other purpose, or interfere with any other meeting or entertainment for which the use of the school had previously been granted.

Regulations
by local edu-
cation autho-
rity.

2. Every local education authority shall, as soon as possible 5
after the passing of this Act, make regulations for the proper
carrying out of the provisions of the foregoing section, and which
shall, among other things, provide that if, by reason of the use
of any room for the purposes specified in the foregoing section,
any expense is incurred by the managers of the school or the 10
local education authority, or any damage is done to the room or to
the building of which the room is a part, or its appurtenances,
or the furniture of the room, or the apparatus for instruction,
the expense or damage shall be defrayed (subject to a fair valuation)
by the person by whom or on whose behalf the meeting is convened ; 15
provided that nothing contained in this Act shall prevent any
school managers from making a fixed charge for the reasonable
expenses incurred by them in connection with the necessary
preparation of the room or rooms for the purposes of any meeting,
including coals, lighting, and cleaning ; and provided also that 20
(except during such times as an election is actually in progress)
no room shall be used for the purposes of this Act by, or on
behalf of, any particular person on more than one occasion
during the same year.

Power of
Board of
Education,
and defini-
tion.

3.—(1) If any question shall arise under this Act as to what 25
is reasonable, suitable, or convenient, it may be determined by the
local education authority for the district ; provided always that no
room or building registered for divine worship, nor any room
connected with or attached to any place licensed for the sale of
intoxicating liquors shall be deemed a suitable room for the 30
purposes of this Act

(2) “The times during which an election is actually in
progress” shall, for the purposes of this Act, be the period inter-
vening between the issue of the writ in respect of parliamentary
elections, and the publication of the notice of election in respect of 35
county council and other elections, and the day fixed for taking
a poll of the electors.

Extent of
Act.
Short title.

4. This Act shall not extend to Ireland.

5. This Act may be cited for all purposes as the Public
Meetings (Facilities) Act, 1905.

Public Meetings (Facilities) Bill [H.L.]

A M E N D M E N T S

T O B E M O V E D I N S T A N D I N G C O M M I T T E E

B Y

T H E L O R D B U R G H C L E R E .

Clause 1, page 1, line 11, leave out (“reasonable notice”) and insert (“written notice of not less than seven days”)
 line 17, after (“candidate”) insert (“or
 “member”)

lines 20 and 21, leave out (“provided that
 “such public meeting shall not be held”) and insert :

(2.) No person or persons shall be entitled to use any room in the school-house of any public elementary school for any of the purposes provided in the foregoing section.

line 25, leave out (“or”) and insert (“nor”)

line 27, leave out from (“customary”) to (“interfere”) in page 2, line 3, and insert (“nor”)

page 2, line 4, leave out (“school had previously”) and insert (“room shall have”), and after (“been”) insert (“previously”), and after (“granted”) insert (“for the time specified in the notice”)

Clause 2, page 2, line 8, after (“provide”) insert (“(a)”)

line 15, leave out from (“convened”) to (“(a)”) in line 17, and insert (“and (b) that”)

line 17, after (“charge”) insert (“may be
 “made”)

line 18, leave out (“them”) and insert (“the
 “school managers”)

line 19, leave out (“any”) and insert
 (“such”)

line 20, leave out (“provided also”) and
 insert (“(c)”)

(112 a.)

Clause 3, page 2, line 33, leave out ("shall"), and after ("Act") insert ("shall in respect of parliamentary elections")

lines 34 and 35, leave out ("in respect of parliamentary elections") and insert ("and the day fixed for taking a poll of the electors")

line 35, after ("and") insert ("in respect of county councils and other elections the period intervening between")

lines 35 and 36, after ("election") leave out ("in respect of county council and other elections")

Public Meetings (Facilities) Bill

[H.L.]

AMENDMENTS

TO BE MOVED IN STANDING
COMMITTEE

BY

THE LORD BURGHCLERE.

10th July 1905.

PRINTED BY EYRE AND SPOTTISWOODE
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

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32, Abingdon Street, Westminster, S.W.1; or
OLIVER and BORD, Edinburgh; or
E. POWERS, 116, Grafton Street, Dublin.

[Price 4d.]

(112 a.)

A

B I L L

[AS AMENDED BY THE STANDING COMMITTEE]

INTITULED

An Act for granting the use of Schoolrooms for Public Meetings. A.D. 1905.

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:—

- 5 **1.** From and after the passing of this Act, if there be no other public building available which shall be suitable and convenient for the purpose, the parochial, municipal, or parliamentary electors of any district served by a public elementary school receiving a grant out of moneys provided by Parliament, or supported or
10 assisted out of moneys payable out of any local rate, shall be entitled, at all reasonable times and after written notice of not less than seven days given by any member of Parliament, county councillor, or member of any public body elected by the ratepayers of the area in which such district is situated,
15 or any parliamentary candidate or candidate for the county council or other elective body for such area or district, or the responsible and duly appointed election agent of such candidate or member, to use any suitable room in the schoolhouse of such public elementary school for the purpose of holding a public
20 meeting in pursuance of the candidature of the person by whom or on whose behalf the notice is given.

Public elementary schools may be used for public meetings.

2. No person or persons shall be entitled to use any room in the schoolhouse of any public elementary school for any of the purposes provided in the foregoing section on Sundays, nor on
25 Ash Wednesday, Good Friday, Ascension Day, Christmas Day, nor at such times or in such manner as to interfere with the
(134.)

Days on which such schools may not be so used.

A.D. 1905. hours set apart for the religious or secular instruction of day or evening scholars as set forth in the approved time-table of such school, nor with such other lawful use of the building as has under proper authority been customary, nor interfere with any other meeting or entertainment for which the use of the school shall have been previously granted for the time specified in the notice. 5

Regulations
by local edu-
cation autho-
rity.

3. Every local education authority shall, as soon as possible after the passing of this Act, make regulations for the proper carrying out of the provisions of the foregoing section, and which shall, among other things, provide— 10

(a) that if, by reason of the use of any room for the purposes specified in the foregoing section, any expense is incurred by the managers of the school or the local education authority, or any damage is done to the room or to the building of which the room is a part, or its appurtenances, or the furniture of the room, or the apparatus for instruction, the expense or damage shall be defrayed (subject to a fair valuation) by the person by whom or on whose behalf the meeting is convened; and 15 20

(b) that a fixed charge may be made for the reasonable expenses incurred by the school managers in connection with the necessary preparation of the room or rooms for the purposes of such meeting, including coals, warming, lighting, and cleaning; and 25

(c) that (except during such times as an election is actually in progress) no room shall be used for the purposes of this Act by, or on behalf of, any particular person on more than one occasion during the same year. 30

Power of
Board of
Education,
and defini-
tion.

4.—(1) If any question shall arise under this Act as to what is reasonable, suitable, or convenient, it may be determined by the local education authority for the district; provided always that no room or building registered for divine worship, nor any room connected with or attached to any place licensed for the sale of intoxicating liquors shall be deemed a suitable room for the purposes of this Act 35

(2) “The times during which an election is actually in progress” for the purposes of this Act shall, in respect of parliamentary elections, be the period intervening between the 40

[5 EDW. 7.] *Public Meetings (Facilities).* 3

issue of the writ and the day fixed for taking a poll of the electors, and, in respect of county councils and other elections, the period intervening between the publication of the notice of election and the day fixed for taking a poll of the electors. A.D. 1905.

5 5. This Act shall not extend to Ireland.

Extent of
Act.

6. This Act may be cited for all purposes as the Public Meetings (Facilities) Act, 1905. Short title.

**Public Meetings
(Facilities). [H.L.]**

A

B I L L

[AS AMENDED BY THE STANDING
COMMITTEE]

INTITULIED

An Act for granting the use of School-
rooms for Public Meetings.

The Lord Buryclere.

Ordered to be printed 11th July 1905.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.
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OLIVER and BOYD, Edinburgh; or
E. PONSONBY, 116, Grafton Street, Dublin.

[Price 4d.]

(134.)

Public Meetings (Facilities) Bill [H.L.]

A M E N D M E N T S

T O B E M O V E D O N T H I R D R E A D I N G

B Y

T H E L O R D B U R G H C L E R E .

Clause 2, page 2, line 6, leave out ("previously"), and leave out from ("granted") to the end of the clause and insert ("previous to the receipt of the notice for the time specified therein")

Clause 3, page 2, line 10, leave out ("section") and insert ("sections")

line 13, leave out from ("foregoing") to ("any") in line 15 and insert ("sections")

Public Meetings (Facilities) Bill
[H.L.]

AMENDMENTS

TO BE MOVED ON THIRD READING

BY

THE LORD BURGHLEERE

18th July 1905.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY,
And to be purchased, either directly or through any Bookseller, from
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32, Abingdon Street, Westminster, S.W.1; or
OATYER and BOYD, Edinburgh; or
E. PONSORRY, 116, Grafton Street, Dublin.

[Price 1d.]

(13149)

A

B I L L

INTITULED

An Act to amend the Law relating to the Repair and Maintenance of Public Roads in Ireland. A.D. 1905.

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 :—

- 5 **1.**—(1) Where by a certificate of their surveyor it appears to the county or urban district council who are liable or have undertaken to repair any road, whether a main road or not, that, having regard to the average expense of repairing or maintaining any particular road, in the county district, where the damage
- 10 hereinafter mentioned occurred, extraordinary expenses have been incurred by such council in repairing such road by reason of the damage caused by excessive weight passing along the same, or by extraordinary traffic thereon, such council may recover from any person by or in consequence of whose order such weight
- 15 or traffic has been conducted the amount of such expenses as may be proved to the satisfaction of the court having cognizance of the case to have been incurred by such council by reason of the damage arising from such weight or traffic as aforesaid :

Power of road authority to recover expenses of extra-ordinary traffic.

- 20 Provided that any person against whom expenses are or may be recoverable under this section may enter into an agreement with such council as aforesaid for the payment to them of a composition in respect of such weight or traffic, and thereupon the person or persons so paying the same shall not be subject to any proceedings under this section.

- 25 (2) Expenses under this section may be recovered if not exceeding two hundred and fifty pounds in the county court, and if exceeding that sum in the High Court.

(124.)

A.D. 1905.

(3) An appeal may be taken from any order of a county court under this section, and the enactments in the County Courts (Ireland) Acts, 1851 to 1898, relating to appeals in the case of ordinary civil bills shall apply accordingly.

(4) Proceedings for the recovery of any expenses under this section shall be commenced within twelve months of the time at which the damage was done, or where the damage is in consequence of any particular building contract or work extending over a long period shall be commenced not later than six months after the completion of the contract or work. 10

(5) In the case of a road not being a main road any expenses recovered or composition paid under this section by or to a county council in respect thereof, shall be credited in manner prescribed by the Local Government Board for Ireland to the rural district or rural districts in which is situated that part 15 of the road in respect of which the expenses were recovered or the composition was paid, and in the case of a main road one-half of such expenses or composition shall be so credited to the rural or urban district, as the case may be.

Amendment
of 24 & 25
Vict. c. 70,
s. 4, as re-
gards weight
carried by
waggon.

2. The proviso to section four of the Locomotives Act, 1861, 20 is hereby repealed so far as it applies to Ireland, and in lieu thereof it is enacted as follows: Provided that the regulation of weight herein mentioned shall not extend to any waggon carrying only one block, plate, cable, roll, vessel of stone or metal, or other single article being of greater weight than 25 fourteen tons, but the fellies, tyres, or shoes of such waggon shall not be less than eight inches in breadth, and any damage arising from the user of any such waggon shall be deemed to be damage caused by excessive weight within the meaning of section one of this Act. 30

Incorporated
with Local
Government
Acts.

3. This Act shall be read and construed as one with the Local Government (Ireland) Act, 1898, and any Acts amending or extending the same.

Extent and
short title.

4. This Act shall extend to Ireland only, and may be cited as the Repair of Roads (Ireland) Act, 1905. 30

Public Roads (Ireland) Bill.

A M E N D M E N T S

TO BE MOVED IN COMMITTEE

BY

THE LORD PRESIDENT (*E. Vane (M. Londonderry)*).

Clause 1, page 1, line 7, after ("repair") insert ("or
" maintain ")

line 9, leave out ("any particular")
and insert ("that"), and leave out ("county") and insert
("rural or urban")

line 11, after ("repairing") insert ("or
" maintaining ")

page 2, line 15, leave out ("or rural districts")

Public Roads (Ireland) Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD PRESIDENT (*E. Vane*
(*M. Londonderry*)).

21st July 1905.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.
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(124 a.)

A

B I L L

INTITULED

An Act to amend the Law relating to the Reserve Forces. A.D. 1905.

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:—

5 **1.**—(1) Notwithstanding anything in the Reserve Forces Acts, a man belonging to the Army Reserve may, if so authorised by or under the directions of the Secretary of State, reside in any part of His Majesty's dominions outside the United Kingdom, and men may be enlisted into the Army Reserve in any part of His Majesty's
10 dominions outside the United Kingdom except a self-governing colony, and those Acts shall, subject to such adaptations as may be made under this section, apply to such men whilst so residing, and to such enlistment.

Extension of
Reserve
Forces Acts
to men when
outside the
United
Kingdom.

15 (2) Regulations made under section twenty of the Reserve Forces Act, 1882, may prescribe the conditions under which men belonging to the Army Reserve may, if so authorised, reside outside the United Kingdom, and the conditions under which men may be enlisted into the Army Reserve outside the United Kingdom, and may make such adaptations in the Reserve Forces Acts as may be
20 necessary for the purpose of adapting those Acts to the circumstances of the several parts of His Majesty's dominions outside the United Kingdom.

(3) In this section the expression "Reserve Forces Acts" means the Reserve Forces Act, 1882, as amended by any subsequent
25 enactment, including any enactment applied by that Act as so amended; the expression "His Majesty's dominions outside the United Kingdom" shall include British Protectorates, and the expression "self-governing colony" means any colony which is specified in the Schedule to this Act, or which may hereafter on the

(4.)

A.D. 1905. — grant to the colony of powers of self-government be added to that Schedule by Order in Council.

Amendment
of 45 & 46
Vict. c. 48.
s. 14.

2. In subsection two of section fourteen of the Reserve Forces Act, 1882 (which relates to the appointment and transfer to corps of men belonging to the reserve forces when called out on permanent service), the words “so, however, that he shall not without his consent be appointed or transferred to a corps which is not in the arm or branch in which he previously served” shall be repealed, but this repeal shall not, without his consent, obtained at or after the time of mobilisation, affect any man enlisted before the passing of this Act.

Short title.

3. This Act may be cited as the Reserve Forces Act, 1905, and the Reserve Forces Acts, 1882 and 1890, and so much of the Reserve Forces and Militia Act, 1898, as applies to the reserve forces, and the Reserve Forces Act, 1899, and the Reserve Forces Act, 1900, and this Act, may be cited together as the Reserve Forces Acts, 1882 to 1905.

SCHEDULE.

LIST OF COLONIES.

The Dominion of Canada.	20
The Commonwealth of Australia.	
New Zealand.	
Cape Colony.	
Natal.	
Newfoundland.	25

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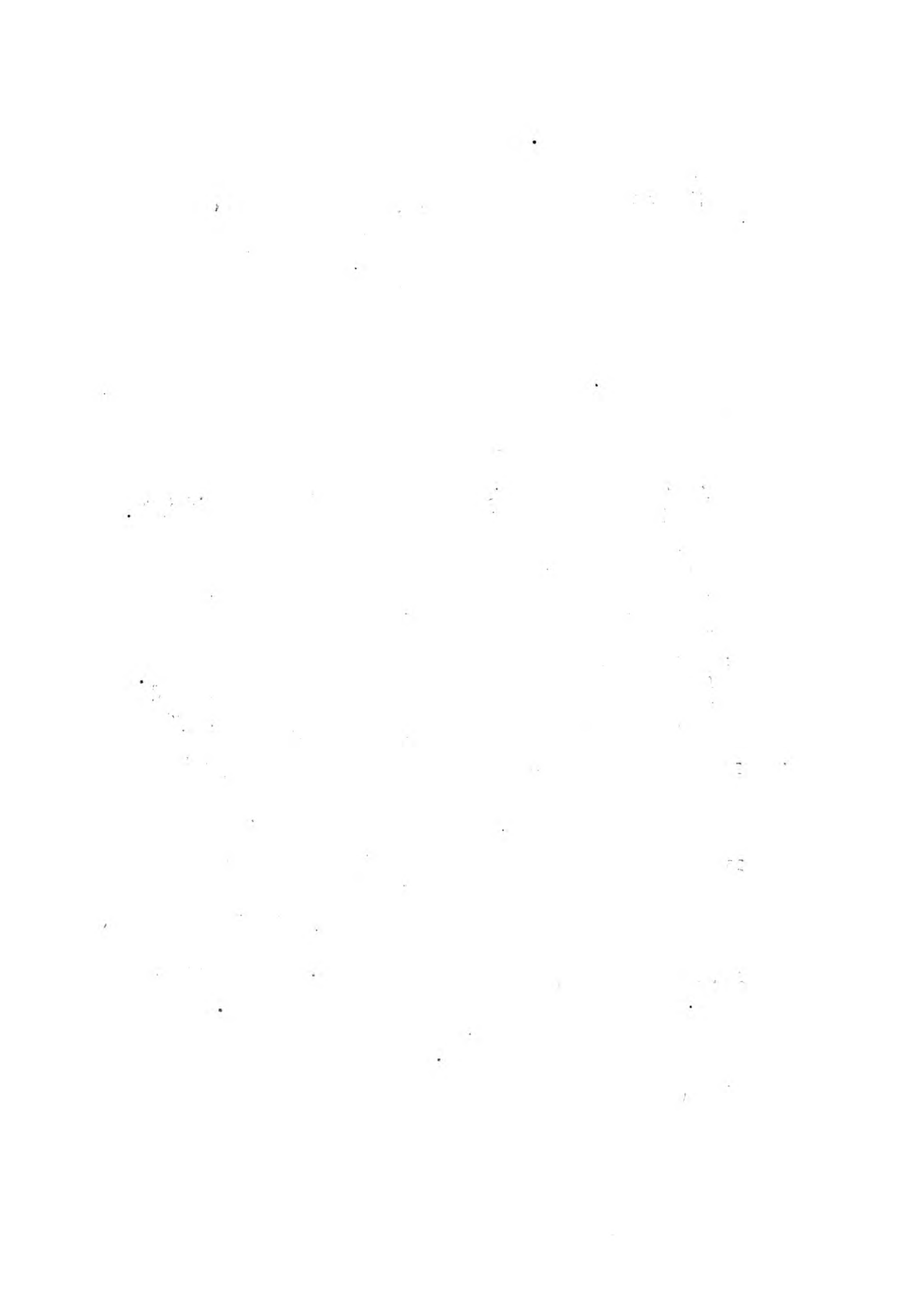
B I L L

INTITULED

An Act to modify the Declaration required by the Bill of Rights and the Act of Settlement to be made by the Sovereign. A.D. 1905.

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:—

- 5 **1.** For the form of declaration required by the Bill of Rights and the Act of Settlement to be made by the Sovereign shall be substituted the following form, namely:—
- Form of
declaration
to be made
by Sove-
reign.
- 10 “I, *A.B.*, by the Grace of God, King (or Queen) of Great Britain and Ireland, Defender of the Faith, do solemnly and sincerely, in the presence of God, declare and affirm that I am a faithful member of the Reformed Church by Law established in England. I firmly believe that the Articles and Formularies of the Church are in accordance with the laws of God, and with the true meaning of Holy Writ; and I will uphold and maintain to the utmost of my power the enactments which secure the Protestant succession to the throne of my Realm.”
- 15
- 20 **2.** This Act may be cited as the Royal Declaration Act, Short title, 1905.



[5 EDW. 7.] *Sale of Intoxicants to Children.* [H.L.] 1

A

B I L L

INTITULED

An Act to amend the Law in relation to the Sale of Intoxicating Liquors to Children. A.D. 1905.

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:—

- 5 1. Every agent or servant of any licensed person who knowingly sells or delivers any intoxicating liquor to any person contrary to the provisions of the Intoxicating Liquors (Sale to Children) Act, 1901, shall be liable to the same penalties as are provided by the aforesaid Act in the case of a similar offence
10 committed by such licensed person.
2. This Act may be cited for all purposes as the Intoxicating Liquors (Sale to Children) Amendment Act, 1905. Short title.
3. This Act shall come into operation on the first day of January one thousand nine hundred and six. Commence-
ment.

Salmon Fisheries (Scotland) Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title and extent.
2. Construction of Act.
3. Commencement of Act.
4. Definitions.
5. Repeal.
6. Additional powers of Fishery Board.
7. Power of Fishery Board to make byelaws.
8. Publication of byelaws.
9. Annual and weekly close time.
10. Application of annual close time.

District Boards.

11. Appointment of district boards where none exist.
12. Appointment of district boards to succeed existing boards.
13. Roll of proprietors to be made up.
14. Where proprietors are less in number than nine.
15. Chairman, quorum, &c. of district boards.
16. Annual report by district boards.
17. Future elections of district boards.
18. District boards to hold office till successors appointed.
19. Power of Secretary for Scotland to alter byelaws, &c.
20. District boards to have common law powers.
21. Power of district boards, &c. to remove diseased fish.
22. Power of district boards to make byelaws.
23. Fish passes in artificial obstructions.

Clause.

24. Removal of natural obstructions, purchase of netting rights, &c.
25. Assessment and borrowing for payment of compensation, &c.

Miscellaneous.

26. Illegal nets and hooks.
27. Penalty for buying or selling salmon in close time.
28. Consignment of salmon in close time.
29. Amendments of Act of 1868.

River Tweed.

30. Application of general law to River Tweed.
31. Constitution and election of district board for River Tweed.
32. Assessment in English part of Tweed district.
33. Offences in English part of Tweed district.
34. Close times in Tweed district.
35. Sale of Tweed salmon in September.

SCHEDULES.

A

B I L L

INTITULED

An Act to amend the Law relating to the Salmon
Fisheries of Scotland.

A.D. 1905.

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:—

- 5 **1.** This Act may be cited as the Salmon Fisheries (Scotland) Act, 1905, and shall only apply to Scotland and to that portion of England comprised within the district of the River Tweed as herein-after defined. Short title
and extent.
- 10 **2.** The Salmon Fisheries (Scotland) Acts, 1828 to 1868, and this Act shall be read and construed as one Act, and may be cited together as the Salmon Fisheries (Scotland) Acts, 1828 to 1905 (in this Act referred to as the Salmon Fisheries Acts). Construction
of Act.
- 15 **3.** This Act shall, except as otherwise provided, come into operation on the fifteenth day of May one thousand nine hundred and six. Commence-
ment of Act.
- 20 **4.** The following words and expressions shall have the meanings hereby assigned to them, unless such meanings be repugnant to or inconsistent with the context:— Definitions.
- 25 “Fishery Board” shall in this Act mean the Fishery Board for Scotland established under the Fishery Board (Scotland) Act, 1882, and re-established by the Sea Fisheries Regulation (Scotland) Act, 1895: Provided that the members of the Board representative of the various sea fishing interests of Scotland shall not act or vote in respect of matters relating to salmon fisheries, and in respect of such matters two members shall be a quorum : 45 & 46 Vict.
c. 78.
58 & 59 Vict.
c. 42.
- (171.) A

A.D. 1905.

“Inspector” shall in this Act mean the Inspector of Salmon Fisheries appointed under the Fishery Board (Scotland) Act, 1882 :

“Package” shall in this Act include any box, basket, barrel, case, receptacle, sack, bag, wrapper, or other thing in which salmon is placed for the purpose of carriage, consignment, or exportation :

“Rake hook” or “drag hook” shall in this Act mean and include any instrument or device, whether used with a rod and line, or otherwise, for the purpose of fowl hooking any fish :

“Salmon” shall in the Salmon Fisheries Acts mean and include salmon, grilse, sea-trout, bull-trout, herling, whitling, finnock, orange fins, smolts, parr, and other migratory fish of the salmon kind, or any part of any such fish, but shall not include sparlings or smelts :

“Unclean salmon” shall in the Salmon Fisheries Acts include any kelt or fish out of condition after spawning, spawning fish, and gravid or ripe fish which are unspawned.

Repeal.

5. The Acts contained in the First Schedule to this Act shall from and after the commencement of this Act be repealed to the extent mentioned in the third column of the said schedule :

Provided that nothing herein contained shall affect the validity of any byelaw, rule, order, or regulation lawfully made or any act or thing lawfully done under the said Acts, except as hereinafter enacted.

Additional powers of Fishery Board.
45 & 46 Vict. c. 78.

6. The Fishery Board shall, in addition to the powers and duties relating to the salmon fisheries conferred or imposed on them by the Fishery Board (Scotland) Act, 1882, or any other Act—

- (i) Have the general supervision of the duties of district boards: Provided that in case any district board shall refuse or neglect to perform any duty imposed on them by Act of Parliament, it shall be lawful for the Fishery Board, with the consent of the Secretary for Scotland and the approval of the Lord Advocate, to apply by summary petition to either division of the Court of Session, or, during vacation or recess, to the Lord Ordinary on the Bills, which division or Lord

Ordinary are hereby authorised and directed to do therein and to dispose of the expenses of the proceedings as to the said division or Lord Ordinary shall appear to be just :

A.D. 1905.

- 5 (ii) Collect and collate such statistics as they may deem necessary for the better understanding of the life history of the salmon, and the more advantageous regulating of the salmon fisheries; and the owner, lessee, or manager of a salmon fishery, as the Fishery Board may determine, shall furnish the Fishery Board for Scotland with such statistics of his fishery, in such form and at such times as the Fishery Board may order, and the information supplied under this section shall not be published in any official or other return, except as a general summary of the fisheries of any district or districts; and any person wilfully refusing to comply with any such order of the Fishery Board, or to furnish the information required by such owner, lessee, or manager as aforesaid, to enable him so to comply, or wilfully furnishing untrue or misleading information concerning any such fishery, shall be liable for the first offence to a penalty of not less than five pounds or more than twenty pounds, and for a second or subsequent offence to a penalty of not less than ten pounds or more than fifty pounds :
- 10
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- 20
- 25 (iii) Have power to make or direct local inquiry into questions which may arise in relation to the salmon fisheries :
- (iv) Have power to conduct investigations into questions which are of practical or scientific importance in the general interest of salmon fisheries.
- 30

7. The Fishery Board shall further have power to make byelaws with respect to the following matters; viz. :—

Power of Fishery Board to make byelaws.

- (a) The observance of the weekly close time :
- 35 (b) The construction and use of cruives, cruive dykes, or weirs :
- (c) The construction and alteration of dam dykes, mill dams or lades, or water wheels, so as to afford a reasonable means for the passage of salmon :
- 40 (d) The meshes of nets (so that they shall not intercept smolts or salmon fry) :

(171.)

A 2

A.D. 1905.

(e) Obstructions in rivers or estuaries to the passage of salmon, including power to determine and specify any dams or dykes to which it may be unnecessary to apply the requirements of the Salmon Fishery Acts, or any byelaw or regulation thereunder, with respect to the construction of fish passes: 5

Provided that such byelaws may apply either generally or to a particular district or districts or part thereof and may revoke or modify existing byelaws or regulations dealing with the same or similar matters. 10

A reference in the Salmon Fisheries (Scotland) Acts, 1828 to 1868, to a byelaw or regulation made by Commissioners shall, unless inconsistent with the context, be construed as a reference to the byelaw (if any) substituted therefor under this section.

Publication
of byelaws.

8. Previously to making any byelaw under the immediately preceding section, the Fishery Board shall communicate the same to the District Board (if any), and shall afford the District Board reasonable opportunity of making any representation to the Fishery Board respecting the same; and a copy of such byelaw shall be transmitted to the sheriff clerk of each county, in so far as the same may relate to any district situated therein; and the sheriff clerk shall, on the receipt of such copy, give notice of such byelaw by advertisement inserted once for each of two successive weeks in some newspaper printed or circulating in such county; and every person whose interests may be affected by any such byelaw may state to the Secretary for Scotland any objections to any such byelaw; and the Secretary for Scotland shall, after two months and within four months after the date of such byelaw, approve or alter or disapprove of the same; and every such byelaw, when approved of or altered by the Secretary for Scotland, shall be published in the Edinburgh Gazette, and in such further mode as the Secretary for Scotland may direct, and on being so published shall be legal and binding on all concerned. 15
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Annual
and weekly
close time.

9. Except as herein-after provided for the district of the River Tweed, the annual close time for every district shall continue for a period of one hundred and sixty-eight days, commencing on the twenty-seventh day of August in any year, and terminating on the tenth day of February in the year immediately succeeding; and the weekly close time, except for rod and line, shall continue for a period of forty-two hours, commencing at the hour of twelve noon on Saturday and terminating at the 35
40

[5 EDW. 7.]

Salmon Fisheries (Scotland).

5

hour of six of the clock on Monday morning: Provided that such annual or weekly close time may continue for such extended time before or after or before and after, but always including, the aforesaid respective periods, as may be fixed by the Secretary for Scotland on the application of any district board as herein-after mentioned. A.D. 1905.

All byelaws, rules, orders, or regulations determining at what date the annual close time for any district shall commence or terminate, shall in so far as so determining, cease to have any force and effect from and after the commencement of this Act.

10. The annual close time shall be applicable to every mode of fishing for or taking salmon in any river, lake, or estuary, or in the sea, except by means of rod and line for the periods (if any) included in such annual close time, during which, in terms of the Salmon Fisheries Acts, it may be lawful in any district to fish for and take salmon by means of the rod and line. Application of annual close time.

District Boards.

11. Where in any district a district board has not been constituted before the commencement of this Act, or having been constituted, has been allowed to lapse, it shall be lawful for any two proprietors of salmon fishings in the district, whether there be at the present time salmon in the waters of the district or not, to present a petition to the sheriff praying that a district board may be constituted, and the sheriff shall thereupon direct the sheriff clerk to make up a roll of the proprietors in the district; and the qualification of a proprietor shall be the property of a fishery entered in the valuation roll as of the yearly rent or yearly value of twenty pounds or upwards, or, if such fishery be not valued on the valuation roll, of half a mile of frontage to the river with a right of salmon fishing, and the sheriff shall have power to decide summarily any question arising on any claim to such qualification; and the sheriff shall thereafter direct the sheriff clerk to call a meeting of the proprietors at such time and place as he shall direct; and notice of such meeting shall be given as hereinbefore provided with respect to the publication of byelaws made by the Fishery Board; and the proprietors present at such meeting shall elect nine of their number to be members of the district board, and shall fix the time and place of the first meeting of the board, and the members so elected shall constitute the district board, and the election of

Appointment of district boards where none exist.

A.D. 1905. such board shall be notified by the chairman of such meeting to the sheriff clerk within seven days from the date of the same: Provided always that if any river be situate in two or more counties, the notices above provided shall be given, and such meetings shall be called, in such manner as the sheriffs of such 5 counties jointly shall direct.

Appointment of district boards to succeed existing boards.

12. Where in any district a district board is in office at the passing of this Act, the sheriff shall not less than two months before the commencement of this Act direct the clerk of the district board to make up a roll of the proprietors in the 10 district qualified as aforesaid, and the provisions of the immediately preceding section shall thereafter apply with the substitution of the clerk of the district board for the sheriff clerk, provided that the meeting of proprietors shall be held before the commencement of this Act, and the district board so constituted 15 shall as from the commencement of this Act come in place of and be deemed in all respects to be a continuance of the district board so in office, and references in the Salmon Fisheries (Scotland) Acts, 1828 to 1868, to a district board shall in every case be read and construed as references to a district board 20 constituted in terms of this Act:

Provided that a district board in office at the passing of this Act shall continue in office until a new district board is constituted as aforesaid.

Roll of proprietors to be made up.

13. The clerk of each district board shall make up and 25 keep rolls of the proprietors in the district qualified as aforesaid, and correct the same from time to time whenever a new valuation roll comes into force; and at any meeting of the district board it shall be lawful for any person whose name has been erroneously struck out or omitted from the said roll to apply to the district 30 board to have his name entered therein, or for any person whose name is on the roll for the district to object to the name of any other person being entered or remaining on the said roll on the ground that he does not appear on the valuation roll to be qualified, or that he does not possess the requisite frontage to 35 the river; and if it shall be proved to the satisfaction of the board that such claim or such objection is well founded, the board shall direct their clerk to enter or strike out the name accordingly, as shall appear to them just; and if any person shall be dissatisfied with the decision of the board, he may appeal by 40 summary petition to the sheriff of the county within which the subjects affording his qualification, or the greater part thereof, are

[5 Edw. 7.]

Salmon Fisheries (Scotland).

7

situated; and the sheriff's decision shall be final, but in such appeal the jurisdiction of the sheriff shall not extend to questions of heritable right. A.D. 1905.

14. If in any district the proprietors shall be nine or less than nine in number the board shall consist of such proprietors, and if there shall be only one proprietor in any district, such proprietor shall have and may exercise all the powers of a district board. Where proprietors are less in number than nine.

15. The district board shall elect a chairman from their own number for such period as they may appoint, and the chairman shall have a deliberative as well as a casting vote. The board may sue or be sued in the name of their clerk, and if there be six or more than six members, three members shall form a quorum, and if there be less than six members, two shall form a quorum, and they shall keep regular books and accounts, and shall hold their first meeting within twenty-one days after the first election under this Act at the time and place fixed at the meeting of proprietors at which such election took place, or in cases where such election is not necessary, the first meeting shall take place at a time to be fixed by a majority of the proprietors, and notice of such meeting shall be given as hereinbefore provided with respect to the publication of byelaws to be made by the Fishery Board. Chairman, quorum, &c. of district boards.

16. Each district board shall report annually to the Fishery Board on such matters connected with the salmon fisheries in their district as the Fishery Board may direct, and such report shall include a statement of their accounts made up to the fifteenth day of May, and such report, and also a list of occupiers of fisheries in the district (other than tenants of rod and line fisheries) shall be sent by the clerk to the Fishery Board before the thirty-first day of December in each year. Annual report by district boards.

17. Each district board shall continue in office for three years, and members thereof shall be eligible for re-election, and vacancies occurring during such period shall be filled up by the board; and a meeting of the proprietors qualified as aforesaid for the purpose of each triennial election shall be called by the clerk, who shall give notice of such meetings by advertisement as hereinbefore provided with respect to the publication of byelaws made by the Fishery Board; and the annual reports and accounts of the district board shall be submitted to such meeting, and such meeting shall elect the district board for the Future elections of district boards.

A.D. 1905. — three following years as herein-before provided, and shall take such steps as they shall think proper for auditing and attesting the accounts of the district board for the three preceding years.

District boards to hold office till successors appointed.

18. If at the time when any triennial appointment of the members of any district board ought to take place, no such appointment is made, the existing members of such district board shall remain in office until their successors are appointed. 5

Power of Secretary for Scotland to alter bye-laws, &c.

19.—(1) Any district board at any meeting, of which due notice has been given by advertisement at least fourteen days previously in a newspaper printed or circulating in the county or counties in which the district is situated, or where there is no district board, any proprietor of salmon fishings, or in any case any proprietor of salmon fishings with consent of the Fishery Board, may resolve to petition the Secretary for Scotland to do any of the following things :— 15

- (1) To amalgamate one or more districts or parts of district into a separate district, or to divide any district or districts into two or more districts ;
- (2) To vary any limits which have been defined under the Salmon Fishery Acts, or by statute, or judicial decision, as the natural limits which divide any river (including the estuary thereof) from the sea, or to fix and define such natural limits ; 20
- (3) Subject as herein-before provided to fix or vary the annual close time in any district or the weekly close time in any district or part of a district ; 25
- (4) To fix or vary the annual close time for rod fishing in any district, provided that such annual close time shall not be less than ninety days ; or
- (5) To fix a point in any river or estuary, above which it is expedient that fishing, except with rod and line, shall wholly or partially cease : 30

Provided that the Fishery Board shall have the same power as a district board to petition the Secretary for Scotland for any amalgamation as aforesaid, and may also petition him as regards any district where no district board has been constituted, to confer on the Fishery Board, pending such constitution, any of the powers of a district board, or as regards any part of Scotland not included in a district, to include such part in a district or to 35

constitute it a district, and fix the limits thereof for the purposes of the Salmon Fisheries Acts, and the portions of the seacoast adjoining the mouth or estuary of any river to be included in such district. A.D. 1905.

5 (2) Such petition, authenticated by the signature of the chairman of the Fishery Board or district board, or of the proprietor, as the case may be, shall be transmitted to the Secretary for Scotland, after notice thereof has been given by advertisement, once at least in each of two successive weeks in a newspaper
10 printed or circulating in the county or counties in which the district is situated, and the Secretary for Scotland may direct such inquiry to be made, and such notice thereof to be given, as he shall think fit, and any expense incurred by the Secretary
15 for Scotland in relation to such inquiry shall, if the Secretary for Scotland so directs, be paid out of the fishery assessment of the district or districts, or by the proprietor on whose petition such inquiry is made.

(3) Any such petition may be granted with or without modification by the Secretary for Scotland, if he shall see fit, by order
20 under his hand, and such order shall be published in the Edinburgh Gazette, and shall thereafter be legal and binding on all concerned, and a copy of the Edinburgh Gazette containing such order shall be evidence of the same having been made; but the Secretary for Scotland shall not entertain any such petition until
25 it shall be proved to him, by such evidence as he shall think satisfactory, that notice of such petition has been duly given in manner aforesaid: Provided that such order may revoke or modify existing byelaws or regulations dealing with the same or similar matters.

30 (4) A reference in the Salmon Fisheries (Scotland) Acts 1828 to 1868 to a byelaw or regulation made by Commissioners shall, unless inconsistent with the context, be construed as a reference to the order (if any) substituted therefor under this section.

35 (5) Where the Secretary for Scotland makes an order under this section affecting the area of a district for which a district board has been constituted, he may by the same or subsequent order provide for the adjustment and disposal of the property, debts, and liabilities of such district board and for other matters
40 which appear to him necessary or proper for giving full effect to the order.

A.D. 1905.

(6) A person holding an inquiry under this Act by direction of the Secretary for Scotland or the Fishery Board shall be entitled to summon witnesses and examine them on oath and call for the production of books, documents, and accounts.

District boards to have common law powers.

20. Each district board shall within their district possess the same powers of prosecution for the prevention and abatement of pollutions in rivers and waters as are at present competent at common law to individual riparian proprietors, and generally every district board shall within their district in addition to the powers conferred by the Salmon Fisheries Acts possess all powers of prosecution at common law which are at present competent to proprietors of salmon fishings and riparian proprietors.

Power of district boards, &c. to remove diseased fish.

21. It shall be lawful for any district board or for any person duly authorised by them, and for the proprietor of any salmon fishery or any person authorised by him, to search for and remove from any river or water, all dead or dying or diseased fish, provided that such authority shall not extend in the case of a district board beyond the limits of the district of such board, or in the case of a proprietor beyond the limits of the salmon fishery of which the person granting authority is proprietor, and provided that all diseased fish so removed shall be destroyed as the district board may direct.

Power of district boards to make byelaws.

22. A district board shall have power by byelaw, subject to the approval of the Fishery Board for Scotland, to do as follows (that is to say):—

- (i) To fix for each or any species of fish of the salmon kind found in the district, the minimum length (but not exceeding seven inches) at which it shall be lawful to take such species of fish :
- (ii) To prohibit the use of any bait or lure, other than artificial fly, in angling for salmon, at such times and in such parts of the district, as may be specified :
- (iii) To prohibit the use within the district of a gaff as an auxiliary to rod and line fishing for salmon, between such dates as may be specified :
- (iv) To prohibit any specified method of fishing within such distance from any obstruction to the passage of fish in a river in the district as may be specified.

Any person contravening any such byelaw shall be liable to the penalties under the fifteenth section of the Salmon Fisheries (Scotland) Act, 1868.

31 & 32 Vict. c. 123.

23. It shall be the duty of a district board to cause the owner of any artificial obstruction to the free passage of salmon to comply at his own expense with the requirements of any byelaw duly made under this Act and binding on such owner with
 5 respect to the construction and alteration of dam dykes, mill-dams, or lades, or water-wheels; provided that where in any case the district board resolve that a form of fish pass other than a pass on or in the down stream face of a dam, weir, or cauld, though not required by such byelaw, is advisable under all
 10 the circumstances, the cost of construction of such pass shall be borne by the owner and the district board conjointly in such proportion as may be determined by agreement between the parties, or failing agreement by the Fishery Board.

A.D. 1905.
 Fish passes
 in artificial
 obstructions.

24.—(1) Any proprietor or proprietors of not less than half
 15 a mile of frontage to a river within a district with or without rights of salmon fishing, may apply to the district board to remove any natural obstruction to the passage of salmon in the bed of the river in consideration of an undertaking on the part of such proprietor or proprietors to bear the reasonable cost of such removal
 20 and to pay any compensation that may be found due to other proprietors or persons concerned, and if the district board refuse or unduly delay to exercise their powers in the matter may represent the case to the Fishery Board and apply to them in consideration of such undertaking to take steps for the removal of the
 25 obstruction.

Removal of
 natural
 obstructions,
 purchase of
 netting
 rights, &c.

(2) Where any district board shall pass a resolution, at a meeting specially called for the purpose after not less than fourteen days notice, that it is expedient within the district—

- 30 (a) To remove any natural obstruction to the passage of salmon in the bed of a river; or
- (b) To purchase all or any rights above a point in a river or estuary fixed in terms of this Act of fishing for salmon by other means than by rod and line; or
- 35 (c) To pay compensation for limiting the exercise of any such right—

the district board are hereby empowered to make and implement agreements with any proprietor or other person concerned to carry such resolution into effect, and failing agreement may represent the case to the Fishery Board, and apply to them for authority
 40 to execute such works of removal or make such purchase or pay such compensation.

A.D. 1905.

(3) On receiving an application in terms of this section the Fishery Board may direct a local inquiry to be held by the inspector, or by one or more of their number, or by some other person or persons to be appointed by them, of which inquiry notice shall be given by advertisement once at least in each of two successive weeks in a newspaper published or circulating in the county or counties in which the district is situated, and by written intimation not less than fourteen days prior to the commencement of the inquiry to each proprietor or other person who may appear to be concerned, or to his or their known agents. 10

(4) After holding such inquiry, the Fishery Board may make an order authorising or requiring the district board, as the case may be, to execute the works of removal to the satisfaction of the Fishery Board or authorising the district board to purchase or on payment of compensation to limit any right of fishing as aforesaid, all in terms of the application, or with such alterations or modifications and subject to such conditions as the Fishery Board think proper. 15

(5) Every such order shall be submitted to the Secretary for Scotland for his confirmation, and if it is confirmed by him, the district board shall or may, as the case may be, proceed to carry the same into effect, and for that purpose may enter upon any lands and do all things which may be necessary. 20

(6) Any heir of entail and the trustee, tutor and curator of such heir of entail if in minority or subject to any legal incapacity, may make and implement an agreement under this section. 25

(7) Where under this section the district board are authorised to purchase any right of fishing or pay compensation for limiting any right of fishing the amount of the purchase money or compensation shall be determined by agreement, or failing agreement, by a single arbiter to be appointed by the Fishery Board, whose decision shall be final; provided that any such arbiter shall proceed upon a valuation based on the nett average annual value of such right of fishing during the three seasons immediately preceding the passing of this Act in the case of a proprietor, and on any loss that may result from the curtailment of a lease in the case of a tenant; and provided further that any right of fishing so purchased shall not be exercised by a district board after the expiration of five years from the date of purchase except with the consent of the Fishery Board, but during the said five years the district board may exercise such right themselves, or through others, to the extent that the Fishery Board shall approve. 30 35 40

25. The expenditure incurred by the district board in any year under the two immediately preceding sections, including the cost of the local inquiry as determined by the Fishery Board, and the amount of any purchase money or compensation which may be found due from the district board to any proprietor or other person, shall, if not exceeding fifty pounds, be defrayed out of the general fishery assessment within the district, but if exceeding fifty pounds, may, in the option of the district board, be defrayed either out of that assessment or by a special assessment, additional to the said general assessment, to be spread in equal amounts over such number of years, not exceeding thirty, as the district board may determine; and the district board may borrow the amount necessary on the security of the said special assessment: Provided always, that any payments or profits received by the district board under the immediately preceding section shall be credited to such general or special assessment as the case may be.

A.D. 1905.

Assessment and borrowing for payment of compensation, &c.

Miscellaneous.

26. Every person who fishes for, or aids in fishing for, or taking salmon within an estuary or river by means of any hang net, drift net, whammel net, toot and haul net, or cairn net, and every person who uses any rake hook or drag hook for the purpose of taking salmon, shall be liable to the penalties under the fifteenth section of the Salmon Fisheries (Scotland) Act, 1868, and shall if the court so directs, forfeit any nets and boats used and any fish so taken.

Illegal nets and hooks.

31 & 32 Vict. c. 123.

27. Any person who shall buy, sell, or expose for sale, or have in his possession, for the purpose of sale, any salmon taken within the limits of this Act during the period between the first day of September and the tenth day of February, both days inclusive, shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding two pounds for every salmon so bought, sold, or exposed for sale, or in his possession; and any salmon so bought, sold, or exposed for sale, or in his possession, shall be forfeited; and the burden of proving that any such salmon was taken beyond the limits of this Act or outwith the period aforesaid shall lie on the person selling or exposing the same for sale, or having the same in his possession.

Penalty for buying or selling salmon in close time.

28. During the period between the first day of September and the tenth day of February, both inclusive, no person shall consign or send by any common or other carrier any salmon unless the package containing the same shall be conspicuously

Consignment of salmon in close time.

A.D. 1905. — marked with the word “salmon” on the outside thereof; and during such period any officer of Customs, any officer appointed for that purpose in writing by the Fishery Board or by the Fishmongers’ Company of the city of London, any officer of a market authority acting within the area of the jurisdiction of 5 such authority, or any officer of a district board acting within the area of the jurisdiction of such board, may, at any place open any package so consigned or sent or brought to any place to be so consigned or sent, and suspected to contain salmon, and if such package is found to contain salmon and is not marked 10 in accordance with this section, or if there is reasonable cause to suspect that the salmon in any marked package is being dealt with contrary to law, may detain such package and the contents thereof until proof is given in manner provided by law that such salmon is not being so dealt with, and in like 15 manner and under like conditions may detain any such salmon not packed in any package, and if before such proof is given, any salmon detained under the provisions of this section becomes unfit for human food, may destroy the same. Any person offending against this section, or refusing to allow any person 20 acting under the authority thereof to exercise the powers conferred thereby, or obstructing any such person in the exercise of those powers, shall be liable for every such offence to a penalty not exceeding five pounds. Any package containing salmon, and not marked in accordance with this section, shall be forfeited, 25 together with the contents thereof, on the conviction of the offender.

Amendments
of Act of
1868.

31 & 32 Vict.
c. 123.

29. The Salmon Fisheries (Scotland) Act, 1868, shall be amended as follows:—

(i) The eleventh section shall be read as if the words “but only 30
“with the consent of the district board (if any); and,
“further, it shall be lawful to erect any revolving or
“self-cleansing heck, and any contrivance for assisting
“the free passage of water into or out of the lade,
“provided that in every lade effectual means shall 35
“be taken to prevent the ingress of salmon” were
inserted at the end thereof:

(ii) The twelfth section shall be read as if the words “not
less than eighteen inches” were omitted and the words
“not more than eighteen inches” substituted in place 40
thereof:

- (iii) The sixth subsection of the fifteenth section shall be read as if the words "or any act which prevents salmon from so passing" were inserted at the end thereof: A.D. 1905.
- 5 (iv) The twenty-fourth section shall be read as if the words "the leader of" were inserted after the words "he shall forfeit" in the first subsection; and as if the words "provided always that the penalties under this section shall not be enforced against any proprietor or occupier who shall satisfactorily prove that he was prevented by storm or stress of weather from 10 "duly observing the weekly close time, and has shown due diligence to notify this failure in writing at the office or place of residence of the clerk or other officer of the district board (if any)" were 15 inserted at the end of the section.

River Tweed.

30. From and after the commencement of this Act—
- (1) The enactments specified in the Second Schedule to this Act (herein-after referred to as the Tweed Fisheries Acts) shall, subject to the provisions of this Act, and except in so far as necessary to give effect thereto, be repealed, and the Commissioners appointed thereunder (herein-after referred to as the Commissioners) shall cease to hold office; and
- 20
- 25 (2) The River Tweed and every tributary, stream, or lake flowing into or connected with such river, and the mouth or estuary (in the Tweed Fisheries Acts referred to as the entrance) of such river, and the sea coasts and sea adjoining thereto as they have been fixed and determined or extended by or in pursuance of the Tweed Fisheries Acts or the Salmon Fisheries (Scotland) Acts, 1828 to 1868, and the Salmon Fisheries (Scotland) Act, 1863, or any Act amending the same shall be deemed to be within 30 the limits of the Salmon Fisheries Acts, and shall form a district for the purposes of those Acts (to be styled the district of the River Tweed), and the provisions of those Acts shall, except as specified therein, apply to that district in the same manner as they apply to any other district within the meaning of 35 40
- Application
of general
law to River
Tweed.

26 & 27 Vict.
c. 50.

A.D. 1905.

those Acts: Provided that after the commencement of this Act the said district shall only extend into the sea three miles in front of the mouth of the said river and of the whole line of sea coast within the boundaries so fixed and determined or extended. 5

Constitution and election of district board for River Tweed.

31. In the constitution and election of the district board of the River Tweed the following modifications of the Salmon Fisheries Acts shall have effect (that is to say):—

(1) Where a salmon fishery within the district is situated in England the yearly rent or value thereof, if the district board are not satisfied with the yearly rent or value of such fishery returned by the proprietor to the clerk of the district board, shall be determined from time to time by the judge of the county court within whose jurisdiction the fishery or the greater part thereof is situated, and a certified copy of his determination shall come in place of an entry in the valuation roll: 10 15

(2) In the construction of the provisions of this Act relating to such election the Commissioners shall be deemed to be a district board in office at the passing of this Act, "sheriff" shall mean the sheriff of Roxburgh, Berwick, and Selkirk, and "sheriff clerk" shall mean the sheriff clerk of the county of Roxburgh. 20

Assessment in English part of Tweed district.

32. The fishery assessment under the Salmon Fisheries Acts imposed upon the proprietor of any fishery within the district of the River Tweed, so far as in England, may be recovered summarily, with costs, at the instance of the clerk of the district board before the judge of the county court within whose jurisdiction such fishery or the greater part thereof is situated. 25 30

Offences in English part of Tweed district.

33. All offences against the provisions of the Salmon Fisheries Acts committed within the district of the River Tweed, so far as in England, shall be prosecuted and punished, and any conviction thereunder may be appealed against in manner directed by the Salmon Fishery Acts, 1861 to 1873, with reference to proceedings under those Acts as if such offences were offences against the last-mentioned Acts. 35

Close times in Tweed district.

34. Notwithstanding any provision of this Act, the annual close time and the weekly close time in force within the limits of the Tweed Fisheries Acts at the commencement of this Act 40

shall continue in force within the district of the River Tweed until varied by the Secretary for Scotland on a petition from the Tweed district board in pursuance of this Act :

A.D. 1905.

Provided that within a time to be prescribed by the Secretary for Scotland the Tweed district board shall petition the Secretary for Scotland in terms of this Act to fix a point in the River Tweed above which it is expedient that fishing, except with rod or line, shall wholly or partially cease, and shall bring into operation the provisions of this Act as to purchasing or limiting rights of fishing above the point so fixed.

35. It shall be a sufficient defence in any proceedings under the section of this Act whereof the marginal note is "Penalty for buying or selling salmon in close time," if the person proceeded against shall produce a certificate as hereinafter mentioned, or otherwise prove to the satisfaction of the court that the salmon was lawfully taken within the district of the River Tweed during the period between the first and the fourteenth day of September; and the section of this Act whereof the marginal note is "Consignment of salmon" shall, in its application to salmon taken within the said district during that period, be construed as if it prescribed "Tweed salmon" instead of "salmon" as the mark therein mentioned. Forms of certificate for the purposes of this section shall be supplied to any applicant by the clerk of the Tweed district board, and shall certify that the salmon therein referred to has been lawfully taken within the district of the River Tweed during the period aforesaid, and shall be signed by the consignor and transmitted to the consignee, and any person signing a certificate knowing the same to be false, or knowingly using a certificate for salmon in respect of which it was not issued, shall be liable to a penalty not exceeding twenty pounds.

Sale of
Tweed salmon in September.

A.D. 1905.

SCHEDULES.

FIRST SCHEDULE.

REPEAL (GENERAL).

Section 5.

Session and Chapter.	Short Title.	Extent of Repeal.	5
9 Geo. 4. c. 39.	Salmon Fisheries (Scotland) Act, 1828.	Section one. Section ten.	
25 & 26 Vict. c. 97.	Salmon Fisheries (Scotland) Act, 1862.	Section two, so far as it defines "salmon." Sections six, seven, and eight. Section thirteen, the words "to an extent "injurious to any salmon fishery"; sections fifteen, sixteen, seventeen, eighteen, and nineteen. Section twenty-two to "commissioners "and" and from "Provided that" to end. Section twenty-four.	10 15
26 & 27 Vict. c. 50.	Salmon Fisheries (Scotland) Act, 1863.	Section two.	
27 & 28 Vict. c. 118.	Salmon Fisheries (Scotland) Act, 1864.	The whole Act.	20
31 & 32 Vict. c. 123.	Salmon Fisheries (Scotland) Act, 1868.	Sections three, four, and nine. Section thirteen, from "by agreement" to "implement," and from "to purchase" to "generally," and from "Provided" to end. Section fourteen from "and any" to end. Section twenty-one. Schedule (A) so far as fixing and determining the point in any district below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors. Schedule (C) so far as determining at what dates the annual close time for any district shall commence and terminate.	25 30 35
45 & 46 Vict. c. 78.	Fishery Board (Scotland) Act, 1882.	Subsection two of section five from "and shall" to end of subsection.	40

SECOND SCHEDULE.

A.D. 1905.

Section 31.

REPEAL (TWEED ACTS).

Session and Chapter.	Short Title.	Extent of Repeal.
5 9 Geo. 4. c. 39.	The Salmon Fisheries (Scotland) Act, 1828.	The words "or to the fisheries in " the River Tweed, or in any " of the streams and waters " that run into or communi- " cate therewith," in section fourteen.
10 20 & 21 Vict. c. cxlviii.	Tweed Fisheries Act, 1857 -	The whole Act.
22 & 23 Vict. c. lxx.	Tweed Fisheries Act, 1859 -	The whole Act.
15 25 & 26 Vict. c. 97.	The Salmon Fisheries (Scotland) Act, 1862.	Section thirty-four.
26 & 27 Vict. c. 10.	The Salmon Acts Amendment Act, 1863.	So much of section four as refers to the limits of the Tweed Fisheries Act, 1859, or the recovery of penalties within such limits.
20 26 & 27 Vict. c. 50.	The Salmon Fisheries (Scotland) Act, 1863.	Section four from the words "and " from and after the publica- " tion."
25 31 & 32 Vict. c. 123.	The Salmon Fisheries (Scotland) Act, 1868.	Section forty-one from the words "and no part."

**Salmon Fisheries
(Scotland). [H.L.]**

A

B I L L

INTITLED

An Act to amend the Law relating to
the Salmon Fisheries of Scotland.

The Marquess of Tintigny.

Ordered to be printed 8th August 1905.

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(171.)

A

B I L L

INTITULED

An Act to amend the Law relating to the falsification of Seamen's and Soldiers' Certificates of Service or Discharge, and to false statements made, used, or given in connexion with Entry or Enlistment into His Majesty's Naval, Military, or Marine Forces. A.D. 1905.

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 :

- 5 1.—(1) If any person forges the certificate of service or discharge of any seaman or soldier, or any certificate purporting to be a certificate of service or discharge of a seaman or soldier, or utters any such certificate knowing it to be forged, or obtains or seeks to obtain any employment or other advantage by means
10 of any forged or counterfeit certificate of service or discharge, or personates the holder of a certificate of service or discharge, he shall on conviction under the Summary Jurisdiction Acts be liable in the case of a first offence to imprisonment, with or without hard labour, for a term not exceeding one month, or to a fine not
15 exceeding *twenty pounds*, and in the case of a second or subsequent offence to imprisonment, with or without hard labour, for a term not exceeding three months.

Forgery of service or discharge certificate and personation.

- (2) For the purposes of this section the expression "seaman" means a man who has served in His Majesty's naval forces, and
20 the expression "soldier" means a man who has served in His Majesty's military or marine forces.

2. If any man when entering or enlisting or offering himself for entry or enlistment in His Majesty's naval, military, or marine forces makes use of any forged or counterfeit statement as to his
25 character or previous employment, or any statement as to his

Penalty on using or giving false statements for enlistment.

(6.)

A.D. 1905. character or previous employment which to his knowledge is false in any material particular, he shall be liable, on conviction under the Summary Jurisdiction Acts, to a fine not exceeding *twenty pounds*; and if any person makes a written statement as to the character or previous employment of any man which he knows to be false in any material particular, and which he allows or intends to be used for the purpose of the entry or enlistment of that man into His Majesty's naval, military, or marine forces, he shall be liable, on conviction under the Summary Jurisdiction Acts, to the like fine. 5

Extension
of 16 & 17
Vict. c. 69.
s. 16 to naval
reserves.

3. In section sixteen of the Naval Enlistment Act, 1853 10
(which imposes a penalty on persons who make or give a false statement upon entering or offering themselves to enter the naval service of His Majesty), the expression "naval service" shall include service in any of the naval reserve forces.

Short title.

4. This Act may be cited as the Seamen's and Soldiers' 15
False Characters Act, 1905.

[5 EDW. 7.]

Service of Militiamen. [H.L.]

1

A

B I L L

INTITULED

An Act to amend the Law relating to the Area of Service of the Regular Militia when embodied. A.D. 1905.

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:—

5 **1.**—(1) Any part of the regular militia *when embodied* shall, notwithstanding any enactment to the contrary, be liable to serve in any place out of the United Kingdom, and accordingly to be carried or ordered to go out of the United Kingdom. Extension
of area of
militia ser-
vice.

(2) This Act shall not apply to any militiaman who is raised
10 otherwise than by voluntary enlistment, nor, without his consent, to any militia officer commissioned or any militiaman enlisted before the passing of this Act, nor to the yeomanry.

2. This Act may be cited as the Militia Act, 1905.

Short title.

Service of Militiamen Bill [H.L.]

A M E N D M E N T

T O B E M O V E D I N C O M M I T T E E

B Y

THE LORD STEWART OF GARLIES (*E. Galloway*).

Clause 1, page 1, line 8, after (“ Kingdom ”) insert (“ it being
“ understood that, should they thus be carried or ordered out of
“ the United Kingdom, a bounty of not less than thirty days’ pay
“ and allowances shall be given to every officer, non-commissioned
“ officer, and man on embarkation ”)

A.D. 1905.

(2) In any legal proceeding in relation to such injuries as aforesaid, the person giving security shall be made defendant, and shall be stated to be the owner of the ship which has caused the injuries or, on, in, or about which the injuries were sustained, and the production of the order of the judge, made in relation to 5 the security shall be conclusive evidence of the liability of the defendant to the proceeding.

(3) Section six hundred and ninety-two of the Merchant Shipping Act, 1894, shall apply to the detention of a ship under this Act as it applies to the detention of a ship under that 10 Act, and the expressions "port" and "harbour" have the same meaning as in that Act, and if the owner of a ship is a corporation it shall for the purposes of this Act be deemed to reside in the United Kingdom if it has an office in the United Kingdom at which service of writs can be effected. 15

60 & 61 Vict.
c. 37.

(4) Where an employer has paid compensation under the Workmen's Compensation Act, 1897, to a workman who would have been entitled to the remedies given by this section had he proceeded against the owner of the ship for damages instead of 20 against his employer for compensation and the employer claims to be entitled to be indemnified by the owners of the ship under section six of the said Act, the employer for the purpose of enforcing that indemnity shall have the same remedies under this section as the workman would have had to enforce his claim for damages. 25

Commence-
ment and
short title.

2. This Act shall come into operation on the first day of January nineteen hundred and six, and may be cited as the Shipowners' Negligence (Remedies) Act, 1905.

A

B I L L

INTITULED

An Act to enlarge the Remedies of Persons injured by the Negligence of Shipowners. A.D 1905.

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:—

- 5 **1.**—(1) If it is alleged that the owners of any ship are liable to pay damages in respect of personal injuries including fatal injuries caused by the ship, or sustained on, in, or about the ship in any port or harbour in the United Kingdom in consequence of the wrongful act, neglect, or default of the owners of the
- 10 ship, or the master or officers or crew thereof, or any other person in the employment of the owners of the ship, or of any defect in the ship or its apparel or equipment, and at any time that ship is found in any port or river of England or Ireland, or within three miles of the coast thereof, a judge of any court of record
- 15 in England or Ireland may, upon its being shown to him by any person applying in accordance with rules of the court that the owners are probably liable to pay damages in respect of such injuries, and that none of the owners reside in the United Kingdom, issue an order directed to any officer of customs or
- 20 other officer named by the judge requiring him to detain the ship until such time as the owners, agent, master, or consignee thereof have made satisfaction in respect of the injuries, or have given security, to be approved by the judge, to abide the event of any action, suit, or other legal proceeding that may be instituted in
- 25 respect of the injuries, and to pay all costs and damages that may be awarded thereon; and any officer of customs or other officer to whom the order is directed shall detain the ship accordingly.

Enlargement
of remedy by
action for
injuries
caused by
negligence of
a shipowner.

A.D. 1905.

(2) In any legal proceeding in relation to such injuries as aforesaid, the person giving security shall be made defendant, and shall be stated to be the owner of the ship which has caused the injuries or, on, in, or about which the injuries were sustained, and the production of the order of the judge, made in relation to the security shall be conclusive evidence of the liability of the defendant to the proceeding. 5

(3) Section six hundred and ninety-two of the Merchant Shipping Act, 1894, shall apply to the detention of a ship under this Act as it applies to the detention of a ship under that Act, and the expressions "port" and "harbour" have the same meaning as in that Act, and if the owner of a ship is a corporation it shall for the purposes of this Act be deemed to reside in the United Kingdom if it has an office in the United Kingdom at which service of writs can be effected. 15

60 & 61 Vict.
c. 37.

(4) The words "person applying" in this section shall include an employer who has paid compensation or against whom a claim for compensation has been made under the Workmen's Compensation Act, 1897, as amended by any subsequent enactment, if he shows the judge that he probably is or will become entitled to be indemnified under that Act, and in such case this section shall apply as if the employer were a person claiming damages in respect of personal injuries. 20

Commence-
ment and
short title.

2. This Act shall come into operation on the first day of January nineteen hundred and six, and may be cited as the Shipowners' Negligence (Remedies) Act, 1905. 25

[5 EDW. 7.] *Stonehaven Harbour Order Confirmation.* [H.L.] 1

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Stonehaven Harbour. A.D. 1905.

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed 62 & 63 Vict.
c. 47.
5 by Parliament :

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

- 10 1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation
of Order in
schedule.
2. This Act may be cited as the Stonehaven Harbour Order Confirmation Act 1905. Short title.

A.D. 1905.

SCHEDULE.

STONEHAVEN HARBOUR.

Provisional Order to revive the powers and extend the time for the construction of Works at the Harbour of Stonehaven in the County of Kincardine authorised by the Stonehaven Harbour Order 1891 and extended by the Stonehaven Harbour Order 1896. 5

WHEREAS by the Stonehaven Harbour Order 1891 confirmed by the Pier and Harbour Orders Confirmation (No. 2) Act 1891 (in this Order called "the Order of 1891") the Stonehaven Harbour Trustees (hereinafter referred to as "the Trustees") were incorporated and were authorised to construct the pier and harbour works at Stonehaven and other works connected therewith all as in the said Order described :

And whereas by the Stonehaven Harbour Order 1896 confirmed by the Pier and Harbour Orders Confirmation (No. 2) Act 1896 (in this Order called "the Order of 1896") the powers for executing the said works were revived and the time extended for the construction thereof :

And whereas the time so extended for the completion of the works expired on the second day of July one thousand nine hundred and one and it is expedient that the said powers should be again revived and the time further extended as in this Order provided :

And whereas plans and sections showing the lines and levels of the said works were duly deposited in the office at Stonehaven of the principal Sheriff Clerk of the county of Kincardine :

And whereas the purposes aforesaid cannot be effected without an Order by the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure Act 1899 :

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows :—

Short title.

1. This Order may be cited for all purposes as the Stonehaven Harbour Order 1905.

35

[5 EDW. 7.] *Stonehaven Harbour Order Confirmation* 3

2. This Order shall commence and have effect on and from the date of the passing of the Act confirming the same which date is herein referred to as the commencement of this Order.

A.D. 1905.
—
Commence-
ment of
Order.

3. In this Order and for the purpose thereof (unless there be something in the subject or context inconsistent with this Order or repugnant to such construction) the words and expressions to which meanings are assigned by and under the Order of 1891 shall have the same respective meanings.

Interpreta-
tion.

4. The powers granted to the Trustees by the Order of 1891 and revived and extended by the Order of 1896 shall be and the same are hereby revived and further extended and may be exercised by the Trustees for the further period of five years from the commencement of this Order.

Revival of
powers and
extension of
time for the
construction
of works.

5. The said works so authorised are the following (that is to say):—

Description
of works.

(1) A solid breakwater and pier commencing at the north-east corner of the Old Tolbooth of Stonehaven and extending in an easterly direction three hundred and seventy feet or thereby and thence proceeding in a south-easterly direction three hundred and forty feet or thereby ;

(2) The widening of the inner portion of the existing north pier commencing at a point twenty feet southwards from the junction of the breastwork and north pier and extending eastwards for a distance of three hundred and ten feet or thereby and terminating at the west side of the outer portion of the north pier ;

(3) The widening of the outer portion of the existing north pier commencing at the south end of the same and extending in a south-easterly direction for twenty feet or thereby and thence in a north-easterly direction for a distance of two hundred and sixty-five feet or thereby and terminating at Work No. 1 ;

(4) The excavation of a part of the area of the proposed new outer harbour to a depth of six feet below low water mark of ordinary spring tides :

All which intended works are situated in the parish of Dunnottar and county of Kincardine and wholly or partly in the burgh of Stonehaven and in the foreshore and bed of the sea ex adverso of the said parish county and burgh.

A.D. 1905.

Powers to
cease if
works not
completed.

6. The extended period hereby granted for completing the works authorised by the Order of 1891 shall with reference to the completion thereof be deemed to be the period limited by the said Order for the completion of the same provided that if the said works shall not be completed within the period limited by this Order then on the expiration of such period the powers granted to the trustees for the construction and completion thereof shall cease except as to so much thereof as shall then be completed. 5

Restrictions
on taking
houses of
labouring
class.

7. The trustees shall not under the powers of this Order or of the Orders of 1891 and 1896 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 Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. If the Trustees acquire or appropriate any house or houses under the powers of this Order or of the Orders of 1891 and 1896 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 Secretary for Scotland by action in the Court of Session 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. 25

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them. The expression "house" means any house or part of a house occupied as a separate dwelling. 30

As to Har-
bours Docks
&c. Act
1847.

8. The Harbours Docks and Piers Clauses Act 1847 is incorporated with this Order with the like exceptions and reservations as mentioned in the Order of 1891. 35

Saving
rights of
Crown.

9. Nothing in this Order or in the Order of 1891 or in the Order of 1896 shall affect prejudicially any estate right power privilege or exemption of the King's most Excellent Majesty and in particular nothing contained herein or in the Order of 1891 or 40

[5 EDW. 7.] *Stonehaven Harbour Order Confirmation.*

5

in the Order of 1896 shall authorise the Trustees to take use or
 in any manner interfere with any portion of the shore or bed of
 the sea or of any river channel creek bay or estuary or the
 minerals therein or thereunder or any land hereditaments subjects
 5 or rights of whatsoever description belonging to His Majesty
 in right of His Crown and under the management of the Com-
 missioners of Woods without the consent in writing of such
 Commissioners on behalf of His Majesty first had and obtained
 for that purpose (which consent such Commissioners are hereby
 10 authorised to give).

A.D. 1905.

10. All the provisions of the Order of 1891 and the Order of
 1896 shall subject to the provisions of this Order extend and
 apply to the purposes of this Order.

Incorporation
 of provisions
 of Orders of
 1891 and 1896.

11. All costs charges and expenses of and incident to the
 15 preparing for obtaining and passing of this Order and the Act
 confirming the same or otherwise in relation thereto shall be paid
 by the Trustees And if such costs are paid out of borrowed
 money the amount thereof shall be repaid within five years from
 the commencement of this Order.

Costs of
 Order.

Street Betting Bill [H.L.]

AMENDMENTS

TO BE MOVED IN STANDING
COMMITTEE

BY

THE LORD DAVEY

AND

THE LORD JAMES OF HEREFORD.

10th March 1905.

PRINTED BY HYBE AND SPOTTISWOODE,
PRINTERS TO HER KING'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
WYMAN and SONS, LTD., Fetter Lane, E.C.4; and
52, Abingdon Street, Westminster, S.W.1; or
OLIVER and BOYD, Edinburgh; or
E. PONSONBY, 116, Grafton Street, Dublin.

[Price 1d.]

(12 a.)

A

B I L L

INTITULED

An Act for the Suppression of Betting in Streets and other Public Places. A.D. 1905.

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:—

- 5 **1.**—(1) Any person frequenting any street, public park, or garden, on behalf either of himself or of any other person, for the purpose of bookmaking, or betting, or wagering, or agreeing to bet or wager, or paying or receiving or settling bets, shall Betting in a street, &c.
- 10 (a) in the case of a first offence be liable, on conviction under the Summary Jurisdiction Acts, to a fine not exceeding *ten pounds*;
- 15 (b) in the case of a second offence be liable, on conviction under the Summary Jurisdiction Acts, to a fine not exceeding *twenty pounds*; and
- 20 (c) in the case of a third or subsequent offence, or in any case where it is proved that the person whilst committing the offence had any betting transaction with a person under the age of sixteen years, be liable on conviction on indictment to a fine not exceeding *fifty pounds* or to imprisonment, with or without hard labour, for a term not exceeding *six months* without the option of a fine, or on conviction under the Summary Jurisdiction Acts to a fine not exceeding *thirty pounds* or to imprisonment, with or without hard labour, for a term not exceeding *three months*, without the option of a fine,

(12.)

A.D. 1905. and shall in any case be liable to forfeit all books, cards, papers, and other articles relating to betting which may be found in his possession.

(2) Any constable may take into custody without warrant any person found committing an offence under this Act, and may 5 seize and detain any article liable to be forfeited under this Act.

(3) Any person who appears to the court to be under the age of sixteen years shall for the purpose of this section be deemed to be under that age unless the contrary be proved.

(4) For the purpose of this section the word "street" shall 10 include any highway or any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not.

Recovery of penalties. 2. In Scotland, "indictment" has the same meaning as in the Criminal Procedure (Scotland) Act, 1887.

Short title. 3. This Act may be cited as the Street Betting Act, 1905. 15

Street Betting Bill [H.L.]

A M E N D M E N T S

T O B E M O V E D O N R E P O R T.

B Y T H E L O R D D A V E Y.

Clause 1, page 1, line 6, after (" garden ") insert (" or the
" sea beach ")

B Y T H E L O R D J A M E S O F H E R E F O R D.

Clause 1, page 2, line 12, after (" not ") insert (" or any vacant
" ground open to the public, common ground not used for the
" purpose of a racecourse or adjacent thereto, or any space under
" a railway arch ")

B Y T H E E A R L O F C R E W E.

After clause 1, insert the following new clause :—

Nothing contained in this Act shall apply to any ground
used for the purpose of a racecourse or adjacent thereto on the
days on which races take place.

Street Betting Bill [H.L.]

AMENDMENTS

TO BE MOVED ON REPORT

BY

THE LORD DAVEY,

THE LORD JAMES OF HEREFORD,

AND

THE EARL OF CREWE.

14th March 1905.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any bookseller, from
WYKIN and SOHN, LTD., Beller Lane, E.C. ; and
32, Abingdon Street, Westminster, S.W. ; or
OLIVER and BOYD, Edinburgh ; or
E. POSENER, 118, Capton Street, Dublin.

[*Price 4d.*]]

(27 a.)

A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act for the Suppression of Betting in Streets and other Public Places. A.D. 1905.

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:—

- 5 **1.**—(1) Any person frequenting any street, public park, garden, or sea beach, on behalf either of himself or of any other person, for the purpose of bookmaking, or betting, or wagering, or agreeing to bet or wager, or paying or receiving or settling bets, shall Betting in a street, &c.
- 10 (a) in the case of a first offence be liable, on conviction under the Summary Jurisdiction Acts, to a fine not exceeding *ten pounds* ;
- 15 (b) in the case of a second offence be liable, on conviction under the Summary Jurisdiction Acts, to a fine not exceeding *twenty pounds* ; and
- 20 (c) in the case of a third or subsequent offence, or in any case where it is proved that the person whilst committing the offence had any betting transaction with a person under the age of sixteen years, be liable on conviction on indictment to a fine not exceeding *fifty pounds* or to imprisonment, with or without hard labour, for a term not exceeding *six months* without the option of a fine, or on conviction under the Summary Jurisdiction Acts to a fine not exceeding *thirty pounds* or to imprisonment, with or without hard labour, for
- 25 a term not exceeding *three months*, without the option of a fine,

(30.)

A.D. 1905. — and shall in any case be liable to forfeit all books, cards, papers, and other articles relating to betting which may be found in his possession.

(2) Any constable may take into custody without warrant any person found committing an offence under this Act, and may 5 seize and detain any article liable to be forfeited under this Act.

(3) Any person who appears to the court to be under the age of sixteen years shall for the purpose of this section be deemed to be under that age unless the contrary be proved.

(4) For the purpose of this section the word "street" shall 10 include any highway or any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not, or any vacant ground open to the public, common ground not used for the purpose of a racecourse or adjacent thereto, or any space under a railway arch. 15

Act not to apply to a racecourse.

2. Nothing contained in this Act shall apply to any ground used for the purpose of a racecourse or adjacent thereto on the days on which races take place.

Recovery of penalties.

3. In Scotland, "indictment" has the same meaning as in the Criminal Procedure (Scotland) Act, 1887. 20

Short title.

4. This Act may be cited as the Street Betting Act, 1905.

Street Betting Bill [H.L.]

A M E N D M E N T

T O B E M O V E D O N T H I R D R E A D I N G

B Y

T H E L O R D C H A N C E L L O R .

Clause 1, page 2, line 12, leave out from ("not") to the end of the clause.

Street Betting Bill [H.L.]

AMENDMENT

TO BE MOVED ON THIRD READING

BY

THE LORD CHANCELLOR.

20th March 1905.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.
And to be purchased, either directly or through any Bookseller, from
WYMAN and SONS, LTD., Petter Lane, E.C.4; and
52, Abingdon Street, Westminster, S.W.1; or
OLIVER and BOYD, Edinburgh; or
E. POMEROY, 116, Grafton Street, Dublin.

[Price 1d.]

(30 a.)

Street Betting Bill [H.L.]

A M E N D M E N T

T O B E M O V E D O N T H I R D R E A D I N G

B Y

T H E L O R D D A V E Y .

Clause 1, page 2, line 13, leave out from ("ground") to ("or") in line 14.

Street Betting Bill [H.L.]

AMENDMENT

TO BE MOVED ON THIRD READING

BY

THE LORD DAVEY.

23rd March 1905.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
WYMAN and SON, LTD., Peter Lane, E.C.4; and
32, Abchurch Lane, Westminster, S.W.1; or
OLIVER and BOND, Rabinburgh; or
E. PONSORBY, 116, Grafton Street, Dublin.

[Price 4d.]

(30 b.)

Street Betting Bill [H.L.]

A M E N D M E N T S

T O B E M O V E D O N T H I R D R E A D I N G

B Y

T H E L O R D D A V E Y .

Clause 1, page 1, line 5, after (" street ") insert (" or "),[¶] and leave out from (" public ") to (" on ") in line 6 and insert (" place ")

page 2, line 12, leave out from (" not ") to the end of the clause and insert (" and the words ' public place ' shall include " any public park, garden, or seabeach, and any unenclosed ground " to which the public for the time being have unrestricted access ")

Clause 2, page 2, line 17, after (" racecourse ") insert (" for " racing with horses ")

Street Betting Bill [H.L.]

AMENDMENTS

TO BE MOVED ON THIRD READING

BY

THE LORD DAVEY.

31st March 1905

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.
And to be purchased, either directly or through any bookseller, from:
WYMAN and BROS., LTD., Fetter Lane, E.C.4; and
32, Abchurch Lane, Westminster, S.W.1; or
OLIVER and BOND, Edinburgh; or
E. POMEROY, 116, Grafton Street, Dublin.

[Price 4d.]

(30 c.)

A

B I L L

INTITULED

An Act to provide for the Closing of Shops and the prohibition of Street Trading on Sunday. A.D. 1905.

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:—

5 **1.** Subject to the provisions of this Act, all shops shall be kept closed on Sunday throughout the day, and no person shall sell or expose or offer for sale any article in any street or public place on that day. Prohibition of opening of shops and street trading on Sunday.

10 **2.** Save as hereinafter provided, if any shop is opened or kept open on Sunday for the purpose of trade (including the trade of a barber), or if any article is sold, or exposed or offered for sale in any shop, or in any street or public place, on Sunday, the occupier of the shop, and the person so selling, exposing or offering for sale, shall be liable, on conviction under the Summary Penalties.

15 Jurisdiction Acts, to a fine not exceeding, in the case of a first conviction, five shillings, and in the case of a second conviction, twenty shillings, and in the case of a third or subsequent conviction, five pounds :

20 Provided that section six of the Shop Hours Act, 1892 (which exempts an innocent employer), shall apply in the case of an occupier who is charged with an offence under this section as it applies in the case of an employer who is charged with an offence under that section. Exemption of innocent occupier. 55 & 56 Vict. c. 62. s. 6.

3.—(1) Nothing in this Act shall prevent—

25 (a) The opening or keeping open of any shop solely for the purposes of any of the trades mentioned in the First Schedule to this Act, or the sale by any person Special exemptions for scheduled trades.

(10.)

A.D. 1905.

who carries on any such trade of any article which is usually dealt in in the course of that trade; provided that in the case of the trades mentioned in the second part of the said schedule this exemption shall only extend to the hours specified therein in 5 the case of each such trade :

Trades exempted by local authority.

(b) As respects the area of any local authority, the opening of such shops or classes of shops, or the sale of such articles or classes of articles as may be allowed under any resolution for the time being in force of that 10 authority up to nine in the forenoon, or such earlier hour as may be specified in the resolution.

(2) Nothing in this Act shall prevent the sale by any pharmaceutical chemist or chemist and druggist of any drugs, medicines, or surgical appliances, or the transaction of post office 15 business.

(3) Nothing in this Act shall prevent the sale of any article by the occupier of any premises, or the servant or agent of any such occupier, to any person lodging upon such premises.

Definition and application of Shop Hours Act, 1904. 4 Edw. 7. c. 31.

4. In this Act the expression "local authority" has the same 20 meaning as in the Shop Hours Act, 1904, and the provisions of that Act relating to offences and proceedings, the appointment, powers, and salaries of inspectors, and the expenses of local authorities shall apply for the purposes of this Act as they apply for the purposes of that Act. 25

Repeal.

5. The enactments specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

Commencement and short title.

6.—(1) This Act shall come into operation on the first day of January nineteen hundred and six. 30

(2) This Act may be cited as the Sunday Closing (Shops) Act, 1905.

SCHEDULES.

A.D. 1905.

FIRST SCHEDULE.

PART I.

The sale by retail of any intoxicating liquor for consumption on or off
5 the premises.

The sale of refreshments for consumption on the premises.

The sale of tobacco, pipes, and smokers' requisites.

News agency.

PART II.

10	Name of Trade.	Hours to which Exemption extends.
	Sale of milk and cream - - -	The hours before nine in the forenoon and after four in the afternoon.
	Sale of fish - - - - -	The hours before nine in the forenoon.
	Sale of vegetables and fruit (other than 15 preserved vegetables and fruit).	The hours before nine in the forenoon.
	Sale of cooked meat - - -	The hours before nine in the forenoon.

SECOND SCHEDULE.

20	Session and Chapter.	Short Title.	Extent of Repeal.
	6 & 7 Will. 4. c. 37.	The Bread Act, 1836 - - -	Section fourteen.
	1 & 2 Vict. c. 28.	The Bread (Ireland) Act, 1838 -	Section thirteen.

Sunday Closing (Shops).
[H.L.]

A

B I L L

INTITULED

An Act to provide for the Closing of
Shops and the prohibition of Street
Trading on Sunday.

The Lord Auebury.

Ordered to be printed 20th February 1905.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO HER KING'S MOST EXCELLENT MAJESTY.
And to be purchased, either directly or through any Bookseller, from
WYMAN and SON'S, LTD., Fetter Lane, E.C.4, and
32, Abingdon Street, Westminster, S.W.1; or
OLIVER and BOYD, Edinburgh; or
E. PONSOMBY, 116, Grafton Street, Dublin.

[Price 6d.]

(10.)

[5 EDW. 7.]

Sunday Closing (Shops). [H.L.]

1

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

INTITULED

An Act to provide for the Closing of Shops and the prohibition of Street Trading on Sunday. A.D. 1905.

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:—

- 5 **1.** Subject to the provisions of this Act, all shops shall be kept closed on Sunday throughout the day, and no person shall sell or expose or offer for sale any article in any street or public place on that day. Prohibition of opening of shops and street trading on Sunday.
- 10 **2.** Save as hereinafter provided, if any shop is opened or kept open on Sunday for the purpose of trade (including the trade of a barber), or if any article is sold, or exposed or offered for sale in any shop, or in any street or public place, on Sunday, the occupier of the shop, and the person so selling, exposing or offering for sale, shall be liable, on conviction under the Summary
- 15 **Jurisdiction Acts,** upon information laid within ten days after the commission of the offence, to a fine not exceeding, in the case of a first conviction, five shillings, and in the case of a second conviction, twenty shillings, and in the case of a third or subsequent conviction, five pounds: Penalties.
- 20 Provided that section six of the Shop Hours Act, 1892 (which exempts an innocent employer), shall apply in the case of an occupier who is charged with an offence under this section as it applies in the case of an employer who is charged with an offence under that section. Exemption of innocent occupier. 55 & 56 Vict. c. 62. s. 6.
- 25 **3.—(1)** Nothing in this Act shall prevent—
- (a) The opening or keeping open of any shop solely for the purposes of any of the trades mentioned in the
- (100.) Special exemptions for scheduled trades.

A.D. 1905.

schedule to this Act, or the sale or exposing or offering for sale in any shop, street or public place by any person of any article which is usually dealt in in the course of any such trade; provided that in the case of the trades mentioned in the second part 5 of the said schedule this exemption shall only extend to the hours specified therein in the case of each such trade :

Trades exempted by local authority.

(b) As respects the area of any local authority, the opening of such shops or classes of shops, or the sale of such 10 articles or classes of articles as may be allowed under any resolution for the time being in force of that authority up to nine in the forenoon, or such earlier hour as may be specified in the resolution.

(2) Nothing in this Act shall prevent— 15

(a) The transaction of post office business or of the telephonic business of any licensee of the Postmaster-General at any shop or public place; or

(b) the sale by any pharmaceutical chemist or chemist and druggist or herbalist of any drugs, medicines, or 20 surgical appliances, or the sale of any article by the occupier of any premises, or the servant or agent of any such occupier, to any person lodging upon such premises.

Definition and application of Shop Hours Act, 1904. 4 Edw. 7. c. 31.

4. In this Act the expression "local authority" has the same 25 meaning as in the Shop Hours Act, 1904, and the provisions of that Act relating to offences and proceedings, the appointment, powers, and salaries of inspectors, and the expenses of local authorities shall apply for the purposes of this Act as they apply for the purposes of that Act. 30

Application of Sunday Observation Prosecution Act, 1871. 34 & 35 Vict. c. 87.

5. The Sunday Observation Prosecution Act, 1871, shall apply to prosecutions for offences under this Act as it applies to prosecutions for offences under the Sunday Observance Act, 1677.

Suspension of Act locally.

6. Any local authority may apply to the Secretary of State for a suspension of the provisions of this Act as respects their area, 35 or any specified part thereof, on the ground, that owing to special circumstances, the Act would press with undue and exceptional severity on the general body of the traders and their customers in the area.

[5 EDW. 7.]

Sunday Closing (Shops).

3

The Secretary of State may thereupon, if he thinks fit, after holding a public local inquiry, make a report to His Majesty in Council and His Majesty may by Order in Council suspend the operation of the Act accordingly for a period specified in the Order, and any such Order may be renewed by a fresh Order made subject to the like formalities.

A.D. 1905.

7.—(1) This Act shall come into operation on the first day of January nineteen hundred and six.

Commencement and short title.

(2) This Act may be cited as the Sunday Closing (Shops) Act, 1905.

SCHEDULE.

PART I.

The sale by retail of any intoxicating liquor for consumption on or off the premises.

- 15 The sale of refreshments for immediate consumption.
- The sale of newspapers, magazines, and periodicals.
- The sale of milk and cream.

PART II.

Name of Trade.	Hours to which Exemption extends.
20 Sale of bread - - - - -	The hours before nine in the forenoon.
Sale of fish - - - - -	The hours before nine in the forenoon.
Sale of vegetables and fruit (other than preserved vegetables and fruit).	The hours before nine in the forenoon.
Sale of cooked meat - - - - -	The hours before nine in the forenoon.
25 Sale of tobacco, pipes, and smokers' requisites.	The hours other than those fixed by law for the closing in the place where the trade is carried on of premises licensed for the sale of intoxicating liquors.

Sunday Closing (Shops).
[H.L.]

A

B I L L

[AS AMENDED BY THE SELECT
COMMITTEE]

INTITLED

An Act to provide for the Closing of
Shops and the prohibition of Street
Trading on Sunday.

The Lord Archbishop.

Ordered to be printed 5th June 1905.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE KING & MOST EXCELLENT MAJESTY.
WYMAN and SONS, LTD., Printers, Lane, E.C.; and
52, Abchurch Lane, Westminster, S.W.; or
OLIVER and BOYD, Ltd., Ltd., 11, Abchurch Lane,
E. ROSSIGNOL, 114, Grafton Street, Dublin.

[Price 3d.]

(100.)

[5 EDW. 7.] *Supreme Court of Judicature (Ireland) (No. 1)*. [H.L.] 1

A

B I L L

INTITULED

An Act to extend section eighty-six of the Supreme Court of Judicature Act (Ireland), 1877. A.D. 1905

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 :—

- 5** **1.** The appellate jurisdiction of the House of Lords conferred by section eighty-six of the Supreme Court of Judicature Act (Ireland), 1877, is hereby extended, and may be exercised in the case of any decision, judgment, decree, or order of the Court of Appeal in any proceedings taken by way of certiorari, mandamus, **10** quo warranto, or prohibition, or under any Act relating to the valuation of rateable property or authorising the making of any rate.
- 15** **2.** This Act may be cited as the Supreme Court of Judicature (Ireland) Act, 1905, and may be cited with the Judicature (Ireland) Acts, 1877 to 1897.

Extension of
40 & 41 Vict.
c. 57, s. 86.

Short title
and citation.

Supreme Court of Judicature
(Ireland) (No. 2.) Bill [H.L.]

AMENDMENTS

TO BE MOVED IN STANDING
COMMITTEE

BY

THE LORD ASHBOURNE.

30th May 1905

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.
And to be purchased, either directly or through any Bookseller, from
WYMAN and SONS, LTD., Fetter Lane, E.C.4; and
32, Abingdon Street, Westminster, S.W.1; or
OLIVER and BOYD, Edinburgh; or
E. POMEROY, 116, Grafton Street, Dublin.

[Price 1s.]

(76 b.)

[5 EDW. 7.] *Supreme Court of Judicature (Ireland) (No. 2)*. [H.L.] 1

A

B I L L

[AS AMENDED BY THE STANDING COMMITTEE]

INTITLED

An Act to amend the Judicature (Ireland) Acts, 1877 to 1897, and section six of the Local Registration of Title (Ireland) Act, 1891, and the Law relating to Bankrupts and to the constitution of certain Election Courts in Ireland. A.D. 1905.

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:—

- 5 **1.** Notwithstanding anything in any Act an Order of the Lord Lieutenant in Council made by virtue of section sixty-three of the Supreme Court of Judicature Act (Ireland), 1877, may make provision for the hearing and despatch at any winter assizes of any civil business other than traverses. Transaction of civil business at winter assizes. 40 & 41 Vict. c. 57.
- 10 **2.** Subject to the rights of patronage vested in the judge to whom probate business was first assigned under section five of the Supreme Court of Judicature (Ireland) (No. 2) Act, 1897, all junior clerkships in the Principal Registry of the Probate and Matrimonial Branch of the King's Bench Division shall when
15 vacant, notwithstanding anything in the said section five, be filled by open competition in accordance with section seventy-three of the Supreme Court of Judicature Act (Ireland), 1877, which relates to the appointment of future officers of the Supreme Court. As to clerkships affected by 60 & 61 Vict. c. 66. s. 5. 40 & 41 Vict. c. 57.
- 20 **3.** The enactments relating to the making of rules of court contained in the Judicature (Ireland) Acts, 1877 to 1897, shall extend and apply, and shall be deemed to have always extended and applied, to all proceedings by or against the Crown. Extension of powers to make rules of court.

(102.)

A.D. 1905.

As to officers
and clerks in
central office
under 54 &
55 Vict. c. 66.

4. The provisions in section seventy-three of the Judicature Act (Ireland), 1877, relating to the appointment of future officers shall not apply in the case of junior clerkships in the central office under the Local Registration of Title (Ireland) Act, 1891, and vacancies in those clerkships shall be filled in such manner and subject to such regulations as may be directed and made by the Lord Chancellor, with the concurrence of the Treasury. **5**

Amendment
of 56 Vict.
c. 14, so far
as it relates
to 20 & 21
Vict. c. 60.

5. The Statute Law Revision Act, 1893, shall be read and construed as if there were omitted from the Schedule thereto the following words relating to the Irish Bankrupt and Insolvent Act, 1857, namely— **10**

“ In sections seventy-two to seventy-five the words ‘ body or ’ ”

Amendment
of 45 & 46
Vict. c. 50.
s. 92, as
applied to
Ireland.

6. Section ninety-two of the Municipal Corporations Act, 1882 (which relates to the constitution of election courts), in its application to Ireland by the Local Government (Application of Enactments) Order, 1898, shall have effect as if “ ten ” were substituted for “ fifteen ” in subsection two thereof, and as if the words “ or in which he resides ” were omitted from subsection three thereof. **15**

Short title
and citation.

7. This Act may be cited as the Supreme Court of Judicature (Ireland) No. 2 Act, 1905, and may be cited with the Judicature (Ireland) Acts, 1877 to 1897. **20**

**Supreme Court of Judicature (Ireland)
(No. 2.) Bill.**

A M E N D M E N T S

T O B E M O V E D O N T H I R D R E A D I N G

B Y

T H E L O R D A S H B O U R N E .

Page 2, leave out clause 5, and insert the following clauses:—

. In section twelve of the Supreme Court of Judicature (Ireland) (No. 2) Act, 1897, the words “ or such other member of the Council of the Society to be nominated for the purpose by the Council ” shall be inserted after the word “ Ireland.”

Amendment
of 60 & 61
Vict. c. 66.
s. 12.

. In the Schedule to the Statute Law Revision Act, 1893, the words :

Amendment
of 56 Vict.
c. 14 so far
as it relates
to 20 & 21
Vict. c. 60.

“ In section seventy-two the words ‘ body or ’ ” shall be substituted for the following words relating to the Irish Bankrupt and Insolvent Act, 1857, namely—

“ In sections seventy-two to seventy-five the words ‘ body or ’ ” and the said Act of 1893 shall be read and construed as if the words so substituted had originally been enacted therein.

Clause 35, page 11, line 22, leave out from ("register") to the end of line 24.

Clause 39, page 12, line 34, leave out ("as against persons using such trade mark")

Clause 46, page 14, leave out the whole clause.

Clause 47, page 14, leave out the whole clause.

Clause 48, page 14, leave out the whole clause.

Clause 50, page 14, line 38, leave out ("action or other")
lines 40 and 41, leave out ("party seeking such relief shall give notice to the registrar, and he,") and insert ("registrar")

line 41, leave out ("so")

page 15, line 1, leave out ("the court direct") and insert ("so directed by the court")

Clause 51, page 15, line 12, leave out ("all parties including")

line 13, leave out ("except that") and insert ("but")

Clause 52, page 15, line 23, at end insert ("but if so used shall have all the incidents and consequences of evidence by affidavit")

Clause 62, page 17, line 25, leave out ("may be"), and leave out from ("section") to ("shall") in line 27.

line 27, after ("shall") insert ("whilst in force")

line 28, leave out ("and shall be judicially noticed")

Clause 63, page 18, line 10, leave out ("from time to time")

line 11, leave out from ("Trade") to the end of the clause.

Clause 65, page 18, line 39, leave out ("passing") and insert ("commencement")

Clause 66, page 21, line 12, after ("may") insert ("in the prescribed manner")

Clause 69, page 23, line 7, leave out ("word or")

Trade Marks Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Commencement of Act.

PART I.

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20. Rival claims to identical marks.
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24. Associated trade marks.
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32. Correction of register.
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[5 EDW. 7.]

Trade Marks.

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| 51. | Costs of proceedings before the court. |

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- SCHEDULE.
-

A

B I L L

INTITULED

An Act to consolidate and amend the Law relating to A.D. 1905.
Trade Marks.

WHEREAS it is desirable to amend and consolidate the law relating to trade marks, and to dissociate the law relating thereto from the Acts relating to patents and designs now in force:

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

1. This Act may be cited as the Trade Marks Act, 1905. Short title.
- 10 2. This Act shall come into operation on the first day of January one thousand nine hundred and six. Commencement of Act.

PART I.

Definitions.

3. In and for the purposes of this Act (unless the context Definitions.
15 otherwise requires):—

A "mark" shall include a device, brand, heading, label, ticket, name, signature, word, letter, numeral, or any combination thereof:

20 A "trade mark" shall mean a mark used or proposed to be used upon or in connexion with goods for the purpose of indicating that they are the goods of the proprietor of such trade mark by virtue of manufacture, selection, certification, dealing with, or offering for sale:

25 A "registrable trade mark" shall mean a trade mark which is capable of registration under the provisions of this Act:

(156.)

A

A.D. 1905.

A "registrable trade mark" shall mean a trade mark which is capable of registration under the provisions of this Act:

"The register" shall mean the register of trade marks kept under the provisions of this Act: 5

A "registered trade mark" shall mean a trade mark which is actually upon the register:

"Prescribed" shall mean, in relation to proceedings before the court, prescribed by rules of court, and in other cases, prescribed by this Act or the Rules thereunder: 10

"The Court" shall mean (subject to the provisions for Scotland, Ireland, and the Isle of Man) His Majesty's High Court of Justice in England.

Register of Trade Marks.

Register of trade marks.

4. There shall be kept at the Patent Office for the purposes 15 of this Act a book called the Register of Trade Marks, wherein shall be entered all registered trade marks with the names and addresses of their proprietors, notifications of assignments and transmissions, disclaimers, conditions, limitations, and such other matters relating to such trade marks as may from time to time 20 be prescribed. The register shall be kept under the control and management of the Comptroller-General of Patents, Designs, and Trade Marks, who is in this Act referred to as the Registrar.

Trust not to be entered on register.

5. There shall not be entered in the register any notice of any trust expressed, implied, or constructive, nor shall any such 25 notice be receivable by the Registrar.

Incorporation of existing register.

6. The register of trade marks existing at the date of the commencement of this Act, and all registers of trade marks kept under previous Acts, which are deemed part of the same book as such register, shall be incorporated with and form part of the register. 30 Subject to the provisions of sections thirty-six and forty-one of this Act the validity of the original entry of any trade mark upon the registers so incorporated shall be determined in accordance with the statutes in force at the date of such entry, and such trade mark shall retain its original date, but for all 35 other purposes it shall be deemed to be a trade mark registered under this Act.

[5 Edw. 7.]

Trade Marks.

3

7. The register kept under this Act shall at all convenient times be open to the inspection of the public, subject to such regulations as may be prescribed; and certified copies, sealed with the seal of the Patent Office, of any entry in any such register shall
 5 be given to any person requiring the same on payment of the prescribed fee.

A.D. 1905.
 Inspection of
 and extract
 from
 register.

Registrable Trade Marks.

8. A trade mark must be registered in respect of particular goods or classes of goods.

Trade mark
 must be for
 particular
 goods.

10 9. A registrable trade mark must contain or consist of at least one of the following essential particulars:—

Registrable
 trade marks.

- (1) The name of a company, individual, or firm represented in a special or particular manner;
- 15 (2) The signature of the applicant for registration or some predecessor in his business;
- (3) An invented word or invented words;
- (4) A word or words having no direct reference to the character or quality of the goods, and not being according to its ordinary signification a geographical name or a surname;
- 20 (5) Any other distinctive mark, but a name, signature, or word or words, other than such as fall within the descriptions in the above paragraphs (1), (2), (3), and (4), shall not, except by order of the Board of Trade
 25 or the Court, be deemed a distinctive mark:

30 Provided always that any special or distinctive word or words, letter, numeral, or combination of letters or numerals used as a trade mark by the applicant or his predecessors in business before the thirteenth day of August one thousand eight hundred and seventy-five, which has continued to be used (either in its original form or with additions or alterations not substantially affecting the identity of the same) down to the date of the application for registration shall be registrable as a trade mark under this Act.

35 For the purposes of this section "distinctive" shall mean adapted to distinguish the goods of the proprietor of the trade mark from those of other persons.

In determining whether a trade mark is so adapted, the tribunal may, in the case of a trade mark in actual use, take into consideration the extent to which such user has rendered

A.D. 1905. — such trade mark in fact distinctive for the goods with respect to which it is registered or proposed to be registered.

Coloured trade marks.

10. A trade mark may be limited in whole or in part to one or more specified colours, and in such case the fact that it is so limited shall be taken into consideration by any tribunal having to decide on the distinctive character of such trade mark. If and so far as a trade mark is registered without limitation of colour it shall be deemed to be registered for all colours. 5

Restriction on registration.

11. It shall not be lawful to register as a trade mark or part of a trade mark any matter, the use of which would by reason of its being calculated to deceive or otherwise be disentitled to protection in a court of justice, or would be contrary to law or morality, or any scandalous design. 10

Registration of Trade Marks.

Application for registration.

12.—(1) Any person claiming to be the proprietor of a trade mark who is desirous of registering the same must apply in writing to the Registrar in the prescribed manner. 15

(2) Subject to the provisions of this Act the Registrar may refuse such application, or may accept it absolutely or subject to conditions, amendments, or modifications. 20

(3) In case of any such refusal or conditional acceptance the Registrar shall, if required by the applicant, state in writing the grounds of his decision and the materials used by him in arriving at the same, and such decision shall be subject to appeal to the Board of Trade or to the Court at the option of the applicant. 25

(4) An appeal under this section shall be made in the prescribed manner, and on such appeal the Board of Trade or the Court, as the case may be, shall, if required, hear the applicant and the Registrar, and shall make an order determining whether, and subject to what conditions, amendments, or modifications, if any, the application is to be accepted. 30

(5) Appeals under this section shall be heard on the materials so stated by the Registrar to have been used by him in arriving at his decision, and no further grounds of objection to the acceptance of the application shall be allowed to be taken by the Registrar other than those stated by him except by leave of the tribunal hearing the appeal. Where any further grounds of objection are taken the applicant shall be entitled to withdraw his application without payment of costs on giving notice as prescribed. 35 40

[5 EDW. 7.]

Trade Marks.

5

(6) The Registrar or the Board of Trade or the Court, as the case may be, may at any time, whether before or after acceptance, correct any error in or in connection with the application, or may permit the applicant to amend his application upon such terms as they may think fit.

A.D. 1905,
—

13. When an application for registration of a trade mark has been accepted, whether absolutely or subject to conditions, the Registrar shall, as soon as may be after such acceptance, cause the application as accepted to be advertised in the prescribed manner. Such advertisement shall set forth all conditions subject to which the application has been accepted.

Advertise-
ment of
application.

14.—(1) Any person may, within the prescribed time from the date of the advertisement of an application for the registration of a trade mark, give notice to the Registrar of opposition to such registration.

Opposition
to registra-
tion.

(2) Such notice shall be given in writing in the prescribed manner, and shall include a statement of the grounds of opposition.

(3) The Registrar shall send a copy of such notice to the applicant, and within the prescribed time after the receipt of such notice, the applicant shall send to the Registrar, in the prescribed manner, a counter-statement of the grounds on which he relies for his application, and if he does not do so, he shall be deemed to have abandoned his application.

(4) If the applicant sends such counter-statement the Registrar shall furnish a copy thereof to the persons giving notice of opposition, and shall after hearing the parties, if so required, and considering the evidence, decide whether, and subject to what conditions, registration is to be permitted.

(5) The decision of the Registrar shall be subject to appeal to the Court or, with the consent of the parties, to the Board of Trade.

(6) An appeal under this section shall be made in the prescribed manner, and on such appeal the Board of Trade or the Court, as the case may be, shall, if required, hear the parties and the Registrar, and shall make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

(7) On the hearing of any such appeal any party may either in the manner prescribed or by special leave of the tribunal bring forward further material for the consideration of the tribunal.

(8) In proceedings under this section no further grounds of objection to the registration of a trade mark shall be allowed

A.D. 1905. — to be taken by the opponent or the Registrar other than those stated by the opponent as herein-above provided except by leave of the tribunal hearing the appeal. Where any further grounds of objection are taken the applicant shall be entitled to withdraw his application without payment of the costs of the opponent on giving notice as prescribed. 5

(9) In any appeal under this section, the tribunal may, after hearing the Registrar, permit the trade mark proposed to be registered to be modified in any manner not substantially affecting the identity of such trade mark, but in such case the trade mark as so modified shall be advertised in the prescribed manner before being registered. 10

(10) The Registrar or, in the case of an appeal to the Board of Trade, the Board of Trade shall have power in proceedings under this section to award to any party such costs as they may consider reasonable, and to direct how and by what parties they are to be paid. 15

(11) If a party giving notice of opposition or of appeal neither resides nor carries on business in the United Kingdom, the tribunal may require such party to give security for costs of the proceedings before it relative to such opposition or appeal, and in default of such security being duly given may treat the opposition or appeal as abandoned. 20

Disclaimers.

15. If a trade mark contains parts not separately registered by the proprietor as trade marks, or if it contains matter common to the trade or otherwise of a non-distinctive character, the Registrar or the Board of Trade or the Court, in deciding whether such trade mark shall be entered or shall remain upon the register, may require, as a condition of its being upon the register, that the proprietor shall disclaim any right to the exclusive use of any part or parts of such trade mark, or of all or any portion of such matter, to the exclusive use of which they hold him not to be entitled, or that he shall make such other disclaimer as they may consider needful for the purpose of defining his rights under such registration : Provided always that no disclaimer upon the register shall affect any rights of the proprietor of a trade mark except such as arise out of the registration of the trade mark in respect of which the disclaimer is made. 25 30 35

Date of registration.

16. When an application for registration of a trade mark has been accepted and has not been opposed, and the time for notice of opposition has expired, or having been opposed the opposition 40

[5 Edw. 7.]

Trade Marks.

7

has been decided in favour of the applicant, the Registrar shall, unless the Board of Trade otherwise direct, register the said trade mark, and the trade mark, when registered, shall be registered as of the date of the application for registration, and such date shall be deemed for the purposes of this Act to be the date of registration.

A.D. 1905.

17. On the registration of a trade mark the Registrar shall issue to the applicant a certificate in the prescribed form of the registration of such trade mark under the hand of the Registrar, and sealed with the seal of the Patent Office.

Certificate of registration.

18. Where registration of a trade mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar may, after giving notice of the non-completion to the applicant in writing in the prescribed manner, treat the application as abandoned unless it is completed within the time specified in that behalf in such notice.

Non-completion of registration.

Identical Trade Marks.

19. Except by order of the Court or in the case of trade marks in use before the thirteenth day of August one thousand eight hundred and seventy-five, no trade mark shall be registered in respect of any goods or description of goods which is identical with one belonging to a different proprietor which is already on the register with respect to such goods or description of goods, or so nearly resembling such a trade mark as to be calculated to deceive.

Identical marks.

20. Where each of several persons claims to be proprietor of the same trade mark, or of nearly identical trade marks in respect of the same goods or description of goods, and to be registered as such proprietor, the Registrar may refuse to register any of them until their rights have been determined by the Court, or have been settled by agreement in a manner approved by him or (on appeal) by the Board of Trade.

Rival claims to identical marks.

21. In case of honest concurrent user or of other special circumstances which, in the opinion of the Court, make it proper so to do, the Court may permit the registration of the same trade mark, or of nearly identical trade marks for the same goods or description of goods by more than one proprietor subject to such conditions and limitations, if any, as to mode or place of user or otherwise, as it may think it right to impose.

Concurrent user.

A.D. 1905.

*Assignment.*Assignment
and trans-
mission of
trade marks.

22. A trade mark when registered shall be assigned and transmitted only in connection with the goodwill of the business concerned in the goods for which it has been registered and shall be determinable with that goodwill. But nothing in this section contained shall be deemed to affect the right of the proprietor of a registered trade mark to assign the right to use the same in any British possession or protectorate or foreign country in connection with any goods for which it is registered together with the goodwill of the business therein in such goods. 10

Apportion-
ment of
marks on
dissolution
of partner-
ship.

23. In any case where from any cause, whether by reason of dissolution of partnership or otherwise, the person ceases to carry on business, and the goodwill of such person does not pass to one successor but is divided, the Registrar may (subject to the provisions of this Act as to associated trade marks), on the application of the parties interested, permit an apportionment of the registered trade marks of the person among the persons in fact continuing the business, subject to such conditions and modifications, if any, as he may think necessary in the public interest. Any decision of the Registrar under this section shall be subject to appeal to the Board of Trade. 20

*Associated Trade Marks.*Associated
trade marks.

24. If application be made for the registration of a trade mark so closely resembling a trade mark of the applicant already on the register for the same goods or description of goods as to be calculated to deceive or cause confusion if used by a person other than the applicant, the tribunal hearing the application may require as a condition of registration that such trade marks shall be entered on the register as associated trade marks. 25

Combined
trade marks.

25. If the proprietor of a trade mark claims to be entitled to the exclusive use of any portion of such trade mark separately he may apply to register the same as separate trade marks. Each such separate trade mark must satisfy all the conditions and shall have all the incidents of an independent trade mark, except that when registered it and the trade mark of which it forms a part shall be deemed to be associated trade marks and shall be entered on the register as such, but the user of the whole trade mark shall for the purposes of this Act be deemed to be also a user of such registered trade marks belonging to the same proprietor as it contains. 40

[5 EDW. 7.]

Trade Marks.

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26. When a person claiming to be the proprietor of several trade marks for the same description of goods which, while resembling each other in the material particulars thereof, yet differ in respect of—

A.D. 1905.
—
Series of
trade marks.

- 5 (a) statements of the goods for which they are respectively used or proposed to be used; or
- (b) statements of number, price, quality, or names of places; or
- (c) other matter of a non-distinctive character which does not substantially affect the identity of the trade mark; or
- 10 (d) colour;

seeks to register such trade marks, they may be registered as a series in one registration. All the trade marks in a series of trade marks so registered shall be deemed to be, and shall be registered as, associated trade marks.

- 15 27. Associated trade marks shall be assignable or transmissible only as a whole and not separately, but they shall for all other purposes be deemed to have been registered as separate trade marks. Provided that where under the provisions of this Act user of a registered trade mark is required to be proved for
- 20 any purpose, the tribunal may if and so far as it shall think right accept user of an associated registered trade mark, or of the trade mark with additions or alterations not substantially affecting its identity, as an equivalent for such user.

Assignment
and user of
associated
trade marks.

Renewal of Registration.

- 25 28. The registration of a trade mark shall be for a period of fourteen years, but may be renewed from time to time in accordance with the provisions of this Act.

Duration of
registration.

- 30 29. The Registrar shall, on application made by the registered proprietor of a trade mark in the prescribed manner and within the prescribed period, renew the registration of such trade mark for a period of fourteen years from the expiration of the original registration or of the last renewal of registration, as the case may be, which date is herein termed "the expiration of the last registration."

Renewal of
registration.

- 35 30. At the prescribed time before the expiration of the last registration of a trade mark, the Registrar shall send notice in the prescribed manner to the registered proprietor at his registered address of the date at which the existing registration will expire and the conditions as to payment of fees and otherwise upon

Procedure
on expiry of
period of
registration.

(164.)

B

A.D. 1905. — which a renewal of such registration may be obtained, and if at the expiration of the time prescribed in that behalf such conditions have not been duly complied with, the Registrar may remove such trade mark from the register, subject to such conditions (if any) as to its restoration to the register as may be 5 prescribed.

Status of
unrenewed
trade mark.

31. Where a trade mark has been removed from the register for nonpayment of the fee for renewal, such trade mark shall, nevertheless, for the purpose of any application for registration during one year next after the date of such removal, be deemed to 10 be a trade mark which is already registered, unless it is shown to the satisfaction of the Registrar that there had been no bonâ fide trade user of such trade mark during the two years immediately preceding such removal.

Correction and Rectification of the Register.

15

Correction of
register.

32. The Registrar may, on request made in the prescribed manner by the registered proprietor or by some person entitled by law to act in his name,—

- (1) Correct any error in the name or address of the registered proprietor of a trade mark ; or 20
- (2) Enter any change in the name or address of the person who is registered as proprietor of a trade mark ; or
- (3) Cancel the entry of a trade mark on the register ; or
- (4) Strike out any goods or classes of goods from those for which a trade mark is registered ; 25
- (5) Enter a disclaimer or memorandum relating to a trade mark which does not in any way extend the rights given by the existing registration of such trade mark.

Any decision of the Registrar under this section shall be subject to appeal to the Board of Trade. 30

Registration
of assign-
ments, &c.

33. Subject to the provisions of this Act where a person becomes entitled to a registered trade mark by assignment, transmission, or other operation of law, the Registrar shall on request made in the prescribed manner, and on proof of title to his satisfaction, cause the name and address of such person to 35 be entered on the register as proprietor of the trade mark. Any decision of the Registrar under this section shall be subject to appeal to the Court or with the consent of the parties, to the Board of Trade.

[5 Edw. 7.]

Trade Marks.

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34. The registered proprietor of any trade mark may apply in the prescribed manner to the Registrar for leave to add to or alter such trade mark in any manner not substantially affecting the identity of the same, and the Registrar may refuse such leave or
 5 may grant the same on such terms as he may think fit, but any such refusal or conditional permission shall be subject to appeal to the Board of Trade. If leave be granted, the trade mark as altered shall be advertised in the prescribed manner.

A.D. 1905.
 —
 Alteration of registered trade mark.

35. Subject to the provisions of this Act—

Rectification of register.

10 (1) The Court may on the application in the prescribed manner of any person aggrieved by the non-insertion in or omission from the register of any entry or by any entry made in the register without sufficient cause, or by any entry wrongly remaining on the
 15 register, or by any error or defect in any entry in the register, make such order for making, expunging, or varying such entry, as it may think fit:

(2) The Court may in any proceeding under this section decide any question that it may be necessary or
 20 expedient to decide in connection with the rectification of the register:

(3) In case of fraud in the registration or transmission of a registered trade mark, the Registrar may himself apply to the Court under the provisions of this
 25 section:

(4) Any order of the Court rectifying the register shall direct that notice of the rectification shall be served upon the Registrar in the prescribed manner who shall upon receipt of such notice rectify the register
 30 accordingly.

36. No trade mark which is upon the register at the commencement of this Act and which under this Act is a registrable trade mark shall be removed from the register on the ground that it was not registrable under the Acts in force
 35 at the date of its registration. But nothing in this section contained shall subject any person to any liability in respect of any act or thing done before the commencement of this Act to which he would not have been subject under the Acts then in force.

Trade marks registered under previous Acts.

40 **37.** A registered trade mark may, on the application to the court of any person aggrieved, be taken off the register in respect

Non-user of trade mark.

(164.)

B 2

A.D. 1905. of any of the goods for which it is registered, on the ground that it was registered by the proprietor or a predecessor in title without any bonâ fide intention to use the same in connection with such goods, and there has in fact been no bonâ fide user of the same in connection therewith, or on the ground that there has been no bonâ fide user of such trade mark in connection with such goods during the five years immediately preceding the application, unless in either case such non-user is shown to be due to special circumstances in the trade, and not to any intention not to use or to abandon such trade mark in respect of such goods. 5 10

Effect of Registration.

Powers of registered proprietor

38. Subject to the provisions of this Act—

(1) The person for the time being entered in the register as proprietor of a trade mark shall, subject to any rights appearing from such register to be vested in any other person, have power to assign the same, and to give effectual receipts for any consideration for such assignment: 15

(2) Any equities in respect of a trade mark may be enforced in like manner as in respect of any other personal property. 20

Rights of proprietor of trade mark.

39. Subject to the provisions of section forty-one of this Act and to any limitations and conditions entered upon the register, the registration of a person as proprietor of a trade mark shall, if valid, give to such person the exclusive right to the use of such trade mark upon or in connection with the goods in respect of which it is registered: Provided always that where two or more persons are registered proprietors of the same (or substantially the same) trade mark in respect of the same goods no rights of exclusive user of such trade mark shall (except so far as their respective rights shall have been defined by the Court) be acquired by any one of such persons as against any other by the registration thereof, but each of such persons shall otherwise have the same rights as if he were the sole registered proprietor thereof. 25 30 35

Registration to be primâ facie evidence of validity.

40. In all legal proceedings relating to a registered trade mark (including applications under section thirty-five of this Act) the fact that a person is registered as proprietor of such trade mark shall be primâ facie evidence of the validity of the

original registration of such trade mark and of all subsequent assignments and transmissions of the same. A.D. 1905

41. In all legal proceedings relating to a registered trade mark (including applications under section thirty-five of this Act) the original registration of such trade mark shall after the expiration of seven years from the date of such original registration (or seven years from the passing of this Act, whichever shall last happen) be taken to be valid in all respects unless such original registration was obtained by fraud, or if the trade mark offends against the provisions of section eleven of this Act:

Registration to be conclusive after seven years.

Provided that nothing in this Act shall entitle the proprietor of a registered trade mark to interfere with or restrain the user by any person of a similar trade mark upon or in connection with goods upon or in connection with which such person has, by himself or his predecessors in business, continuously used such trade mark from a date anterior to the user of the first-mentioned trade mark by the proprietor thereof or his predecessors in business, or to object (on such user being proved) to such person being put upon the register for such similar trade mark in respect of such goods under the provisions of section twenty-one of this Act.

42. No person shall be entitled to institute any proceeding to prevent or to recover damages for the infringement of an unregistered trade mark unless such trade mark was in use before the thirteenth of August one thousand eight hundred and seventy-five, and has been refused registration under this Act. The Registrar may, on request, grant a certificate that such registration has been refused.

Unregistered trade mark.

43. In an action for the infringement of a trade mark the court trying the question of infringement, shall admit evidence of the usages of the trade in respect to the get-up of such goods and of any trade marks or get-up legitimately used in connection with such goods by other persons.

Infringement.

44. No registration under this Act shall interfere with any bonâ fide use by a person of his own name or place of business or that of any of his predecessors in business, or the use by any person of any bonâ fide description of the character or quality of his goods.

User of name, address, or description of goods.

45. Nothing in this Act contained shall be deemed to affect rights of action against any person for passing off goods as those of another person or the remedies in respect thereof.

"Passing-off" action.

A.D. 1905.

*Legal Proceedings.*Certificate of
validity.

46. In any legal proceeding in which the validity of the registration of a registered trade mark comes into question and is decided in favour of the proprietor of such trade mark, the court may certify the same, and if it so certifies then in any subsequent legal proceeding in which such validity comes into question the proprietor of the said trade mark on obtaining a final order or judgment in his favour shall have his full costs, charges, and expenses as between solicitor and client, unless in such subsequent proceeding the Court certifies that he ought not to have the same. 10

Registrar to
have notice
of proceeding
for recti-
fication.

47. In any legal proceeding in which the relief sought includes alteration or rectification of the register, the Registrar shall have the right to appear and be heard, and shall appear if so directed by the Court. Unless otherwise directed by the Court, the Registrar in lieu of appearing and being heard may submit to the Court a statement in writing signed by him, giving particulars of the proceedings before him in relation to the matter in issue or of the grounds of any decision given by him affecting the same or of the practice of the office in like cases, or of such other matters relevant to the issues, and within his knowledge as such Registrar, as he shall think fit, and such statement shall be deemed to form part of the evidence in the proceeding. 15 20

*Costs.*Costs of
proceedings
before the
Court.

48. In all proceedings before the Court under this Act the costs of the Registrar shall be in the discretion of the Court, but the Registrar shall not be ordered to pay the costs of any other of the parties. 25

*Evidence.*Mode of
giving
evidence.

49. In any proceeding under this Act before the Board of Trade or the Registrar, the evidence shall be given by statutory declaration in the absence of directions to the contrary, but, in any case in which it shall think it right so to do, the tribunal may (with the consent of the parties) take evidence vivâ voce in lieu of or in addition to evidence by declaration. Any such statutory declaration may in the case of appeal be used before the Court in lieu of evidence by affidavit, but if so used shall have all the incidents and consequences of evidence by affidavit. 30 35

[5 Edw. 7.]

Trade Marks.

15

In case any part of the evidence is taken vivâ voce the Board of Trade or the Registrar shall in respect of requiring the attendance of witnesses and taking evidence on oath be in the same position in all respects as an Official Referee of the Supreme Court. A.D. 1905.

- 5 **50.** Printed or written copies or extracts of or from the register, purporting to be certified by the Registrar and sealed with the seal of the Patent Office, shall be admitted in evidence in all courts in His Majesty's dominions, and in all proceedings, without further proof or production of the originals. Sealed copies to be evidence.
- 10 **51.** A certificate purporting to be under the hand of the Registrar as to any entry, matter, or thing which he is authorised by this Act, or rules made thereunder, to make or do, shall be primâ facie evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or not done. Certificate of Registrar to be evidence.
- 15 **52.**—(1) All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown. Certificate of Board of Trade to be evidence.
- 20 (2) A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the fact so certified.

25

PART II.

Powers and Duties of Registrar of Trade Marks.

- 25 **53.** Where any discretionary or other power is given to the Registrar by this Act or rules made thereunder he shall not exercise that power adversely to the applicant for registration or the registered proprietor of the trade mark in question without (if duly required so to do within the prescribed time) giving such applicant or registered proprietor an opportunity of being heard. Exercise of discretionary power by Registrar.
- 30 **54.** Except where expressly given by the provisions of this Act or rules made thereunder there shall be no appeal from a decision of the Registrar otherwise than to the Board of Trade, but the court, in dealing with any question of the rectification of the register (including all applications under the provisions of section thirty-five of this Act), shall have power to review any decision of the Registrar relating to the entry in question or the correction sought to be made. Appeal from Registrar.
- 35
- 40

A.D. 1905. **55.** Where by this Act any act has to be done by or to any person in connection with a trade mark or proposed trade mark or any procedure relating thereto, such act may under and in accordance with rules made under this Act or in particular cases by special leave of the Board of Trade be done by or to an agent of such party duly authorised in the prescribed manner. 5

Registrar may take directions of law officers. **56.** The Registrar may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Act, apply to His Majesty's Attorney-General or Solicitor-General for England for directions in the matter. 10

Annual reports of Comptroller. **57.** The Comptroller General of Patents, Designs, and Trade Marks shall in his yearly report on the execution by or under him of the Patents, Designs, and Trade Marks Act, 1883, and Acts amending the same, include a report respecting the execution by or under him of this Act as though it formed a part of or was included in such Acts. 15

Powers and Duties of the Board of Trade.

Proceedings before Board of Trade. **58.** All things required or authorised under this Act to be done by to or before the Board of Trade may be done by to or before the President or a secretary or an assistant secretary of the Board or any person authorised in that behalf by the President of the Board. 20

Appeals to Board of Trade. **59.** Where under this Act an appeal is made to the Board of Trade, the Board of Trade may, if they think fit, refer any such appeal to the court in lieu of hearing and deciding it themselves, but, unless the Board so refer the appeal, it shall be heard and decided by the Board, and the decision of the Board shall be final. 25

Power of Board of Trade to make rules. **60.**—(1) Subject to the provisions of this Act the Board of Trade may from time to time make such rules, prescribe such forms, and generally do such things as they think expedient— 30

- (a) For regulating the practice under this Act :
- (b) For classifying goods for the purposes of registration of trade marks :
- (c) For making or requiring duplicates of trade marks and other documents : 35
- (d) For securing and regulating the publishing and selling or distributing in such manner as the Board of Trade think fit, of copies of trade marks and other documents :

[5 Edw. 7.]

Trade Marks.

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(e) Generally, for regulating the business of the office in relation to trade marks and all things by this Act placed under the direction or control of the Registrar, or of the Board of Trade. A.D. 1905.

5 (2) Rules made under this section shall, whilst in force, be of the same effect as if they were contained in this Act.

(3) Before making any rules under this section the Board of Trade shall publish notice of their intention to make the rules and of the place where copies of the draft rules may be
10 obtained in such manner as the Board consider most expedient, so as to enable persons affected to make representations to the Board before the rules are finally settled.

(4) Any rules made in pursuance of this section shall be forth-
with advertised twice in the Trade Marks Journal, and shall be
15 laid before both Houses of Parliament, if Parliament be in session at the time of making thereof, or, if not, then as soon as practicable after the beginning of the then next session of Parliament.

(5) If either House of Parliament within the next forty days after any rules have been so laid before such House, resolve that
20 such rules or any of them ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under such rules or rule or to the making of any new rules or rule.

Fees.

25 **61.** There shall be paid in respect of applications and registration and other matters under this Act, such fees as may be, with the sanction of the Treasury, prescribed by the Board of Trade. Fees.

Special Trade Marks.

30 **62.** Where any association or person undertakes the examination of any goods in respect of origin, material, mode of manufacture, quality, accuracy, or other characteristic, and certifies the result of such examination by mark used upon or in connection with such goods, the Board of Trade may, if they shall judge it to
35 be to the public advantage, permit such association or person to register such mark as a trade mark in respect of such goods, whether or not such association or person be a trading association or trader or possessed of a goodwill in connection with such examination and certifying. When so registered such trade mark
40 shall be deemed in all respects to be a registered trade mark, and

Standardiza-
tion, &c.,
trade marks.

A.D. 1905. — such association or person to be the proprietor thereof, save that such trade mark shall be transmissible or assignable only by permission of the Board of Trade.

Sheffield Marks.

Sheffield
marks.

63. With respect to the master, wardens, searchers, assistants, 5
and commonalty of the Company of Cutlers in Hallamshire, in the
county of York (in this Act called the Cutlers' Company), and
the marks or devices (in this Act called Sheffield marks) assigned
or registered by the master, wardens, searchers, and assistants of
that company, the following provisions shall have effect :— 10

- (1) The Cutlers' Company shall continue to keep at Sheffield the register of trade marks (in this Act called the Sheffield register) kept by them at the date of the commencement of this Act, and, save as otherwise provided by this Act, such register shall for all purposes 15 form part of the register :
- (2) The Cutlers' Company shall, on request made in the prescribed manner, enter in the Sheffield register, in respect of metal goods as defined in this section, all the trade marks which shall have been assigned by the 20 Cutlers' Company and actually used before the first day of January one thousand eight hundred and eighty-four, but which have not been entered in such register before the passing of this Act :
- (3) An application for registration of a trade mark used 25 on metal goods shall, if made after the commencement of this Act by a person carrying on business in Hallamshire, or within six miles thereof, be made to the Cutlers' Company :
- (4) Every application so made to the Cutlers' Company shall 30 be notified to the Registrar in the prescribed manner, and unless the Registrar within the prescribed time gives notice to the Cutlers' Company of any objection to the acceptance of the application, it shall be proceeded with by the Cutlers' Company in the 35 prescribed manner :
- (5) If the Registrar gives notice of an objection as aforesaid, the application shall not be proceeded with by the Cutlers' Company, but any person aggrieved may in 40 the prescribed manner appeal to the Court :

- 5 (6) Upon the registration of a trade mark in the Sheffield register the Cutlers' Company shall give notice thereof to the Registrar, who shall thereupon enter the mark in the register of trade marks; and such registration shall bear date as of the day of application to the Cutlers' Company, and have the same effect as if the application had been made to the Registrar on that day:
- 10 (7) The provisions of this Act, and of any rules made under this Act with respect to the registration of trade marks, and all matters relating thereto, shall, subject to the provisions of this section (and notwithstanding anything in any Act relating to the Cutlers' Company), apply to the registration of trade marks on metal goods by the Cutlers' Company, and to all matters relating thereto; and this Act and any such rules shall, so far as applicable, be construed accordingly with the substitution of the Cutlers' Company, the office of the Registrar, the Patent Office, and the Register of Trade Marks respectively; and notice of every entry, cancellation, or correction made in the Sheffield register shall be given to the Registrar by the Cutlers' Company:
- 15 (8) When the Registrar receives from any person not carrying on business in Hallamshire or within six miles thereof an application for registration of a trade mark used on metal goods, he shall in the prescribed manner notify the application and proceedings thereon to the Cutlers' Company:
- 20 (9) Any person aggrieved by a decision of the Cutlers' Company in respect of anything done or omitted under this Act may, in the prescribed manner, appeal to the Court:
- 25 (10) For the purposes of this section the expression "metal goods" means all metals, whether wrought, unwrought, or partly wrought, and all goods composed wholly or partly of any metal:
- 30 (11) For the purpose of legal proceedings in relation to trade marks entered in the Sheffield register a certificate under the hand of the Master of the Cutlers' Company shall have the same effect as the certificate of the Registrar.

A.D. 1905.

*Cotton Marks.*Cotton
marks.

64.—(1) The Manchester Branch of the Trade Marks Registry of the Patent Office (herein-after called "the Manchester Branch") shall be continued according to its present constitution. A chief officer of the Manchester Branch shall be appointed who shall be 5 styled "the Keeper of Cotton Marks," and shall act under the direction of the Registrar. The present keeper of the Manchester Branch shall be the first Keeper of Cotton Marks.

(2) As regards cotton goods which have hitherto constituted classes 23, 24, and 25, under the classification of goods under the 10 Patents, Designs, and Trade Marks Acts, 1883 to 1902, and such cotton goods hitherto comprised in class 25 as may be prescribed, the Register of Trade Marks for all such goods, except such as may be prescribed, shall be called "the Manchester Register," and a duplicate thereof shall be kept at the Manchester Branch. 15

(3) All applications for registration of trade marks for cotton goods in the said classes (herein-after referred to as "cotton marks") shall be made to the Manchester Branch.

(4) Every application so made to the Manchester Branch shall be notified to the Registrar in the prescribed manner with the 20 report of the Keeper of Cotton Marks thereon, and unless the Registrar, after considering the report and hearing, if so required, the applicant, within the prescribed time gives notice to the Keeper of Cotton Marks of objection to the acceptance of the application, it shall be advertised by the Manchester Branch and 25 shall be proceeded with in the prescribed manner.

(5) If the Registrar gives notice of objection as aforesaid the application shall not be proceeded with, but any person aggrieved may in the prescribed manner appeal to the Court or the Board of Trade, at the option of the applicant. 30

(6) Upon the registration of a trade mark in the Manchester Register the Keeper of Cotton Marks shall upon notice thereof from the Registrar thereupon enter the mark in the duplicate of the Manchester Register, and such registration shall bear date as of the day of application to the Manchester Branch, and shall 35 have the same effect as if the application had been made to the Registrar on that day.

(7) When any mark is removed from or any cancellation or correction made in the Manchester Register notice thereof shall be given by the Registrar to the Keeper of Cotton Marks, who 40 shall alter the duplicate register accordingly.

(8) For the purpose of all proceedings in relation to trade marks entered in the Manchester Register a certificate under the hand of the Keeper of Cotton Marks shall have the same effect as a certificate of the Registrar.

5 (9) In every application for registration of a cotton mark, if such mark has been used by the applicant or his predecessors in business prior to the date of application, the length of time of such user shall be stated on the application.

(10) As from the passing of this Act—

10 (a) In respect of cotton piece goods and cotton yarn no mark consisting of a word or words alone (whether invented or otherwise) shall be registered, and no word or words shall be deemed to be distinctive in respect of such goods:

15 (b) In respect of cotton piece goods no mark consisting of a line heading alone shall be registered, and no line heading shall be deemed to be distinctive in respect of such goods:

20 (c) No registration of a cotton mark shall give any exclusive right to the use of any word, letter, numeral, line heading, or any combination thereof.

(11) The right of inspection of the Manchester Register shall extend to and include the right to inspect all applications whatsoever that have been since the passing of the Trade Marks
25 Registration Act, 1875, and hereafter shall have been made to the Manchester Branch in respect of cotton goods in classes 23, 24, and 25, whether registered, refused, lapsed, expired, withdrawn, abandoned, cancelled, or pending.

(12) The Keeper of Cotton Marks shall, on request, and on
30 production of a facsimile of the mark, and on payment of the prescribed fee, issue a certified copy of the application for registration of any cotton mark, setting forth in such certificate the length of time of user (if any) of such mark as stated on the application, and any other particulars he may deem necessary.

35 (13) As regards any rules or forms affecting cotton marks which are proposed by the Board of Trade to be made, the draft of the same shall be sent to the Keeper of Cotton Marks and also to the Manchester Chamber of Commerce. And the said Keeper, and also the said Chamber, shall, if they or either
40 of them so request, be entitled to be heard by the Board of Trade upon such proposed rules before the same are carried into effect.

A.D. 1905.

(14) The existing practice whereby the keeper of the Manchester Branch consults the Trade and Merchandise Marks Committee appointed by the Manchester Chamber of Commerce upon questions of novelty or difficulty arising on applications to register cotton marks shall be continued by the Keeper of Cotton Marks. 5

International and Colonial Arrangements.

Inter-
national
and Colonial
arrange-
ments.

65. The provisions of sections one hundred and three and one hundred and four of the Patents, Designs, and Trade Marks Act, 1883 (as amended by the Patents, Designs, and Trade Marks Act, 1885), relating to the registration of trade marks both as 10 enacted in such Acts and as applied by any Order in Council made thereunder, shall be construed as applying to trade marks registrable under this Act.

Offences.

Falsification
of entries in
register.

66. If any person makes or causes to be made a false entry in 15 the register kept under this Act, or a writing falsely purporting to be a copy of an entry in any such register, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of a misdemeanor. 20

Penalty on
falsely repre-
senting a
trade mark
as registered.

67.—(1) Any person who represents a trade mark as registered which is not so, shall be liable for every offence on summary conviction to a fine not exceeding five pounds.

(2) A person shall be deemed, for the purposes of this enact- 25 ment, to represent that a trade mark is registered, if he uses in connection with the trade mark the word "registered," or any words expressing or implying that registration has been obtained for the trade mark.

Penalty on
unauthorised
assumption
of Royal
Arms.

68. If any person, without the authority of His Majesty, 30 uses in connection with any trade, business, calling, or profession, the Royal Arms (or arms so closely resembling the same as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised so to use the Royal Arms, or if any person without the authority of His Majesty or of a member of the Royal Family, uses in connection with any 35 trade, business, calling, or profession any device, emblem, or title in such manner as to be calculated to lead to the belief that he is employed by or supplies goods to His Majesty or such member of the Royal Family, he may, at the suit of any person who is

[5 Edw. 7.]

Trade Marks.

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authorised to use such arms or such device, emblem, or title, or is authorised by the Lord Chamberlain to take proceedings in that behalf, be restrained by injunction or interdict from continuing so to use the same: Provided that nothing in this section shall be
 5 construed as affecting the right, if any, of the proprietor of a trade mark containing any such arms, device, emblem, or title to continue to use such trade mark.

A.D. 1905.

Courts.

69. The provisions of this Act conferring a special jurisdiction on the Court as defined by this Act shall not, except so far as the jurisdiction extends, affect the jurisdiction of any court in Scotland or Ireland in any proceedings relating to trade marks; and with reference to any such proceedings in Scotland the term "the Court" shall mean the Court of Session; and with reference
 15 to any such proceedings in Ireland the term "the Court" shall mean the High Court of Justice in Ireland.

General
saving for
jurisdiction
of Courts.

70. This Act shall extend to the Isle of Man, and—

Isle of Man.

- 20 (1) Nothing in this Act shall affect the jurisdiction of the Courts in the Isle of Man in proceedings for infringement or in any action or proceeding respecting a trade mark competent to those courts:
- 25 (2) The punishment for a misdemeanor under this Act in the Isle of Man shall be imprisonment for any term not exceeding two years, with or without hard labour and with or without a fine not exceeding one hundred pounds, at the discretion of the Court:
- 30 (3) Any offence under this Act committed in the Isle of Man which would in England be punishable on summary conviction may be prosecuted, and any fine in respect thereof recovered at the instance of any person aggrieved, in the manner in which offences punishable on summary conviction may for the time being be prosecuted.

71. The Court of Chancery of the County Palatine of Lancaster shall, with respect to any action or other proceeding in relation to trade marks, the registration whereof is applied for in the Manchester Branch, have the like jurisdiction under this Act as His Majesty's High Court of Justice in England, and the expression "the Court" in this Act shall be construed and
 40 have effect accordingly:

Jurisdiction
of Lanca-
shire Pala-
tine Court.

A.D. 1905.

term not exceeding two years, with or without hard labour and with or without a fine not exceeding one hundred pounds, at the discretion of the Court :

- (3) Any offence under this Act committed in the Isle of Man which would in England be punishable on summary conviction may be prosecuted, and any fine in respect thereof recovered at the instance of any person aggrieved, in the manner in which offences punishable on summary conviction may for the time being be prosecuted. 10

Jurisdiction of Lancashire Palatine Court.

73. The Court of Chancery of the County Palatine of Lancaster shall, with respect to any action or other proceeding in relation to trade marks, the registration whereof is applied for in the Manchester office, have the like jurisdiction under this Act as His Majesty's High Court of Justice in England, and the expression "the Court" in this Act shall be construed and have effect accordingly: 15

Provided that every decision of the Court of Chancery of the County Palatine of Lancaster in pursuance of this section shall be subject to the like appeal as decisions of that Court in other cases. 20

Offences in Scotland.

74. In Scotland any offence under this Act declared to be punishable on summary conviction may be prosecuted in the Sheriff Court.

Repeal ; Savings.

Repeal and saving for rules, &c.

75. The enactments described in the schedule to this Act are repealed to the extent mentioned in the third column, but this repeal shall not affect any rule, table of fees or classification of goods made under any enactment so repealed, but every such rule, table of fees, or classification of goods shall continue in force as if made under this Act until superseded by rules, tables of fees, or classification under this Act. 25 30

Application of 46 & 47 Vict. c. 57. ss. 82-84.

76. The provisions of sections eighty-two to eighty-four of the Patents, Designs, and Trade Marks Act, 1883, as amended by any subsequent enactment, shall continue to apply with respect to the administration at the Patent Office of the Law relating to the registration of trade marks, and shall accordingly be construed as if this Act formed part of that Act. 35

[5 EDW. 7.]

Trade Marks.

25

SCHEDULE.

A. D. 1905.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
5 46 & 47 Vict. c. 57.	The Patents, Designs, and Trade Marks Act, 1883.	Sections sixty-two to eighty-one, and, so far as they respectively relate to trade marks, sections eighty-five to ninety-nine, one hundred and one, one hundred and two, one hundred and five, one hundred and eight, and one hundred and eleven to one hundred and seventeen.
10 51 & 52 Vict. c. 50.	The Patents, Designs, and Trade Marks Act, 1888.	Sections eight to twenty, and, so far as they respectively relate to trade marks, sections twenty-one to twenty-six.

Trade Marks.

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B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to consolidate and amend the
Law relating to Trade Marks.

(Brought from the Commons 27th July 1905.)

Ordered to be printed 3rd August 1905.

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(164.)

[5 EDW. 7.] *Tramways Orders Confirmation (No. 1).* [H.L.] 1

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Bradford Corporation Tramways Gorton Urban District Council Tramways Keighley Corporation Tramways Leeds Corporation Tramways Liverpool Corporation Tramways Extensions and Pudsey Corporation Tramways. A.D. 1905.

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

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

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

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

1. This Act may be cited as the Tramways Orders Confirmation (No. 1) Act 1905. Short title.

2. The several Orders set out in the schedule to this Act annexed shall be and the same are hereby confirmed and all the (66.) Confirmation
of Orders in
schedule.

A

A.D. 1905. provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full force and validity and the dates of the same respectively shall be the date of the passing of this Act.

SCHEDULE.

5

LIST OF ORDERS.

- BRADFORD CORPORATION TRAMWAYS.—Order authorising the Mayor Aldermen and Citizens of the City of Bradford to construct additional tramways in the said city.
- GORTON URBAN DISTRICT COUNCIL TRAMWAYS.— Order authorising the Urban District Council of Gorton to construct tramways in their district. 10
- KEIGHLEY CORPORATION TRAMWAYS.—Order authorising the Mayor Aldermen and Burgesses of the Borough of Keighley to construct an additional tramway in the said borough. 15
- LEEDS CORPORATION TRAMWAYS.—Order authorising the Lord Mayor Aldermen and Citizens of the City of Leeds to construct additional tramways in their city.
- LIVERPOOL CORPORATION TRAMWAYS EXTENSIONS.—Order authorising the Mayor Aldermen and Citizens of the City of Liverpool to construct additional tramways in the said city. 20
- PUDSEY CORPORATION TRAMWAYS.—Order authorising the Mayor Aldermen and Burgesses of the Borough of Pudsey to construct tramways in their borough.
-

[5 Edw. 7.] *Tramways Orders Confirmation (No. 1).* 3

BRADFORD CORPORATION.

A.D. 1905.

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

1. This Order may be cited as the Bradford Corporation Tramways Short title.
5 Order 1905.

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

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

Provided that in this Order—

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

15 The expression "the city" means the city of Bradford:

The expression "the corporation" means the mayor aldermen and citizens of the city acting by the council.

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

5. The Promoters may subject to the provisions of this Order construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways hereinafter described with all
25 proper plates rails sleepers channels (including in that expression channels passages and tubes for ropes cables wires and electric lines) junctions turntables turnouts crossings and passing-places waiting-rooms sheds shelters plant machinery apparatus appliances and conveniences:

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

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

40 Tramway No. 1 (double line) 1 mile 5 furlongs 5·70 chains or thereabouts in length partly in the parish of North Bierley and partly in the parish of Wyke both in the city commencing in Huddersfield Road by a junction with the existing tramway at a point 30 yards or thereabouts north of Cleckheaton Road and continuing thence along Huddersfield Road and terminating in that road at a point 70 yards or thereabouts south-west of Town Gate;

A.D. 1905.
 —
Bradford Corporation.

Tramway No. 2 (double line) 1 mile 0·65 chain or thereabouts in length in the parish of Wyke in the city commencing in Huddersfield Road by a junction with Tramway No. 1 at its termination and continuing thence along Huddersfield Road and terminating in that road at the boundary which divides the city from the urban district of Hipperholme. 5

Renewal of powers of Promoters to construct tramways authorised by Bradford Tramways and Improvement Act 1899.

6. Subject to the provisions of this Order the powers of the Promoters to construct and equip Tramways Nos. 6 and 6A authorised by the Bradford Tramways and Improvement Act 1899 shall be revived and renewed so that the Promoters may construct the said tramways at any time previous to the thirty-first December one thousand nine hundred and eight. 10

Tramways to form part of corporation tramways for all purposes.

7. The tramways shall for all purposes form part of the tramways undertaking of the Promoters as if the same had been included amongst the tramways authorised by the Bradford Corporation Act 1903 and the Promoters and their lessees may in respect of the tramways exercise and enjoy all and the like powers rights privileges and authorities which they may now or are empowered to exercise and enjoy and shall be subject and liable to the like penalties conditions restrictions and stipulations as they are subject and liable to with respect to the tramways authorised by the said Act of 1903 and may demand take and recover in respect of the tramways or any part or parts thereof the like tolls rates and charges for the use thereof and for the conveyance thereon of traffic of all kinds and for the use of carriages placed and run thereon by them as they are authorised to demand and take in respect of the tramways authorised by that Act. 15 20

Temporary tramways may be made when necessary.

8. Where by reason of the execution of any work affecting the surface or soil of any road within the city along which any of the Promoters' tramways are laid it is in the opinion of the Promoters necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Promoters may construct in the same or any adjacent road within the city and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued subject in places in which the Promoters may not be the road authority to the approval of the road authority and to such regulations as that authority may make. 25 30

Saving for general Acts.

9. Nothing in this Order contained shall authorise the attachment of brackets wires and apparatus to any house or building without the consent of the owner and occupier thereof or the taking of any lands except by agreement or exempt the Promoters or any person using the tramways or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum rates or charges authorised by this Order. 35 40

GORTON URBAN DISTRICT COUNCIL.

A.D. 1905.

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

Gorton
Urban District
Council.

Preliminary.

- 5 1. This Order may be cited as the Gorton Urban District Council **Short title.**
Tramways Order 1905.
2. The provisions of the Lands Clauses Acts (except with respect to the **Incorporation**
purchase and taking of lands otherwise than by agreement and with respect **of Acts.**
to the entry upon lands by the Promoters of the undertaking) and of the
10 Tramways Act 1870 are hereby incorporated with this Order except where
the same are inconsistent with or expressly varied by this Order.
3. The several words terms and expressions to which by the Acts in **Interpretation.**
whole or in part incorporated with this Order meanings are assigned have
in this Order the same respective meanings :
- 15 Provided that in this Order—
- The expression "the district" means the urban district of Gorton in
the county of Lancaster :
- The expression "the council" means the urban district council of
Gorton :
- 20 The expression "the council's tramways" means the tramways and
works by this Order authorised and all other tramways for the
time being belonging to the council or (as the case may be) any
part thereof :
- 25 The expression "the undertaking" means the undertaking by this
Order authorised and other the tramway undertaking of the
council :
- The expression "mechanical power" includes steam electrical and
every other motive power not being animal power and the word
"engine" includes motor.
- 30 4. The council shall be the Promoters for the purposes of this Order **Promoters.**
and are in this Order referred to as "the Promoters."
5. The Promoters may—
- (A) subject to the sanction of the Local Government Board and **Lands.**
under such conditions as they may prescribe from time to time
35 appropriate and use for any of the purposes of this Order but
subject to the provisions (if any) under which such lands were
respectively acquired any lands not dedicated to public use
from time to time vested in them :

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

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

Construction of Tramways.

Construction
of tramways.

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

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

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

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

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

Tramway No. 1 (7 furlongs 8.75 chains in length whereof 4 furlongs 5.79 chains are single line and 3 furlongs 2.96 chains are double line) commencing in Gorton Lane at the boundary of the district and the city of Manchester opposite to the south-western side of Queen’s Road continuing along Gorton Lane Wellington Street and

[5 Edw. 7.] *Tramways Orders Confirmation (No. 1).*

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Hyde Road and terminating in the last mentioned road by a junction with the existing tramway of the council at a point seven yards east of the eastern side of Wellington Street;

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

(A) In Gorton Lane between the points respectively thirty-two yards and one hundred and thirty two yards east of the commencement of the tramway:

10 (B) In Gorton Lane between the points respectively fifteen yards and eighty-one yards east of the eastern side of Bealey Street:

(C) In Gorton Lane between the points respectively one hundred and five yards and one hundred and eighty-nine yards east of the western side of Railway View:

15 (D) In Gorton Lane between the points respectively twenty five yards and one hundred and nine yards east of the eastern side of Burton Street:

(E) In Gorton Lane between the points respectively ten yards and seventy-six yards east of the eastern side of Blair Street.

20 (F) In Gorton Lane and Wellington Street from a point six yards west of the western side of Church Lane to a point fourteen yards north of the northern side of Turner Street:

(G) In Wellington Street between the points respectively twenty-one yards north and forty-five yards south of the northern side of Cross Lane:

25 (H) In Wellington Street from a point six yards south of the southern side of Duke Street to the termination of the tramway in Hyde Road:

30 Provided that Tramway No. 1 in Gorton Lane between the points respectively 43 yards and 82 yards east of the eastern side of Taylor Street shall be so laid that 9 feet 6 inches shall intervene on both sides of the tramway between the outer rail and the kerb.

35 Tramway No. 1A (double line 1.46 chains in length) commencing in Wellington Street by a junction with the intended Tramway No. 1 at a point fifteen yards north of the northern side of Hyde Road and terminating in Hyde Road by a junction with the existing tramway of the council at a point seventeen yards west of the western side of Wellington Street;

40 Tramway No. 2 (1 furlong 8.66 chains in length whereof 6 chains are single line and 12.66 chains are double line) commencing in Hyde Road by a junction with the existing tramway of the council at a point ten yards east of the eastern side of Reddish Lane thence proceeding into and along Reddish Lane and terminating therein at

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the boundary of the district at a point ten yards south of the northern side of Back Green Lane ;

Tramway No. 2 will be laid as a single line except at the following places where it will be laid as double line :—

(A) In Hyde Road and Reddish Lane from the commencement 5
 of the tramway to a point forty-one yards north of the southern side of Turnbull Road :

(B) In Reddish Lane from a point sixty-seven yards north of the northern side of Back Green Lane to the termination of the tramway ; 10

Tramway No. 2A (double line 1·50 chains in length) commencing in Hyde Road by a junction with the existing tramway of the council at a point nine yards east of the centre of the bridge carrying that road over the Stockport Canal passing thence into Reddish Lane and terminating in that lane at a point twelve yards south of the southern side of Hyde Road. 15

For protection
 of corporation
 of Manchester.

7.—(1) Nothing in this Order contained shall prejudicially or injuriously affect the rights and status of the lord mayor aldermen and citizens of the city of Manchester (hereinafter referred to as "the corporation") under an agreement entered into by the corporation with the council dated the 18th November 1898 which is scheduled to and confirmed by the Manchester Corporation Tramways Act 1899. 20

(2) The provisions of Part II of the Tramways Act 1870 incorporated in this Order shall apply to the water gas and electricity mains pipes wires and apparatus belonging to or under the control of the corporation in the district and shall be construed as if the corporation were mentioned in Part II of the Tramways Act 1870 in addition to "company or persons or person." 25

For protec-
 tion of Great
 Central and
 Midland Joint
 Committee.

8. The following provisions for the protection of the Great Central and Midland Joint Committee (in this section called the "committee") shall unless otherwise agreed between the Promoters and the committee in writing under their respective common seals apply and have effect :— 30

(Superinten-
 dence of
 works affect-
 ing railways
 &c.)

(1) All works which may be necessary in constructing and maintaining any of the council's tramway on over or under any bridge or works of the committee shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the principal engineer of the committee or in case of difference of an engineer to be appointed by the Board of Trade : 35

(Notice of
 intention to
 execute
 works.)

(2) Before commencing any works on over or under any bridge or the approaches thereto or other work of the committee the Promoters shall give fourteen days' notice in writing to the committee 40

of their intention to execute such works and such notice shall be accompanied by a plan and specification showing the nature and extent of the intended works.

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- 5 (3) The Promoters shall not in any way vary alter or interfere with the structure of any bridge carrying any road over or under any railway of the committee or of the approaches thereto and they shall so construct maintain and use the council's tramways on over or under such bridge and the approaches thereto as not injuriously to affect the same Provided further that whenever any of the council's tramways on either side of any bridge to which this subsection applies is a single line there shall only be a single line over such bridge and no turnouts or passing-places shall be constructed thereon :
- 10
- 15 (4) In the event of any injury being caused to any such bridge or approaches or other work by the construction maintenance repairing user or removal of any of the council's tramways the committee may at the expense of the Promoters restore such bridge or approaches or other work or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Promoters shall indemnify the committee against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge and approaches as the Promoters are liable to maintain and repair under section 28 of the Tramways Act 1870 and the committee may recover from the Promoters all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered :
- 20
- 25
- 30 (5) Whenever and so often as the committee shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or approaches or to widen or alter their railways or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and it shall be necessary for effecting any of such purposes that the working and user of any of the council's tramways over such bridge or approaches shall be wholly or partly stopped or delayed or that the said tramways shall be temporarily diverted and wholly or in part taken up or removed and shall except in cases of emergency give to the Promoters fourteen clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramways shall be stopped or delayed or such tramways shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer (if such engineer shall give such superintendence) but
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- 40
- 45

(Structure of bridges.)

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

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

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(Strengthening
 of bridges
 necessitated
 by mechanical
 traction.)

(Attachments
 to bridges.)

(Settlement of
 differences.)

Gauge and
 width of
 carriages.

Provisions as
 to construction
 of tramways.

only for so long as it may be absolutely necessary for effecting such purpose and the committee shall not be liable for any compensation claims demands damages costs and expenses for and in respect of such stoppage or delay or in any way relating thereto :

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

(7) In the event of the council's tramways being worked by electricity on the overhead system no stays posts wires or other apparatus shall except with the previous consent in writing of the committee be attached to any bridge or other work of the committee :

(8) Any matter in difference between the Promoters and the committee under this section shall unless otherwise agreed be referred (save where by this section otherwise provided) to the arbitration of a person nominated by the Board of Trade.

9.—(1) The tramways authorised by this Order shall be constructed on a gauge of four feet eight and a half inches or such other gauge as may from time to time be determined by the Board of Trade on the application of the Promoters.

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

10. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down or renewing the council's tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down or renewal of any of the council's tramways except for the purpose of necessary repairs

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[5 Edw. 7.] *Tramways Orders Confirmation (No. 1).* 11

until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and in places where the Promoters are not the sole road authority under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by the said section.

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

Rails of tramways.

10 12.—(1) The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the council's tramways and the substructure upon which the same rest and if the Promoters at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds and to a penalty not exceeding five pounds for every day on which such non-compliance continues.

Penalty for not maintaining rails and roads in good condition.

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

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

Tramways to be kept on level of surface of road.

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

Crossovers to be constructed in certain cases.

40 15.—(1) The Promoters may subject to the provisions of this Order with the consent of the Board of Trade make maintain alter and remove all such crossovers passing-places sidings junctions and other works in addition

Power to make additional crossovers &c. and to alter tramway lines.

A.D. 1905. to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the council's tramways or for effecting junctions with other tramways or light railways or for providing access to any warehouses stables or carriage-houses or works of the Promoters. 5

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(2) Notwithstanding anything shown on the deposited plans the Promoters may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the council's tramways and may with the like consent alter the position in the road of any of the tramways or any part thereof respectively. Provided that the uppermost surface thereof shall be on a level with the surface of the road. 10

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Promoters shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops and warehouses abutting on the place where such less space would intervene and such rail shall not be laid if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Promoters within three weeks after receiving the notice from the Promoters express their objection thereto. 20

(4) In places where the Promoters may not be the road authority the construction of any works under this section shall be subject to the approval of that authority. 25

Temporary tramways may be made when necessary.

16. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the council's tramways are laid it is in the opinion of the Promoters necessary or expedient temporarily to alter remove or discontinue the use of such tramway or any part thereof the Promoters may construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued subject in places in which the Promoters may not be the road authority to the approval of the road authority and to such regulations as that authority may make. 30

Application of road materials excavated in construction of works.

17.—(1) Any paving metalling or material excavated by the Promoters in the construction of any works under the authority of this Order from any road under their jurisdiction or control shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit. 40

(2) Any paving metalling or material excavated by the Promoters in the construction of the tramways authorised by this Order from any road

- under the jurisdiction or control of any road authority other than the Promoters may be applied by the Promoters so far as may be necessary in or towards the reinstating of such road and the maintenance for six months after completion of any of the tramways within the district of such
- 5 road authority of so much of the roadway on either side of such tramways as the Promoters are by this Order required to maintain and the Promoters shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority or to such person as he may
- 10 appoint to receive the same at such place as he may direct Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material
- 15 shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit Any matter in difference between the Promoters and any other person with reference to any of the matters aforesaid shall be referred to the arbitration of a person nominated by the Board of Trade.
- 20 18. The tramways authorised by this Order shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by the Board of Trade.

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

Motive Power.

19. The carriages used on the council's tramways may be moved by
- 25 animal power or subject to the following provisions by mechanical power (that is to say):—
- (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade :
- 30 (2) The Board of Trade shall make regulations (in this Order referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Order of mechanical power on the council's tramways and for regulating the use of electrical power :
- 35 (3) The Promoters or any person using any mechanical power on the council's tramways contrary to the provisions of this Order or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued
- 40 after conviction thereof :
- (4) The Board of Trade if they are of opinion—
- (A) that the Promoters or such person have or has made default in complying with the provisions of this Order or of

Provisions as
to motive
power.

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the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or

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

may by order either direct the Promoters or such person to cease 5
to use such mechanical power or permit the same to be continued
only subject to such conditions as the Board of Trade may
impose and the Promoters or such person shall comply with
every such order In every such case the Board of Trade shall
make a special report to Parliament notifying the making of 10
such order.

Mechanical
power works.

20. For the purpose of working the council's tramways by mechanical power the Promoters and their lessees subject to the provisions of this Order (and as to the lessees subject to the terms of their lease) may—

(A) construct provide maintain and use on any lands appropriated or 15
acquired by them under the powers of this Order stations for
generating electrical power with all necessary or proper machinery
dynamos engines buildings works and conveniences ;

(B) place construct erect lay down make and maintain on above or
below the surface of any street or road within the district posts 20
brackets electric conductors wires boxes apparatus subways
tunnels cables tubes and openings ;

(C) with the consent of the owners and occupiers of any houses or
buildings within the district affix to such houses or buildings
or maintain brackets wires and apparatus. 25

Mechanical
power works
to be subject
to Tramways
Act 1870.

21. All works to be executed by the Promoters or their lessees in any street or road for working the council's tramways by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects (save as by this Order otherwise expressly provided) to the provisions of the Tramways Act 1870 as in this Order 30
incorporated as if they had been therein expressly mentioned Provided
always that nothing in this Order contained shall authorise the opening
or breaking up of any street or road outside the district.

Byelaws.

22. Subject to the provisions of this Order the Board of Trade may make byelaws with regard to any part of the council's tramways upon which 35
mechanical power may be used for all or any of the following purposes (that
is to say) :—

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

For regulating the emission of smoke or steam from engines used on the 40
council's tramways :

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety : A.D. 1905.
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5 For regulating the entrance to exit from and accommodation in the carriages used on the council's tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages :

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

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

23. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the council's tramways shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that Amendment of
Tramways Act
1870 as to bye-
laws by local
authority.

20 authorised by the Board of Trade regulations at which engines are to be driven or propelled on the council's tramways under the authority of this Order but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

24. The following provisions shall apply to the use of electric power Special provi-
sions as to use
of electrical
power.

25 under this Order unless such power is entirely contained in and carried along with the carriages :—

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

30 (2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting 35

electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

(3) The electric 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 40

on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable

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injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

- (4) The Promoters shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expenses involved and to the effect thereof upon the commercial prospects of the undertaking : 5 10
- (5) At the expiration of two years from the passing of the Act confirming this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents : 15 20
- (6) If any difference arises between the Promoters and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be : 25 30
- (7) In this section the expression "the Promoters" includes any person owning working or running carriages over the council's tramways. 30

For protection
 of Postmaster-
 General.

25.—(A) Notwithstanding anything in this Order contained if any of the works by this Order authorised involves or is likely to involve any alteration of any telegraphic line belonging to or used by His Majesty's Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration. 35

(B) In the event of any of the council's tramways being worked by electricity the following provisions shall have effect :— 40

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

or intended to be used by the Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of the undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Promoters as to compliance with this subsection shall be referred to arbitration :

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- 5
- 10 (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking the Promoters shall pay the expenses of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- 15
- (3) Before any electric line is laid down or any act or work for working the council's tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Promoters as to any requirements so made shall be referred to arbitration :
- 20
- 25
- 30
- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the tramway works of the Promoters is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such works or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electric energy is being generated for the purposes of this Order at any works of the Promoters enter thereon for the purpose of inspecting the plant and the working of the same and the Promoters shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electric tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Promoters pursuant to the Board of Trade regulations :
- 35
- 40
- 45

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- (5) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding 5
 fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty 10
 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 15
 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 20
 by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order :
- (9) The expression "electric line" has the same meaning in this section 25
 as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be referred to arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 30
 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act :
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the 35
 Promoters by indictment action or otherwise in relation to any of the matters aforesaid :
- (12) In this section the expression "the Promoters" includes any person owning working or running carriages over any of the council's 40
 tramways.

Traffic upon Tramways.

Traffic upon
 tramways.

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

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

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Promoters' lessees not bound to carry animals goods &c. Provisions as to carriage of animals goods &c.

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

Rates.

10 29.—(1) The Promoters' lessees may demand and take for every passenger travelling upon the council's tramways including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile and for this purpose a fraction of a mile shall be deemed a mile:

Passengers' fares.

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

30. The Promoters' lessees shall not take or demand on Sunday or any public or local holiday any higher rates or charges than those levied by them on ordinary week days.

As to fares on Sundays and holidays.

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

Passengers' luggage.

30 32.—(1) The Promoters' lessees at all times after the opening of the council's tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day Good Friday and public holidays always excepted) at such
35 hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Promoters' lessees in lieu of running such carriages after five o'clock in the evening
40 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.

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

(3) The Promoters' lessees shall be liable to a penalty not exceeding 5 five pounds for every day during which they fail to comply with any order under this section.

Rates and
 charges for
 animals goods
 &c.

33. The Promoters' lessees may demand and take in respect of any animals goods minerals or parcels conveyed by them on the council's tramways including every expense incidental to such conveyance (except a reasonable sum for loading and unloading and for delivery and collection of animals goods minerals and parcels and other things and any other service incidental to the business of a carrier beyond conveyance on the tramways where any such service is performed by the Promoters' lessees) any rates or charges not exceeding the rates and charges specified in the schedule to this Order annexed subject to the regulations in that behalf therein contained Any matter in difference as to what is a reasonable sum within this section shall be referred to the arbitration of a person nominated by the Board of Trade.

Payment of
 rates.

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

Periodical
 revision of
 rates and
 charges.

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

Miscellaneous.

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Urban District
Council.*Power to
council to work
tramways.

36. Notwithstanding anything in the Tramways Act 1870 to the contrary the council may place and run carriages on and may work and may demand and take rates and charges in respect of the council's tramways
 5 and in respect of the use of such carriages and may provide such stables buildings carriages trucks horses harness engines machinery apparatus steam cable electrical and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and in such case the several
 10 provisions in this Order contained relating to the working of the council's tramways and the taking of rates and charges therefor shall extend and apply mutatis mutandis to and in relation to the council and the council may work such tramways and demand and recover such rates and charges accordingly but nothing in this section shall empower the council to create
 15 or permit a nuisance.

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

20 38.—(1) Subject to the provisions of this Order the Promoters may— Working agreements.

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

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

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

(iii) The working running over using maintaining and
 managing by either of the contracting parties of
 the tramways of the other and the fixing collecting
 apportionment and distribution of the rates and
 profits arising therefrom or of a rent for the same;
 35

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

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

(vi) The appointment of officers and servants and generally all such matters as may be deemed desirable for enabling the tramways of the contracting parties to be worked in connection : 5

(B) Confirm subject to this section any such contracts and agreements entered into before the confirmation of this Order. 10

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

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

Mortgages to
include rents
and rates.

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

Orders &c. of
Board of
Trade.

40. All orders regulations and byelaws made and consents and certificates given by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board and when purporting to be so signed the same shall be deemed to be duly made in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly. 25

Recovery of
penalties.

41. Any penalty under this Order or under any byelaws or regulations made under this Order may be recovered in manner provided by the Summary Jurisdiction Acts. 30

Audit of
accounts.

42. Section 58 of the Local Government Act 1894 shall apply to the accounts of the receipts and expenditure of the Promoters and of their committees and officers with respect to the council's tramways and the undertaking and to the audit thereof as if such accounts related to receipts and expenditure under the Public Health Act 1875. 35

Protection of
local authority.

43. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 is hereby incorporated with this Order and in construing that section for the purposes of this Order the expression " this Act " where used in that section shall mean this Order. 40

44. With respect to notices and to the delivery thereof by or to the Promoters the following provisions shall have effect (that is to say) :—
- 5 (1) Every notice consent or approval shall be in writing and if given by the Promoters or by any local or road authority or company shall be signed by their clerk or secretary :
- 10 (2) Notices and other documents required or authorised to be served under this Order may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any authority or company any such notice or other document shall be delivered or sent by post in a prepaid letter addressed to the clerk to the authority at his office or to the secretary of the company at their registered or principal office.
- 15 45. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration as if the arbitration were pursuant to a submission.
- 20 46. Notwithstanding any provision in any Act or Provisional Order relating to the existing tramways of the council the Conveyance of Mails Act 1893 shall extend and apply to such tramways as if the same had been authorised by an Act of Parliament passed after the first day of January 1893 and to the Promoters as the body or person owning or working such tramways.
- 25 47. The Gorton Urban District Council Tramways Order 1900 and so much of the Tramways Orders Confirmation (No. 4) Act 1900 as relates thereto are hereby revealed.
- 30 48. Nothing in this Order contained shall exempt the Promoters or any person using the council's tramways or the council's tramways from the provisions of and general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum rates or charges authorised by this Order.

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Gorton
Urban District
Council.Form and
delivery of
notices.Provisions as
to arbitration.Carrying of
mails by Pro-
motors.Repeal of part
of Act.Saving for
general Acts.

SCHEDULE.

40	MAXIMUM RATES AND CHARGES FOR ANIMALS GOODS &C.	Per Mile.
	<i>Animals.</i>	s. d.
	For every horse mule or other beast of draught or burden... per head	0 4
	For every ox cow bull or head of cattle	0 3
	For every calf pig sheep or other small animal	0 1½

A.D. 1905.	<i>Goods and Minerals.</i>	Per Mile. s. d.
<i>Gorton Urban District Council.</i>	For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways	5 per ton 0 2
	For all iron iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs	10 per ton 0 2½
	For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings per ton	0 3 15
	For cotton wools drugs and manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein per ton	0 4
	For every carriage of whatever description	1 0
	<i>Small Parcels.</i>	Any Distance. s. d. 20
	For any parcel not exceeding 7 lbs. in weight	0 3
	For any parcel exceeding 7 lbs. and not exceeding 14 lbs. in weight...	0 5
	For any parcel exceeding 14 lbs. and not exceeding 28 lbs. in weight	0 7 25
	For any parcel exceeding 28 lbs. and not exceeding 56 lbs. in weight	0 9
	For any parcel exceeding 56 lbs. in weight but not exceeding 500 lbs. in weight such sum as the person conveying the same may think fit :	30
	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.	
	<i>For the Carriage of Single Articles of Great Weight.</i>	Per Mile. s. d.
	For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the person conveying the same may think fit not exceeding per ton	35 2 0
	For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons such sum as the person conveying the same may think fit.	40

Regulations as to Rates.

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

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Council.

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

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

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

15 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.

KEIGHLEY CORPORATION.

Keighley
Corporation.

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

20 1. This Order may be cited as the Keighley Corporation Tramways Order 1905 and the Keighley Corporation Tramways Order 1903 (in this Order referred to as the Order of 1903) and this Order may be jointly cited as the Keighley Corporation Tramways Orders 1903 and 1905.

Short and
collective
titles.

25 2. The several words terms and expressions to which by the Order of 1903 or the Acts in whole or in part incorporated therewith meanings are assigned have in this Order the same respective meanings:

Interpretation.

Provided that in this Order—

The expression “the tramway” means the tramway and works by this Order authorised.

30 3. The corporation shall be the Promoters for the purposes of this Order and are in this Order referred to as “the Promoters.”

Promoters.

35 4. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as “the deposited plans” and “the deposited sections”) the tramway hereinafter described with all

Construction
of tramway.

(66.)

D

A.D. 1905. proper rails plates sleepers junctions turntables turnouts works and conveniences connected therewith or for the purposes thereof and necessary or proper therefor and for connecting and using the same with the existing or authorised tramways of the Promoters :

Keighley Corporation.

Provided that nothing in this Order or in any Act wholly or in part 5 incorporated therewith shall extend to or authorise any interference with any works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the Act of 1882 apply except in accordance with and subject to the provisions of that section.

The tramway will be wholly situated within the borough and is as 10 follows :—

Tramway No. 1 (single line 8·8 chains in length) commencing in South Street by a junction with the existing tramway in that street on Corn Mill Bridge at a point 33 yards north of the intersection of the centre lines of Oakworth Road and South Street thence proceeding in a northerly direction into and along Bridge Street and High Street to and terminating in North Street by a junction with the existing tramway in that street at a point 23 yards north of the intersection of the centre lines of North Street and High Street. 15

For protection of Corn Mill Bridge.

5. For the protection of the county council of the West Riding of the county of York (in this section called the county council) the following provisions shall have effect unless otherwise agreed in writing between the county council and the Promoters in relation to the tramway by this Order authorised and any of the corporation tramways so far as the same affect the county bridge known as Corn Mill Bridge in the borough (that is to say) :— 20 25

- (1) The Promoters shall so maintain and use the tramways over the said bridge as not injuriously to affect the same and in the event of any injury or damage being caused to the said bridge by the maintenance user or reconstruction of the tramways the Promoters shall at their own expense restore the same to the satisfaction of the county council : 30
- (2) The Promoters shall not without the consent in writing of the county council execute any works which affect or interfere with the structural works of the said bridge If with such consent as aforesaid the Promoters intend to execute such works they shall give notice in writing to the county council of such intention : 35
- (3) Any works under this section in so far as they affect or interfere with the structural works of the said bridge shall if the county council so require be executed by the county council at the reasonable expense of the Promoters The county council shall give notice accompanied in each case by sufficient plans and specifications to the Promoters of their intention so to execute such works and shall commence execute and complete the same 40

with all reasonable despatch Provided that unless the county council shall give the said notice to the Promoters within twenty-eight days after receiving from the Promoters the notice hereinbefore prescribed the Promoters may themselves subject to the terms of this section proceed to execute the works :

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Keighley Corporation.

- 5
- (4) If the said bridge be altered widened or rebuilt by the county council the county council may require the Promoters to alter the tramways in such manner as the circumstances of the case may reasonably require and shall at the same time send sufficient specifications or other information to show the nature of the alteration required :
- 10
- (5) If the county council shall find it necessary for the purpose of this section that the working of the portion of the tramways over the said bridge be wholly or in part stopped or delayed or that such portion of the tramways be wholly or in part taken up or removed and if the county council accordingly give the Promoters twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up or removal the working of such portion of the tramways shall be stopped or delayed or such portion of the tramways shall be taken up or removed as stated in such notice at the expense of the Promoters and under their superintendence if they shall give such superintendence but no such working shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purposes as aforesaid and such portion of the tramways shall be restored with all possible despatch and in such case the county council shall not be liable to pay compensation in respect of such stoppage delay taking up or removal as aforesaid :
- 15
- 20
- 25
- 30
- (6) Notwithstanding anything contained in this section if in consequence of the existence or user of the tramways it becomes necessary that the said bridge should be strengthened the county council shall give notice accompanied by sufficient plans sections and specifications of the intended works to the Promoters and may after twenty-eight days from the date of the notice (or forthwith in case of emergency) proceed with all due despatch to execute all such works as may be reasonably necessary and the county council may recover from the Promoters all moneys reasonably expended by them in the execution thereof :
- 35
- 40
- (7) The Promoters shall not without the consent in writing of the county council place erect or attach any post or other support for any wire or any "feeder box" on or to the structure of the said bridge as aforesaid and shall on receiving three months' notice in writing remove any post support or box which shall with such consent have been so placed erected or attached :
- 45

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 ———
*Keighley
 Corporation.*

- (8) The Promoters shall so long as the tramways shall continue to be laid on the said bridge or the approaches thereto pave and keep in repair at their own expense the whole of the carriageway over the said bridge and approaches with such material as the county council may approve : 5
- (9) Any works to be executed with the consent of the county council affecting the said bridge as herein mentioned shall be executed to the satisfaction of the county council in conformity with such plans sections and specifications as may be approved by them and which shall be submitted to them at least twenty-eight days 10 before the commencement of such works If the county council do not within the said twenty-eight days signify their approval or disapproval of the said plans sections and specifications or their directions in relation thereto they shall be deemed to have approved thereof The Promoters shall pay the reasonable costs 15 incurred by the county council in the superintendence of such works and the inspection of plans sections and specifications as aforesaid :
- (10) If any difference arises between the county council and the Promoters under this section the same shall be determined by the Board of Trade or at the option of the Board shall be referred 20 to the arbitration of a person nominated by the said Board.

Application
 of Order of
 1903.

6. The provisions of the Order of 1903 shall so far as they are applicable in that behalf and are not inconsistent with the provisions of this Order extend and apply mutatis mutandis to and in relation to the tramway and this Order as if the tramway had formed part of the tramways authorised by the Order of 1903. 25

*Leeds
 Corporation.*

LEEDS CORPORATION.

Order authorising the Lord Mayor Aldermen and Citizens of the City of Leeds to construct additional Tramways in their City. 30

Short title.

1. This Order may be cited as the Leeds Corporation Tramways Order 1905.

Incorporation
 of Acts.

2. The following Acts and parts of Acts so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Order are hereby incorporated with this Order :— 35

The Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) :

Section 3 (Interpretation of terms) section 19 (Local authority may
lease or take tolls) and Parts II and III of the Tramways Act 1870: A.D. 1905.
Provided that section 19 shall be read and have effect as if the words
“ but nothing in this Act contained shall authorise any local authority
5 “ to place and run carriages upon such tramways and to demand and
“ take tolls and charges in respect of the use of such carriages ” were
omitted from that section. Leeds
Corporation.

3. The lord mayor aldermen and citizens of the city of Leeds acting Promoters.
by the council shall be the Promoters for the purposes of this Order and are
10 in this Order referred to as “ the Promoters.”

4. The Promoters may subject to the provisions of this Order construct Construction of
tramways.
and maintain in accordance with the plans and sections deposited at the office
of the Board of Trade for the purposes of this Order (which plans and
sections are in this Order referred to respectively as “ the deposited plans ”
15 and “ the deposited sections ”) the tramways hereinafter described with all
proper rails plates sleepers channels junctions turntables turnouts crossings
passing places posts poles brackets wires stables carriage-houses engine-houses
sheds buildings works and conveniences connected therewith :

20 Provided that nothing in this Order or in any Act wholly or in part
incorporated therewith shall extend to or authorise any interference with any
works of any undertakers under the Electric Lighting Acts 1832 and 1888
to which the provisions of section 15 of the former Act apply except in
accordance with and subject to the provisions of that section.

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

Tramway No. 1 (7 furlongs 7·41 chains in length whereof 7 furlongs
6·41 chains are double line and 1 chain is single line) commencing in
Stanningley Road by a junction with the existing tramway in that
road at a point 10 yards north-east of the northerly corner of the
30 premises No. 243 Stanningley Road and proceeding into and along
Swinnow Road in a south-westerly direction and terminating in that
road at the city boundary at a point 8 yards north-west of the
northerly corner of the premises No. 2 Hough Side Road :

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

From a point 6 yards south-east of the southerly corner of the
joiner's shop in Town End Place for a distance of 22 yards
measured in a south-westerly direction.

40 Tramway No. 2 (3 furlongs 4·85 chains in length whereof 3 furlongs
3·99 chains are double line and 0·86 chain is single line) commencing
in Stanningley Road by a junction with the existing tramway in that
road at a point 11 yards north-east of the north-west corner of the
Swinnow Grange Mill and proceeding into and along Swinnow Lane in

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—
Leeds Corporation.

a south-easterly direction to and terminating in Swinnow Road by a junction with the proposed Tramway No. 1 at a point 10 yards south-west of the intersection of the centre lines of Swinnow Lane and Swinnow Road :

Tramway No. 2 will be laid as a double line except at the following 5 place where it will be single—

In Swinnow Lane from a point 13 yards south-west of the centre of the entrance gate to Swinnow Grange Mill for a distance of 19 yards measured in a south-easterly direction along Swinnow Lane. 10

For protection of Great Northern Railway Company.

5. The provisions of the section of the Leeds Corporation (Consolidation) Act 1905 the marginal note whereof is "For the protection of railway companies" shall apply mutatis mutandis to the bridge carrying the railway of the Great Northern Railway company over Swinnow Road and to the retaining wall belonging to the said company in that road as fully 15 and in all respects as though such bridge and retaining wall were included in the list of bridges set out in the said section.

Application of provisions of Leeds Corporation (Consolidation) Act 1905 to tramways authorised by this Order.

6. The powers and provisions with regard to tramways contained in the Leeds Corporation (Consolidation) Act 1905 shall apply to the tramways by this Order authorised as if they were corporation tramways as defined 20 by section 4 of that Act provided that nothing in this Order shall be deemed to authorise the affixing of posts brackets wires or other apparatus to any house or building without the consent of the owners and occupiers thereof.

Liverpool Corporation Extensions.

LIVERPOOL CORPORATION EXTENSIONS.

Order authorising the Mayor Aldermen and Citizens of the City of 25 Liverpool to construct additional Tramways in the said City.

Short title.

1. This Order may be cited as the Liverpool Corporation Tramways Extensions Order 1905.

Incorporation of Acts.

2. The provisions of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly 30 varied by this Order.

Interpretation.

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

The expression "the tramways" means the tramways and works by this 35 Order authorised or (as the case may be) any part thereof :

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

The expression "the Act of 1897" means the Liverpool Corporation A.D. 1905.
Tramways Act 1897:

The expression "the Order of 1900" means the Liverpool Corporation
Tramways (Extensions) Order 1900: *Liverpool Corporation Extensions.*

5 The expression "the city" means the city of Liverpool: and

The expression "the corporation" means the mayor aldermen and
citizens of the city acting by the council.

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

10 5. The Promoters may subject to the provisions of this Order construct and maintain in accordance with the plans and sections deposited at the
office of the Board of Trade for the purposes of this Order (which plans and
sections are in this Order respectively referred to as "the deposited plans"
and "the deposited sections") the tramways hereinafter described with all
15 proper rails plates offices weighbridges stables carriage-houses warehouses
works and conveniences connected therewith or for the purposes thereof
Provided that nothing in this Order or in any Act wholly or in part incor-
porated therewith shall extend to or authorise any interference with any
works of any undertakers within the meaning of the Electric Lighting
20 Acts 1882 and 1888 to which the provisions of section 15 of the Act of
1882 apply except in accordance with and subject to the provisions of
that section. *Construction of tramways.*

The tramways authorised by this Order will be situated wholly within
the city and are—

25 Tramway No. 1 (Townsend Lane) wholly situate in the parish of West
Derby commencing in Townsend Lane by a junction with the existing
tramway at a point 0·4 chain east from the east side of Abbey Road
passing along Townsend Lane and into and terminating in Newhall
Lane at a point 0·4 chain east from the east side of Cherry Lane:

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

35 (A) In Townsend Lane between a point opposite the west side
of Bishop Road and a point 0·6 chain west from the west side of
Vicar Road;

(B) In Townsend Lane between a point 2·2 chains west from
the division wall of the London and North Western Railway coal
depôt and a point 0·5 chain west from the above-mentioned
division wall;

40 (C) In Townsend Lane between a point 2·2 chains west from
the centre of the London and North Western railway bridge at

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Breck Road Station and a point 0·8 chain west from the centre of the same bridge;

(D) In Townsend Lane between a point 2·7 chains west from the west side of Maiden Lane and a point 1·0 chain west from the west side of Maiden Lane; 5

(E) In Townsend Lane between a point 2·1 chains south from the south side of Huxley Street and a point 0·4 chain south from the south side of Huxley Street;

(F) In Townsend Lane between a point 0·7 chain west from the west side of Larkhill Lane and a point opposite the east side of Cherry Lane: 10

Tramway No. 1 will be 6 furlongs and 1·5 chains in length of which 1 furlong and 3·1 chains will be double line and 4 furlongs and 8·4 chains single line.

Tramway No. 2 (Hall Lane &c.) wholly situate in the parish of West Derby commencing in Prescott Street by a junction with the existing tramways at a point opposite the south-west side of Hall Lane passing along Hall Lane Towerlands Street and Holland Place and terminating in Wavertree Road by a junction with the existing tramways at a point opposite the east side of Holland Place: 15 20

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

In Towerlands Street between a point 0·1 chain south-east from the south side of Edge Lane and a point 1·1 chains north from the north side of Church Mount: 25

Tramway No. 2 will be 3 furlongs and 6·7 chains of which 3 furlongs and 3 chains will be double line and 3·7 chains single line.

Tramway No. 2A (junction to Tramway No. 2) wholly situate in the parish of West Derby commencing in Hall Lane by a junction with Tramway No. 2 at a point 1 chain south-east from the south side of Prescott Street passing into Kensington and terminating in Kensington by a junction with the existing tramway at a point 0·8 chain east from the north-east side of Hall Lane: 30

Tramway No. 2A will be 1·8 chains in length and will be double line throughout. 35

Tramway No. 3 (Rathbone Road) partly situate in the parish of West Derby and partly in the parish of Wavertree commencing by a junction with Tramway No. 4 at a point in Saint Oswald Street 0·9 chain south-west from the south-west side of Springfield Street passing into and along Rathbone Road and into and terminating in Picton Road by a junction with the existing tramway in that road at a point 0·3 chain west from the west side of Rathbone Road: 40

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

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5 (A) In Rathbone Road between a point 3 chains south-west from the south side of Robson Street and a point 2·1 chains north from the north side of the Sandown Park north entrance;

(B) In Rathbone Road between a point 1 chain north from the north side of the Sandown Park north entrance and a point opposite the south side of the Sandown Park south entrance;

10 (C) In Rathbone Road between a point opposite the north side of Long Lane and a point 1 chain north from the north side of Picton Road:

15 Tramway No. 3 will be 6 furlongs and 3·4 chains in length of which 2 furlongs and 6·6 chains will be double line and 3 furlongs and 6·8 chains single line.

Tramway No. 4 (Edge Lane and Saint Oswald Street) wholly situate in the parish of West Derby commencing in Hall Lane by a junction with Tramway No. 2 at a point opposite the west side of Empress Road passing thence into and along Edge Lane and Saint Oswald Street and into and terminating in Prescott Road by a junction with the existing tramways at a point opposite the south side of Saint Oswald Street:

20 Tramway No. 4 will be laid as a single line except between the points hereinafter specified where it will be laid as a double line (that is to say):—

25 (A) In Edge Lane between a point opposite the west side of Empress Road and a point 1·2 chains east from the east side of Durning Road;

30 (B) In Edge Lane between a point opposite the east side of Needham Road and a point opposite the east side of Deane Road;

(C) In Edge Lane between a point 2·5 chains west from the west side of Southbank Road to a point opposite the west side of Southbank Road;

35 (D) In Edge Lane between a point 0·5 chain east from the east side of Meliden Road and a point opposite the east side of Milton Road

(E) In Edge Lane between a point 1·2 chains east from the east side of Wood Grove and a point 0·2 chain east from the east side of Fletcher Grove;

40 (F) In Edge Lane and Saint Oswald Street between a point 1·4 chains east from the east side of Tapley Place and a point 0·3 chain west from the west side of Springfield Street;

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(G) In Saint Oswald Street between a point 0·5 chain east from the east side of Mill Lane and a point 2·5 chains east from the east side of Mill Lane ;

(H) Also at the junction of Saint Oswald Street with Prescott Road between a point 1·6 chains east of the east side of Rock Street and its junction with the existing tramway in Prescott Road at a point opposite the south side of Saint Oswald Street :

Tramway No. 4 will be 1 mile 7 furlongs and 6·9 chains in length of which 6 furlongs and 1·4 chains will be double line and 1 mile 1 furlong and 5·5 chains single line. 10

Tramway No. 4A (junction to Tramway No. 4) wholly situate in the parish of West Derby commencing in Saint Oswald Street by a junction with Tramway No. 4 at a point 0·4 chain west from the west side of Broad Green Road curving into and terminating in Prescott Road by a junction with the existing tramways at a point 0·3 chain west from the west side of Saint Oswald Street : 15

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

For protection
of London and
North Western
Railway Com-
pany.

6. In constructing and maintaining the tramways where the same are intended to cross any bridge carrying any road over any railway siding or works belonging to the London and North Western Railway Company (hereinafter referred to as "the company") or where the same are intended to pass under any bridge carrying any such railway siding or works the following provisions shall have effect :— 20

(1) Before commencing any works on under or over any such bridge or the approaches thereto of the company the Promoters shall give fourteen days' notice in writing to the company of their intention to execute such works and such notice shall be accompanied by plans sections and specifications showing the nature and extent of the intended works : 25 30

(2) The Promoters shall not in any way vary alter or interfere with the structure of any such bridge or of the approaches thereto and in the construction and maintenance of the tramway and works over such bridge and approaches or under such bridges as the case may be the Promoters shall not injuriously affect the said structure : 35

(3) In the event of any injury being caused to such bridge or approaches by the construction maintenance repairing user or removal of the said tramways and works the company may at the expense of the Promoters restore such bridge and approaches or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Promoters shall indemnify the company against all sums 40

costs and expenses which they may reasonably pay or be put to in repairing and maintaining so much of the road over such bridge or approaches as the Promoters are liable to maintain and repair under section 28 of the Tramways Act 1870 and the company may recover from the Promoters all such sums costs and expenses :

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- (4) Whenever and so often as the company shall require to widen lengthen strengthen reconstruct alter or repair any such bridges or approaches or to widen or alter their railways thereunder or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and it shall be necessary for effecting any of such purposes that the working and user of the tramway over any such bridge or approaches shall be wholly or partially stopped or delayed or that the tramway should be temporarily diverted or wholly or in part taken up or removed and shall except in case of emergency (when they shall give the longest notice practicable) give to the Promoters one month's notice in writing requiring such stoppages delay or diversion taking up or removal the working and user of such tramway shall be stopped or delayed or the said tramway shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer if such engineer give such superintendence but only for so long as shall be absolutely necessary for effecting such purposes and without the company being liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto :
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- (5) In case any such strengthening reconstruction or alteration is rendered necessary owing to the carriages or other vehicles used on any such tramway being or being intended to be moved by mechanical power the company shall before effecting the same give to the Promoters fourteen clear days' notice and such strengthening reconstruction or alteration shall be effected in all things at the expense of the Promoters who shall also pay to the company any additional expense which they may incur or be put to in effecting any such strengthening reconstructions or alterations or any widening lengthening repairing lifting or supporting by reason of the existence of the tramways or any of the works connected therewith :
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- (6) All works which may be necessary in constructing and maintaining any of the tramways or for working the tramways by mechanical power over any such bridge and approaches shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the principal engineer of the

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Corporation
Extensions.*

- company or in case of difference of an engineer to be appointed by the Board of Trade on the application of either the company or the Promoters :
- (7) In the event of any 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 company be attached to any bridge or other work of the company : 5
- (8) The Promoters shall not commence any works for the purpose of carrying overhead trolley or other wires for the working of the tramways over or under any railway of the company until after one month's notice in writing to the company and the company may on receipt of such notice execute all works necessary for and incidental to the removal of their electric telegraphic telephonic and signalling wires and apparatus over the road along which the tramways are proposed to be laid and replacing the same underground or may make such other alterations in such wires or apparatus as may be reasonably necessary for the protection thereof or for avoiding danger from the breaking or falling of wires and the expenses reasonably incurred by the company in carrying out the provisions of this subsection shall be repaid to the Company by the Promoters on demand : 10 15 20
- (9) If and when the company shall require to repair or paint any such bridge the Promoters shall in order to ensure the safety of the workmen employed in such repairing or painting cut off the electric current from the trolley wires under such bridge at such times as shall be reasonably required by the said principal engineer of the company as shall not unduly interfere with the traffic on the tramways unless the Promoters shall have previously adopted some other means of protection to workmen which shall have been approved by the said principal engineer : 25 30
- (10) Where any of the tramways will pass in front of the entrances to any passenger or goods station of the company no additional crossing passing-place siding junction or other work shall be made for the distance thereon extending in front of the said entrances to such stations and for a length of ten yards at each end of such distance without the consent of the chief engineer of the company and without such consent no carriage used on the tramways shall be stopped or permitted to be stopped within such distance and length except for and only for so long as shall be reasonably necessary for the purpose of discharging and taking up passengers and except when such stoppage is occasioned by circumstances over which the Promoters have no control : 35 40
- (11) The Promoters and the company may agree for any variation or alteration in the works in this section provided for or in the manner in which the same shall be executed : 45

[5 EDW. 7.] *Tramways Orders Confirmation (No. 1).*

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(12) Any matter in difference arising between the Promoters and the company or their respective engineers as to the reasonableness of the plans sections and specifications hereinbefore provided for or otherwise under this section shall be referred to the arbitration of a person nominated by the Board of Trade.

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Liverpool Corporation Extensions.

7. The hereinafter mentioned provisions of the Order of 1900 and of the provisions thereby applied shall so far as the same are applicable extend and apply to the tramways and undertaking by this Order authorised in like manner in every respect as if the tramways and undertaking by this Order authorised formed part of the tramways and undertaking authorised by the Order of 1900 and for the purpose of such application the expressions "the tramways" and "the undertaking" in the said provisions shall be construed to include the tramways and the undertaking as defined by this Order.

Extending to this Order certain provisions of Order of 1900.

The provisions of the Order of 1900 hereinbefore referred to are—

- 15 Section 10 Extending to this Order certain provisions of Order of 1883 :
- Section 12 Cheap fares for labouring classes :
- Section 13 Mechanical power works to be subject to section 30 of Tramways Act 1870 :
- 20 Section 14 Alteration of tramways :
- Section 16 Audit.

8. Section 10 (For the protection of the Postmaster-General) of the Liverpool Tramways and Electric Supply (Garston Transfer) Act 1902 and the hereinafter mentioned provisions of the Act of 1897 shall so far as applicable extend and apply to the tramways and undertaking by this Order authorised.

Extending to this Order certain provisions of Acts of 1897 and 1902.

The provisions of the Act of 1897 hereinbefore referred to are—

- Section 19 Power to work the undertaking :
- Section 24 Prohibiting the raising of fares on Sundays and holidays :
- 30 PART II. Use of mechanical power except section 35 (For the protection of the Postmaster-General).

9. For the purpose of working the tramways by mechanical power the Promoters and their lessees subject to the provisions of this Order (and as to the lessees subject to the terms of their lease) may with the consent of the owners and occupiers of any houses or buildings affix to such houses or buildings and maintain posts brackets electric conductors wires and apparatus.

Attachment of brackets to buildings.

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PUDSEY CORPORATION.

*Pudsey Corporation.**Order authorising the Mayor Aldermen and Burgesses of the Borough of Pudsey to construct Tramways in their Borough.**Preliminary.*

- Short title. 1. This Order may be cited as the Pudsey Corporation Tramways Order 1905. 5
- Incorporation of Acts. 2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order. 10
- Interpretation. 3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings:
- Provided that in this Order— 15
- The expression "the borough" means the borough of Pudsey in the west riding of the county of York :
- The expression "the corporation" means the mayor aldermen and burgesses of the borough acting by the council :
- The expression "the tramways" means the tramways and works by this Order authorised or (as the case may be) any part thereof : 20
- The expression "the undertaking" means the undertaking by this Order authorised :
- The expression "mechanical power" includes steam electrical and every other motive power not being animal power and the word "engine" includes motor. 25
- Promoters. 4. The corporation shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."
- Lands. 5. The Promoters may—
- (A) subject to the sanction of the Local Government Board and under such conditions as they may prescribe from time to time appropriate and use for any of the purposes of this Order but subject to the provisions (if any) under which such lands were respectively acquired any lands not dedicated to public use from time to time vested in them being part of their corporate estates ; 30 35

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

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 Corporation.

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

Construction of Tramways.

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

Construction
 of tramways.

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

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

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

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

Tramway No. 1 (5 furlongs 4·94 chains in length whereof 4 furlongs 1·92 chains are single line and 1 furlong 3·02 chains are double line) commencing in the Leeds and Bradford Road at the Leeds city boundary by a junction with the existing tramway of the Leeds

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Corporation proceeding thence in a westerly direction to Richardshaw Lane thence in a southerly direction along Richardshaw Lane and Lidget Hill to and terminating in Lowtown at the intersection of the centre lines of Lowtown and Lidget Hill :

Tramway No. 1 will be laid as a single line except at the following 5 places where it will be double—

(A) From a point in the Leeds and Bradford Road 25 yards west of the commencement of the tramway to a point in Richardshaw Lane 22 yards south of the intersection of the centre lines of the Leeds and Bradford Road and Richardshaw Lane ; 10

(B) In Richardshaw Lane from a point 31 yards south of the south-eastern corner of the boundary wall of the Baptist Chapel in Richardshaw Lane for a distance of 66 yards measured in a southerly direction ;

(C) In Richardshaw Lane from a point 23 yards south of the south-eastern corner of the block of houses known as New Scarborough for a distance of 66 yards measured in a southerly direction ; 15

(D) In Lidget Hill from a point 8 yards south of the intersection of the centre lines of Lidget Hill and Cemetery Road for a distance 20 of 66 yards measured in a southerly direction.

Tramway No. 2 (double line 1·44 chains) commencing in the Leeds and Bradford Road by a junction with the existing tramway of the Bradford Corporation in that road at a point 12 yards west of the intersection of the centre lines of the Leeds and Bradford Road and Richardshaw Lane proceeding thence in an easterly and southerly direction to and terminating in Richardshaw Lane by a junction with Tramway No. 1 at a point 22 yards south of the intersection of the centre lines of the Leeds and Bradford Road and Richardshaw Lane : 25

Tramway No. 3 (single line 1·51 chains in length) commencing in Lidget Hill by a junction with Tramway No. 1 at a point 22 yards north of the intersection of the centre lines of Lidget Hill and Lowtown and proceeding thence in a south-easterly direction to and terminating in Lowtown by a junction with Tramway No. 5 at a point 20 yards east of the intersection of the centre lines of Lidget Hill and Lowtown : 30 35

Tramway No. 4 (single line 1 chain in length) commencing in Lidget Hill by a junction with Tramway No. 1 at a point 16 yards north of the intersection of the centre lines of Lidget Hill and Lowtown and proceeding thence in a south-westerly direction into and terminating in Church Lane by a junction with Tramway No. 5 at a point 15 yards south-west of the intersection of the centre lines of Lidget Hill and Lowton : 40

Tramway No. 5 (1 mile 6 furlongs 7·42 chains in length whereof 1 mile 3 furlongs 1·14 chains are single line and 3 furlongs 6·28 chains are double line) commencing in Galloway Lane at the boundary of the borough proceeding thence in a southerly and south-easterly direction along Waterloo Road Uppermoor thence along Chapeltown and Church Lane to and terminating in Lowtown at the boundary of the borough at a point 17 yards west of the western corner of the Victoria Hotel :

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- Tramway No. 5 will be laid as a single line except at the following places where it will be double : --
- (A) In Waterloo Road from a point 38 yards south of the commencement of the tramway for a distance of 66 yards measured in a southerly direction ;
- (B) In Waterloo Road from a point 38 yards south of the western corner of the block of houses known as Ingham's Terrace for a distance of 66 yards measured in a south and south-easterly direction ;
- (C) In Waterloo Road from a point 47 yards west of the western boundary fence of St. James's Church for a distance of 66 yards measured in a north-westerly direction ;
- (D) In Waterloo Road from a point 20 yards north-west of the south-western corner of Marsh Hill for a distance of 66 yards measured in a north-westerly direction ;
- (E) In Uppermoor from a point 27 yards west of the southern angle of the house known as West House for a distance of 66 yards measured in a south-easterly direction ;
- (F) In Chapeltown from a point 54 yards north-west of the north-western corner of the Congregational Chapel for a distance of 70 yards measured in a south-easterly direction ;
- (G) In Chapeltown and Church Lane from a point 62 yards south-west of the south-western angle of the grave yard of St. Lawrence's Church for a distance of 66 yards measured in a north-easterly direction along Chapeltown and Church Lane ;
- (H) In Church Lane from the point where the western boundary wall of Pudsey Park if produced would intersect the centre line of Church Lane for a distance of 66 yards measured in a north-easterly direction ;
- (I) In Church Lane from a point 30 yards south-west of the intersection of the centre lines of Lidget Hill and Lowtown for a distance of 66 yards measured in a south-westerly direction ;
- (J) In Lowtown from a point 30 yards north-east of the intersection of the centre lines of Manor House Street and Lowtown for a distance of 66 yards measured in a north-easterly direction ;
- (66.) F

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(K) In Lowtown from a point 40 yards west of the intersection of the centre lines of the Lanes and Lowtown for a distance of 66 yards measured in an easterly direction ;

(L) In Lowtown from the termination of the tramway for a distance of 68 yards measured in a westerly direction. 5

Tramway No. 6 (single line 2·40 chains in length) commencing at a point in Uppermoor 44 yards north-west of the north-western angle of the Congregational Chapel by a junction with Tramway No. 5 thence proceeding in a southerly direction into and terminating in Greenside by a junction with Tramway No. 7 at a point 10 yards north-east of the north-eastern angle of the Central Hotel: 10

Tramway No. 7 (1 mile 6 furlongs 5·47 chains in length whereof 1 mile 2 furlongs 9·40 chains are single line and 3 furlongs 6·07 chains are double line) commencing in Chapeltown by a junction with Tramway No. 5 at a point 20 yards east of the north-western angle of the Congregational Chapel proceeding thence in a southerly direction along Greenside thence along Fartown Roker Lane Littlemoor Road and Robin Lane into and terminating in Lowtown at the intersection of Lidget Hill and Lowtown by a junction with Tramway No. 1 at its termination: 20

Tramway No. 7 will be laid as a single line except at the following places where it will be double:—

(A) In Chapeltown and Greenside from the commencement of the tramway for a distance of 80 yards measured in a southerly direction ; 25

(B) In Greenside and Fartown from a point 20 yards north of the point where the line of the southern wall of the White Cross Inn if produced would intersect the centre line of Greenside for a distance of 72 yards measured in a south-easterly direction ;

(C) In Fartown from a point 137 yards south-east of the intersection of the centre lines of Carlisle Road and Fartown for a distance of 66 yards measured in a south-easterly direction ; 30

(D) In Fartown from a point 16 yards north-west of the north-westerly angle of the junction of Fulneck Road with Fartown for a distance of 66 yards measured in a north-westerly direction ; 35

(E) In Roker Lane from a point 70 yards south-west of the intersection of the centre lines of Roker Lane and Littlemoor Road for a distance of 66 yards measured in a south westerly direction ;

(F) In Littlemoor Road from a point 30 yards north-west of the intersection of the centre lines of Littlemoor Road and Roker Lane for a distance of 66 yards measured in a north-westerly direction ; 40

(G) In Littlemoor Road from a point 286 yards north-west of the intersection of the centre lines of Littlemoor Road and Roker Lane for a distance of 70 yards measured in a north-westerly direction ;

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5 (H) In Littlemoor Road from a point 25 yards south-east of the southern angle of Cliff Mill for a distance of 108 yards measured in a north-westerly direction ;

10 (I) In Littlemoor Road from a point 22 yards south of the south eastern angle of the parapet wall of the bridge over the Great Northern Railway for a distance of 68 yards measured in a southerly direction ;

15 (J) In Robin Lane from a point 200 yards north of the south-eastern angle of the parapet of the said bridge over the Great Northern Railway for a distance of 66 yards measured in a north-westerly direction ;

(K) In Robin Lane from a point 40 yards south-east of the intersection of the centre lines of Manor House Street and Robin Lane for a distance of 66 yards measured in an easterly and southerly direction.

20 Tramway No. 8 (single line 4.50 chains in length) commencing in Robin Lane by a junction with Tramway No. 7 at a point 12 yards south-east of the intersection of the centre lines of Robin Lane and Manor House Street proceeding thence along Manor House Street into and terminating in Lowtown by a junction with Tramway No. 5 at

25 a point 20 yards north-east of the intersection of the centre lines of Manor House Street and Lowtown.

7. The following provisions for the protection of the Great Northern Railway Company (in this section called "the Great Northern Company") shall unless otherwise agreed between the Promoters and the Great Northern

For protection of Great Northern Railway Company.

30 Company in writing under their respective common seals apply and have effect :—

(1) The expression "Great Northern property" where used in this section shall mean any land railway siding work or convenience belonging to the company : (Definitions.)

35 (2) All works by this Order authorised where the same will be made over or under Great Northern property and will interfere with the same shall be constructed and maintained so as not to interfere unnecessarily with the structure of any bridge or tunnel of the company and in all things at the expense of the Promoters and to the reasonable satisfaction of the engineer of the company (hereinafter called "the engineer") according to plans sections and specifications to be previously approved by him or in case of difference between him and the engineer of the

(Structure of bridges &c. and superintendence.)

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(Strengthening of bridges &c.)

Promoters by an arbitrator to be appointed by the Board of Trade Before commencing any such works the Promoters shall give at least fourteen days' notice in writing to the Great Northern Company of their intention to execute the same:

(3) If by reason of the construction or user of the tramways over any such tunnel or bridge of the Great Northern Company it becomes necessary to strengthen alter or reconstruct the same the Great Northern Company shall give notice accompanied by sufficient plans and specifications of the intended works of strengthening alteration or reconstruction to the Promoters and may after fourteen days from the date of the notice (or forthwith in case of emergency) proceed with all due dispatch to execute all such works as may be reasonably necessary but in all things at the expense of the Promoters and the Great Northern Company may recover from the Promoters all moneys reasonably expended by them in the execution of such works as aforesaid:

(Free user of railway.)

(4) The Promoters 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 or other work belonging to the Great Northern Company or any traffic thereon:

(Employment of watchmen &c.)

(5) The Promoters shall on demand pay to the Great Northern Company the reasonable expense of the employment by the Great Northern Company during the execution or repair by the Promoters under this Order of any work affecting any Great Northern property of a sufficient number of inspectors watchmen and signalmen to be appointed by the Great Northern Company for preventing all interference obstruction danger and accident from any of the operations acts or defaults of the Promoters or their contractors or of any person in the employ of either of them:

(Additional maintenance expenses.)

(6) Any additional expense in the maintenance of any bridge or tunnel occasioned to the Great Northern Company by the construction or user of the tramways shall be borne by the Promoters:

(Saving as to electrical apparatus.)

(7) The protection afforded to the Great Northern Company by this section shall not extend to the case of any interference with the wires lines and apparatus of the Great Northern Company or the currents therein to which the section of this Order of which the marginal note is "Special provisions as to use of electric power" applies but the Great Northern Company shall not by reason of being specially protected as regards other matters under this section lose as regards any such interference any protection to which they are otherwise entitled:

(Entrance to passenger station and goods yard.)

(8) No crossing passing place turnout junction or other work shall be constructed in connection with and (unless otherwise agreed between the Great Northern Company and the corporation or in

- order to avoid accident) no tramcar or other vehicle used on the tramways shall be permitted to stop upon so much of Tramway No. 1 in Richardshaw Lane as will be situate between a point fifteen yards on the north side of the centre of the entrance to the Great Northern Company's passenger station at Stan-
 5 ningley and a point fifteen yards on the south side of the centre of the entrance to the Great Northern Company's goods yards :
- (9) Any matter in difference between the Promoters and the Great Northern Company under this section shall unless otherwise
 10 agreed be referred to the arbitration of a person nominated by the Board of Trade. (Settlement of differences.)
- 8.—(1) The tramways shall be constructed on a gauge of four feet eight and a half inches or such other gauge as may from time to time be determined by the Board of Trade on the application of the Promoters. Gauge and width of carriages.
- 15 (2) In the event of any of the tramways being constructed on a less gauge than four feet eight and a half inches so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramway beyond the outer edge of the wheels of such carriages shall not
 20 apply to carriages used on the tramways so constructed but no engine or carriage used on such tramways shall exceed six feet six inches in width or such other width as may from time to time be prescribed by the Board of Trade.
9. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall lay before the Board of Trade a plan showing the
 25 proposed mode of constructing laying down or renewing the tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down or renewal of any of the tramways except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such
 30 approval the works shall be executed in accordance in all respects with such plan and statement and in places where the Promoters are not the sole road authority under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by the said section. Provisions as to construction of tramways.
10. The rails of the tramways shall be such as the Board of Trade may
 35 approve. Rails of tramways.
- 11.—(1) The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Promoters at any time fail to comply with this
 40 provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds and to a penalty not exceeding five pounds for every day on which such non-compliance continues. Penalty for not maintaining rails and roads in good condition.

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Pudsey Corporation.(Settlement of differences.)Gauge and width of carriages.Provisions as to construction of tramways.Rails of tramways.Penalty for not maintaining rails and roads in good condition.

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(2) In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty ratepayers of the borough that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 5
the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or assistant secretary of the Board of Trade may be adduced as evidence of such default 10
and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramways to be kept on level of surface of road.

12. If the Promoters or any other road authority hereafter alter the level of any road along or across which any part of the tramways is laid or authorised to be laid the Promoters may and shall from time to time alter 15
or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Crossovers to be constructed in certain cases.

13. 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 20
Promoters shall if and where required by the Board of Trade construct a crossover or crossovers connecting the one tramway with the other and by the means of such crossover or crossovers the traffic shall when necessary be diverted from one tramway to the other.

Powers to make additional crossovers &c. and to alter tramway lines.

14.—(1) The Promoters may subject to the provisions of this Order 25
with the consent of the Board of Trade make maintain alter and remove all such crossovers passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the tramways or for effecting junctions with other tramways or light railways or for 30
providing access to any warehouses stables or carriage-houses or works of the Promoters.

(2) Notwithstanding anything shown on the deposited plans the Promoters may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or 35
interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and may with the like consent alter the position in the road of any of the tramways or any part thereof respectively Provided that the uppermost surface thereof shall be on a level with the surface of the road.

(3) Provided that if in the construction of any works under this section 40
any rail is intended to be so laid that for a distance of 30 feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Promoters shall not less than one month before commencing the works give notice in writing

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to every owner and occupier of houses shops and warehouses abutting on the place where such less space would intervene and such rail shall not be laid if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the
 5 Promoters within three weeks after receiving the notice from the Promoters express their objection thereto.

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

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

Temporary tramways may be made when necessary.

20 16.—(1) Any paving metalling or material excavated by the Promoters in the construction of any works under the authority of this Order from any road under their jurisdiction or control shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit.

Application of road materials excavated in construction of works.

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

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

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

Motive Power.

Provisions as to motive power.

18. The carriages used on the tramways may be moved by animal 5 power or subject to the following provisions by mechanical power (that is to say):—

- (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade :
- (2) The Board of Trade shall make regulations (in this Order referred 10 to as “the Board of Trade regulations”) for securing to the public all reasonable protection against danger arising from the use under this Order of mechanical power on the tramways and for regulating the use of electrical power :
- (3) The Promoters or any person using any mechanical power on the 15 tramways contrary to the provisions of this Order or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after 20 conviction thereof :
- (4) The Board of Trade if they are of opinion—
 - (A) that the Promoters or such person have or has made default in complying with the provisions of this Order or of the Board of Trade regulations whether a penalty in respect 25 of such non-compliance has or has not been recovered ; or
 - (B) that the use of mechanical power as authorised under this Order is a danger to the passengers or the public ;

may by order either direct the Promoters or such person to cease to use such mechanical power or permit the same to be continued 30 only subject to such conditions as the Board of Trade may impose and the Promoters or such person shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Mechanical power works.

19. For the purpose of working the tramways by mechanical power 35 the Promoters and their lessees subject to the provisions of this Order (and as to the lessees subject to the terms of their lease) may—

- (A) construct provide maintain and use on any lands appropriated or acquired by them under the powers of this Order stations for generating electrical power with all necessary or proper machinery 40 dynamos engines buildings works and conveniences ;

(B) place construct erect lay down make and maintain on above or below the surface of any street or road within the borough posts brackets electric conductors wires boxes apparatus subways tunnels cables tubes and openings : A.D. 1905.
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5 (c) with the consent of the owners and occupiers of any houses or buildings within the borough affix to such houses or buildings or maintain brackets wires and apparatus.

20. All works to be executed by the Promoters or their lessees in any street or road for working the tramways by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects (save as by this Order otherwise expressly provided) to the provisions of the Tramways Act 1870 as in this Order incorporated as if they had been therein expressly mentioned. Provided always that nothing in this Order contained shall authorise the opening or breaking up of any street or road outside the borough. Mechanical power works to be subject to Tramways Act 1870.

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

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

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

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

30 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 :

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

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

40 22. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority Amendment of Tramways Act 1870 as to byelaws by local authority.

A.D. 1905. to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which engines are to be driven or propelled on the tramways under the authority of this Order but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

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Special provisions as to use of electric power.

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

- (1) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance : 10
- (2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus : 15
- (3) The electric 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 : 20 25
- (4) The Promoters shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expenses involved and to the effect thereof upon the commercial prospects of the undertaking : 30 35
- (5) At the expiration of two years from the passing of the Act confirming this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including 40

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 :

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- 5 (6) If any difference arises between the Promoters and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of
- 10 the arbitrator as the case may be :
- (7) In this section the expression "the Promoters" includes any person owning working or running carriages over the tramways.

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

For protection of Postmaster-General.

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

- 25 (1) The Promoters shall construct their electric lines and other works of all descriptions and shall work the undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of the undertaking to prevent injurious affection whether by induction or otherwise of such telegraphic lines or the currents therein Any difference which
- 30 arises between the Postmaster-General and the Promoters as to compliance with this subsection shall be referred to arbitration :
- 35 (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking the Promoters shall pay the expenses of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- 40 (3) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work
- (66.) G 2

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- shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. Any difference which arises between the Postmaster-General and the Promoters as to any requirements so made shall be referred to arbitration : 5 10
- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works by this Order authorised is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such works or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electric energy is being generated for the purposes of this Order at any works of the Promoters enter thereon for the purpose of inspecting the plant and the working of the same and the Promoters shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electric tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Promoters pursuant to the Board of Trade regulations : 15 20
- (5) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues : 25 30
- (6) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having 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 : 35 40
- (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 : 45

(8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order :

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

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

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

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

20 *Traffic upon Tramways.*

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

Traffic upon tramways.

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

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

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

Provisious as to carriage of animals goods &c.

Rates.

35 28. - (1) The Promoters' lessees may demand and take for every passenger travelling upon the tramways including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile and for this purpose a fraction of a mile shall be deemed a mile.

Passengers' fares.

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

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As to fares on
Sundays and
holidays.
Passengers'
luggage.

29. The Promoters' lessees shall not take or demand on Sunday or any public or local holiday any higher rates or charges than those levied by them on ordinary week days.

30. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof Provided that all such personal luggage be carried by hand and at the responsibility of the passenger and do not occupy any part of a seat nor be of a form or description to annoy or inconvenience other passengers. 5

Cheap fares
for labouring
classes.

31.—(1) The Promoters' lessees at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day Good Friday and public holidays always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Promoters' lessees in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes. 10 15 20

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Promoters' lessees to provide such service as may appear to the Board to be reasonable. 25

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

Rates and
charges for
animals goods
&c.

32. The Promoters' lessees may demand and take in respect of any animals goods minerals or parcels conveyed by them on the tramways including every expense incidental to such conveyance any rates or charges not exceeding the rates and charges specified in the schedule to this Order annexed subject to the regulations in that behalf therein contained. 30

Payment of
rates.

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

Periodical re-
vision of rates
and charges.

34. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by the Promoters or by their lessees or by twenty ratepayers of the borough that under the circumstances then existing all or any of the rates and 40

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

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Miscellaneous.

35. Notwithstanding anything in the Tramways Act 1870 to the contrary the corporation may place and run carriages on and may work and may
 20 demand and take rates and charges in respect of the tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks horses harness engines machinery apparatus steam cable electrical and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal
 25 or mechanical power and in such case the several provisions in this Order contained relating to the working of the tramways and the taking of rates and charges therefor shall extend and apply mutatis mutandis to and in relation to the corporation and the corporation may work such tramways and demand and recover such rates and charges accordingly but nothing in
 30 this section shall empower the corporation to create or permit a nuisance.

Power to corporation to work tramways.

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

Regulations.

35 37.—(1) Subject to the provisions of this Order the Promoters may—

(A) Enter into and carry into effect contracts and agreements with any person authorised (whether expressly or otherwise) to enter into such contracts or agreements and owning or working any tramways connecting with any of the tramways of the Promoters with respect to—
 40

Working agreements.

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

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

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(iii) The working running over using maintaining and managing by either of the contracting parties of the tramways or any of the tramways of the other and the fixing collecting apportionment and distribution of the rates and profits arising therefrom or of a rent for the same ; 5

(iv) The supply under any agreement for the tramways of either of the contracting parties being worked and used by the other of motive power or of engines carriages and plant necessary for the purposes of such agreement Provided that no electrical energy shall be supplied or shall continue to be supplied by the Promoters under this section in any district in which any local authority or person shall be supplying energy under statutory authority without the consent in writing of such local authority or person ; 10

(v) The management regulation interchange collection transmission and delivery of traffic coming from or destined for the undertakings of the contracting parties ; 15

(vi) The appointment of officers and servants and generally all such matters as may be deemed desirable for enabling the tramways of the contracting parties to be worked in connection : 20

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

(2) Any contract or agreement under this section shall be submitted to and be subject to the approval of the Board of Trade. 25

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

Mortgages to include rents and rates.

38. The Promoters may include in any mortgage of the local rate made by them under section 20 of the Tramways Act 1870 the moneys coming to them out of the rents reserved under any lease made under the authority of the Tramways Act 1870 or this Order and the rates charges and sums authorised to be taken or received by them under the provisions of this Order. 30

Orders &c. of Board of Trade.

39. All orders regulations and byelaws made and consents and certificates given by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board and when purporting to be so signed the same shall be deemed to be duly made in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly. 40

Recovery of penalties.

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

41. Sections 246 and 250 of the Public Health Act 1875 and section 58 (1) of the Local Government Act 1894 shall apply to the accounts of the receipts and expenditure of the Promoters and of their committees and officers with respect to the tramways and the undertaking and to the audit thereof as if such accounts related to receipts and expenditure under the Public Health Act 1875. A.D. 1905.
Pudsey Corporation.
Audit of accounts.
42. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 is hereby incorporated with this Order and in construing that section for the purposes of this Order the expression "this Act" where used in that section shall mean this Order. Protection of local authority.
43. With respect to notices and to the delivery thereof by or to the Promoters the following provisions shall have effect (that is to say):— Form and delivery of notices.
- (1) Every notice consent or approval shall be in writing and if given by the Promoters or by any local or road authority or company shall be signed by their clerk or secretary :
- (2) Notices and other documents required or authorised to be served under this Order may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any authority or company any such notice or other document shall be delivered or sent by post in a prepaid letter addressed to the clerk to the authority at his office or to the secretary of the company at their registered or principal office.
44. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration as if the arbitration were pursuant to a submission. Provisions as to arbitration.
45. Nothing in this Order contained shall exempt the Promoters or any person using the tramways or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum rates or charges authorised by this Order. Saving for general Acts.

SCHEDULE.

35 MAXIMUM RATES AND CHARGES FOR ANIMALS GOODS &c.

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

(66.)

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A.D. 1905.

*Pudsey Corporation.**Goods and Minerals.*

	Per Mile.
	s. d.
For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways ...	5
per ton	0 2
For all iron iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled-iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs	10
per ton	0 2½
For all sugar grain flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings per ton	15
per ton	0 3
For cotton wools drugs and manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein per ton	4
per ton	0 4
For every carriage of whatever description	1 0

Small Parcels.

	Any Distance.
	s. d.
For any parcel not exceeding seven pounds in weight	3
per ton	0 3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight... ..	5
per ton	0 5
For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight	7
per ton	0 7
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight	9
per ton	0 9
For any parcel exceeding fifty-six pounds in weight but not exceeding five hundred pounds in weight such sum as the person conveying the same may think fit :	30
per ton	0 30
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.	35
per ton	0 35

For the Carriage of Single Articles of Great Weight.

	Per Mile.
	s. d.
For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the person conveying the same may think fit not exceeding... .. per ton	40
per ton	2 0
For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons such sum as the person conveying the same may think fit.	45
per ton	0 45

Regulations as to Rates.

A.D. 1905.

*Pudsey
Corporation.*

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

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

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

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

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

15 smaller quantity.

**Tramways Orders
Confirmation (No. 1).**

[H.L.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Bradford Corporation Tramways Gorton Urban District Council Tramways Keighley Corporation Tramways Leeds Corporation Tramways Liverpool Corporation Tramways Extensions and Pudsey Corporation Tramways.

The Lord Privy Seal (M. Salisbury).

Ordered to be printed, 9th May 1905.

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OLIVER and BOYD, Edinburgh; or
E. PONSONBY, 116, Grafton Street, Dublin.

[Price 6d.]

(66.)

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by A.D. 1905.
 the Board of Trade under the Tramways Act 1870
 relating to Aberavon Tramways Colchester Corporation
 Tramways King's Norton and Northfield Urban
 District Council Tramway Luton Corporation Tramways
 Portobello and Musselburgh Tramways (Amendment)
 and Southampton Corporation Tramways.

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

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

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

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

15 **1.** This Act may be cited as the Tramways Orders Confirmation Short title.
 (No. 2) Act 1905.

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

(67.)

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A.D. 1905.

SCHEDULE.

LIST OF ORDERS.

- ABERAVON TRAMWAYS.**—Order authorising the Aberavon District Tramways Syndicate Limited to construct tramways in the Borough of Aberavon in the County of Glamorgan and for other purposes. **5**
- COLCHESTER CORPORATION TRAMWAYS.**—Order authorising the Mayor Aldermen and Burgesses of the Borough of Colchester to construct an additional tramway in the said Borough and for other purposes.
- KING'S NORTON AND NORTHFIELD URBAN DISTRICT COUNCIL TRAMWAY.**—Order authorising the Urban District Council of King's Norton and Northfield to construct an additional tramway in their District and for other purposes. **10**
- LUTON CORPORATION TRAMWAYS.**—Order authorising the Mayor Aldermen and Burgesses of the Borough of Luton to construct tramways in their Borough. **15**
- PORTOBELLO AND MUSSELBURGH TRAMWAYS (AMENDMENT).**—Order granted to the National Electric Construction Company Limited amending the Portobello and Musselburgh Tramways Orders 1900 and 1903.
- SOUTHAMPTON CORPORATION TRAMWAYS.**—Order authorising the Mayor Aldermen and Burgesses of the Borough of Southampton to construct additional tramways in the said Borough. **20**
-

ABERAVON.

A.D. 1905.

Aberavon.

Order authorising the Aberavon District Tramways Syndicate Limited to construct Tramways in the Borough of Aberavon in the County of Glamorgan and for other purposes.

5

Preliminary.

1. This Order may be cited as the Aberavon Tramways Order 1905. Short title.
2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order. Incorporation of Acts.
3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings Provided that in this Order— Interpretation.
- 15 The expression "the borough" means the borough of Aberavon in the county of Glamorgan :
- The expression "the corporation" means the mayor aldermen and burgesses of the borough acting by the council :
- 20 The expression "the tramways" means the tramways and works by this Order authorised or (as the case may be) any part thereof :
- The expression "the undertaking" means the undertaking by this Order authorised :
- 25 The expression "mechanical power" includes steam electrical and every other motive power not being animal power and the word "engine" includes motor.

Promoters.

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

30

Lands.

5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let or otherwise dispose of any such lands not required for such purposes Provided that they shall not at any time hold for such purposes more than two acres of land Provided always that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land acquired by them under this section. Lands by agreement.

(67.)

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A.D. 1905.

Aberavon.
Construction
of tramways.*Construction of Tramways.*

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

(A) Construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order as the same have been amended previous to the passing of the Act confirming this Order (which plans and sections so amended as aforesaid are in this Order referred to respectively as “the deposited plans” and “the deposited sections”) the tramways hereinafter described with all proper rails points plates sleepers channels junctions turntables turnouts weighbridges crossings passing-places works and conveniences connected therewith and for the purposes thereof and may work and use the same :

(B) Erect construct and provide on any lands acquired under the powers of this Order offices stables sheds carriage engine boiler and dynamo houses and other buildings for the purposes of the undertaking :

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

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

Tramway No. 1 Wholly situate in the parish and borough of Aberavon commencing in High Street at a point 0·5 chain or thereabouts north of the junction of Water Street with the said High Street proceeding thence into and along Water Street Ysguthan Road and Jubilee Road and terminating in Jubilee Road at a point 2 chains or thereabouts measured in a north-easterly direction from the north end of the North Pier :

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

(A) In Water Street and Ysguthan Road between points 1·5 chains or thereabouts measured in a north-easterly direction and 1·5 chains or thereabouts measured in a westerly direction from the junction of the said street and road ;

(B) In Ysguthan Road and Jubilee Road between points 6·8 chains or thereabouts and 9·8 chains or thereabouts measured in a north-easterly direction from the centre of the bridge carrying Jubilee Road over the lines of the Rhondda and Swansea Bay Railway Company ;

(c) In Jubilee Road between points 1 furlong 6·7 chains or thereabouts and 1 furlong 9·7 chains or thereabouts measured in a south-westerly direction from the centre of the last mentioned bridge and between points 3·5 chains or thereabouts and 6·5 chains or thereabouts measured in a north-easterly direction from the north end of the North Pier;

A.D. 1905.
Aberavon.

5

The length of double line will be 1 furlong 2 chains and of single line 1 mile 1 furlong 1 chain total 1 mile 2 furlongs 3 chains.

10 Tramway No. 2 Wholly situate in the parish and borough of Aberavon commencing in High Street Aberavon by a junction with Tramway No. 1 at its commencement above described proceeding thence along High Street into along and terminating in Pentyla at a point 11·3 chains or thereabouts measured in a north-westerly direction from Pringle Place :

15

Tramway No. 2 will be a single line throughout except at the following place where it will be laid as a double line:—

20

In High Street between points 1 chain or thereabouts and 4 chains or thereabouts measured in a north-westerly direction from the junction of Wern Place with High Street.

The length of double line will be 3 chains and of single line 2 furlongs 6 chains total 2 furlongs 9 chains.

7. The following provisions for the protection of the corporation shall unless otherwise agreed between the corporation and the Promoters in writing under their respective common seals apply and have effect:—

25

For protection
of corporation.

30

(1) The tramways and all car sheds waiting rooms and buildings required in connection therewith shall be constructed in accordance with plans and sections to be submitted to and approved by the corporation and the Promoters shall not commence the construction thereof until such plans and sections have been so approved. Provided that if the corporation do not within twenty-eight days after the submission to them of any such plans and sections signify in writing to the Promoters their disapproval thereof and the ground or grounds upon which their approval is withheld they shall be deemed to approve of the same. And provided also that if the corporation disapprove any such plans and sections any difference arising thereon between the corporation and the Promoters shall be referred to arbitration in manner hereinafter provided and the plans and sections shall be altered in such manner (if any) as the arbitrator may prescribe and the said tramways and works shall not be constructed except in accordance with the plans and sections as so altered:

35

40

(2) The Promoters shall pave with hard wood blocks so much of the road in the borough as they are required to maintain by

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A.D. 1905.
 ———
 Aberavon.

section 28 of the Tramways Act 1870 and also the whole width of the street upon which passing places shall be made as extends from the bridge over the River Avon in High Street to the foot of Pentyla and the narrow part of Water Street to the railway bridge:

5

- (3) Save as by subsection (2) of this section provided the Promoters shall pave with granite setts so much of the roads in the borough as they are required to maintain by section 28 of the Tramways Act 1870 and also the whole width of the streets upon which passing places shall be made throughout the length of such passing places: 10
- (4) In the event of the bridge of the Great Western Railway Company over Water Street in the borough being extended the Promoters shall bear and pay to the corporation the cost for which the corporation will be liable to the said railway company in connection with such extension: 15
- (5) In the event of such extension as aforesaid the Promoters shall if required by the corporation at their own cost and subject to the approval of the corporation widen the road on either side contiguous to the Great Western Railway Bridge over Water Street Aberavon and remake the same and also remake and relay any other roads which may be interfered with by the extension of the said bridge and provide access to properties adjoining the same: 20
- (6) No posts wires brackets or other erections shall be erected by the Promoters within the borough otherwise than in such positions and of such height and design as the surveyor of the corporation shall reasonably approve: 25
- (7) If any post or overhead wire becomes owing to the construction of any new road or otherwise in the opinion of the corporation an obstruction the Promoters shall at the cost of the corporation alter the position thereof in such manner as the corporation direct but the Promoters may appeal against such direction to the Board of Trade and the decision of the Board shall be final: 30
- (8) The Promoters shall if required so to do by the corporation paint with good oil paint of a colour or colours to be approved by the corporation all such posts pillars brackets and other property of the Promoters usually painted or suitable to be painted as are situate or placed within the borough at least once in every three years and no such posts pillars or brackets or other fixed property of the Promoters shall be used for the display of advertisements other than official advertisements or such as relate to the working or use of the tramways: 35 40
- 9) The Corporation may but not so as to interfere with the efficient working of the tramways use any posts pillars or brackets of 45

the Promoters of sufficient strength for the purpose of sustaining lamps pipes wires or ventilating shafts of the corporation or for any other reasonable purpose not inconsistent with the use thereof by the Promoters without paying any rent therefor:

A.D. 1905.
Aberavon.

- 5 (10) If the Promoters at any time find it necessary or desirable to remove snow or other matter impeding the traffic on the tramways where they are laid on any road within the borough the Promoters shall subject in other respects to the provisions of this section as to maintenance of such road at their own cost remove the snow or other matter to the side of the road to the satisfaction of the corporation or their surveyor and so as not to impede or obstruct the ordinary traffic on the road and the Promoters shall not use salt or other unsuitable material for thawing the snow on any such road Provided that any dirt or other matter removed by the Promoters from the grooves of the rails of the tramways shall not be allowed to remain on such road but shall be at once taken away by the Promoters:
- 10
- 15
- (11) Subject to the provisions of this Order and of any regulations made under this Order by the Board of Trade and of any byelaws for the time being in force with respect to the tramways the corporation may at such time and in such manner as they think fit between the hours of twelve at night and five in the morning but so as not to unduly impede obstruct or interfere with the ordinary traffic of the tramways use the tramways by carriages moved by horses or electrical power for sanitary purposes and for the conveyance of nightsoil house refuse scavenging stuffs road metal and other materials required for the works of the corporation and on such reasonable terms as failing agreement may be determined by arbitration:
- 20
- 25
- 30 (12) Any matter in difference between the Promoters and the corporation under this section shall unless otherwise agreed be referred (save where by this section otherwise provided) to the arbitration of a person nominated by the Board of Trade.

8. The following provisions for the protection of the Rhondda and Swansea Bay Railway Company (in this section called "the Rhondda Company") shall unless otherwise agreed between the Promoters and the Rhondda Company in writing under their respective common seals apply and have effect:—

For protection
of Rhondda
and Swansea
Bay Railway
Company.

- 40 (1) In this section the expression "the bridge" means the bridge carrying the road known as Jubilee Road or Victoria Road over Railway No. 1 authorised by the Rhondda and Swansea Bay Railway Act 1893 and the word "apparatus" includes posts brackets electric mains wires conductors apparatus and any similar appliances to be used as or for the purposes of a motive (Definitions.)

A.D. 1905.

Aberavon.(Structure of
bridge and
superinten-
dence.)

power for the carriages running on the tramways and includes also any subways tunnels tubes boxes openings excavations channels and pipes for the purposes of such apparatus :

- (2) Any tramway or apparatus by this Order authorised where the same shall be constructed upon across or over the bridge or the approaches thereto shall be constructed so as not to interfere unnecessarily with the structure of the bridge or the approaches thereto and according to plans sections and specifications to be previously submitted to and approved by the Rhondda Company or in case of difference between them and the Promoters by an arbitrator to be appointed as hereinafter provided Such tramway or apparatus shall be constructed and thereafter maintained according to the plans sections and specifications so approved and under the superintendence (if the same be given) and to the reasonable satisfaction of the Rhondda Company The Promoters shall so maintain and use any such tramway or apparatus as not to injuriously affect the structure of the bridge or approaches thereto and in the event of any injury being occasioned to the structure of the bridge or approaches thereto by the construction maintenance user or removal of any such tramway or apparatus the Rhondda Company may make good the injury and may recover from the Promoters the reasonable expenses of so doing :

(Strengthening
of bridge.)

- (3) In case it shall become necessary in consequence of the existence or user of the tramways or apparatus to strengthen or reconstruct the bridge the Rhondda Company may after giving fourteen days' notice thereof in writing or forthwith in case of emergency execute such works as may be reasonably necessary in that behalf and the reasonable expense of so doing shall be repaid to them by the Promoters :

(Suspension of
tramway traffic
during altera-
tions in bridge.)

- (4) If the Rhondda Company hereafter require to widen lengthen strengthen reconstruct alter or repair the bridge or the approaches thereto and it shall be necessary for such purpose that the working or user of any part of the tramway upon the bridge or approaches be wholly or in part stopped or delayed or that such part of the tramway be temporarily taken up or diverted and if the Rhondda Company accordingly give to the Promoters seven days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up or diversion then the working or user of such part of the tramway shall be stopped or delayed or such part of the tramway may be taken up or diverted as stated in such notice by and at the expense of the Promoters and under the superintendence of the engineer of the Rhondda Company (if such engineer shall give such superintendence) but only for so long as may be absolutely necessary for effecting

such purpose and the Rhondda Company shall not be liable to pay compensation in respect of such stoppage delay taking up or diversion or in any way relating thereto: A.D. 1905.
Aberavon.

- 5 (5) The Promoters shall not in any manner in the execution main-
tenance user or repair of any of their tramways or apparatus
obstruct or interfere with the free uninterrupted and safe user of
any railway or other work belonging to the Rhondda Company
or any traffic thereon: (Free user of
railway.)
- 10 (6) Any additional expense in the maintenance of the bridge or the
approaches thereto occasioned to the Rhondda Company by the
construction or user of the tramway or any of the works or
apparatus connected therewith shall be borne by the Promoters: (Additional
maintenance
expenses.)
- 15 (7) The protection afforded to the Rhondda Company by this section
shall not extend to the case of any interference with the wires
and lines and apparatus of the Rhondda Company or the currents
therein to which the section of this Order of which the marginal
note is "Special provisions as to use of electric power as motive
power" applies but the Rhondda Company shall not by reason
of being specially protected as regards other matters under this
20 section lose as regards any such interference any protection to
which they are otherwise entitled: (Saving as to
electrical appa-
ratus.)
- (8) If having regard to the proposed position of any works of the
Promoters by this Order authorised when considered in relation
25 to the position of the works of the Rhondda Company it becomes
necessary in order to avoid danger from the breaking or falling
of wires that the electric telegraphic telephonic or signal wires
or apparatus of the Rhondda Company shall be altered the
Rhondda Company may execute any works reasonably necessary
for such alteration and the expense of executing such works shall
30 be borne by the Promoters. If any injury be caused to the
electric telegraphic telephonic or signal wires or apparatus of the
Rhondda Company by the breaking or falling of any wires or
apparatus of the Promoters the Rhondda Company may make
good such injury and may recover from the Promoters the
35 reasonable expense of so doing: (Breaking or
falling wires.)
- (9) Any matter in difference between the Promoters and the Rhondda
Company under this section shall unless otherwise agreed be
referred to the arbitration of a person nominated by the Board
of Trade. (Settlement of
differences.)
- 40 9.—(1) The tramways shall be constructed on a gauge of 4 feet 8½
inches or such other gauge as may from time to time be determined by the
Board of Trade on the application of the Promoters. Gauge and
width of
carriages.

(2) In the event of any of the tramways being constructed on a less
gauge than 4 feet 8½ inches so much of section 34 of the Tramways Act 1870
45 as limits the extent of the carriages used on any tramway beyond the outer

(67.)

B

A.D. 1905. edge of the wheels of such carriages shall not apply to carriages used on the
Aberavon. tramways so constructed but no engine or carriage used on such tramways
 shall exceed 6 feet in width or such other width as may from time to time
 be prescribed by the Board of Trade.

Provisions as
 to construction
 of tramways.

10. In addition to the requirements of section 26 of the Tramways Act 5
 1870 the Promoters shall lay before the Board of Trade and the road
 authority a plan showing the proposed mode of constructing laying down
 or renewing the tramways and a statement of the materials intended to be
 used therein and the Promoters shall not commence the construction laying
 down or renewal of any of the tramways except for the purpose of necessary 10
 repairs until such plan and statement have been approved by the Board of
 Trade and after such approval the works shall be executed in accordance
 in all respects with such plan and statement and under the superintendence
 and to the reasonable satisfaction of the surveyor of the road authority as
 provided by the said section. 15

Provisions as
 to reinstatement
 of roads.

11. If the Promoters fail to comply in any respect with any of the
 provisions of section 27 of the Tramways Act 1870 the road authority if they
 think fit in addition to any other remedy vested in them by the Tramways
 Act 1870 may themselves after seven days' notice to the Promoters complete
 such works as may be necessary for the reinstatement of any road or any 20
 portion thereof and the expense incurred by the road authority in so doing
 shall be repaid to them by the Promoters.

Rails of tram-
 ways.

12. The rails of the tramways shall be such as the Board of Trade may
 approve and the Board of Trade may from time to time upon the application
 of the local authority or road authority of any district require the Promoters 25
 to adopt and apply such improvements in the tramways within such district
 including the rails thereof as experience may from time to time suggest
 having regard to the greater security of the public and advantage to the
 ordinary traffic and the Promoters shall with all reasonable despatch comply
 with any order made by the Board of Trade for the purpose of carrying out 30
 any such improvements.

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

13.—(1) The Promoters shall at all times maintain and keep in good
 condition and repair and so as not to be a danger or annoyance to the
 ordinary traffic the rails of the tramways and the substructure upon which
 the same rest and if the Promoters at any time fail to comply with this 35
 provision or with the provisions of section 28 of the Tramways Act 1870
 they shall be subject to a penalty not exceeding five pounds and to a penalty
 not exceeding five pounds for every day on which such non-compliance
 continues.

(2) In case it is represented in writing to the Board of Trade by the road 40
 authority of any district in which the tramways or any portion thereof are
 or is situate or by twenty ratepayers of the borough that the Promoters
 have made default in complying with the provisions in this section contained
 or with any of the requirements of section 28 of the Tramways Act 1870 the

[5 EDW. 7.] *Tramways Orders Confirmation (No. 2).*

11

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

A.D. 1905.
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Aberavon.

14. 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
10 private drains to communicate therewith without the consent or concurrence of the Promoters and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the sanitary authority as if the same were a pipe for the supply of gas or water.

Sanitary authority to have access to sewers.

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

Tramway to be kept on level of surface of road.

20 16. 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 9 feet 6 inches the Promoters shall if and where required by the Board of Trade construct a crossover or crossovers connecting the one tramway with the other and
25 by the means of such crossover or crossovers the traffic shall when necessary be diverted from one tramway to the other.

Crossovers to be constructed in certain cases.

17.—(1) The Promoters may subject to the provisions of this Order with the consent of the Board of Trade and of the local authority make maintain alter and remove all such crossovers passing places sidings triangles junctions
30 and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the tramways or for providing access to any stables carriage-houses sheds or works of the Promoters or with the consent of the owners and lessees of any tramways or light railways which can be worked in connection
35 with the tramways for effecting junctions with such tramways or light railways.

Additional crossovers &c. may be made where necessary.

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

(3) If in the construction of any works under this section any rail
45 is intended to be so laid that for a distance of 30 feet or upwards a less

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space than 9 feet 6 inches would intervene between it and the outside of the footpath on either side of the road the Promoters shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not be so laid if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Promoters within three weeks after receiving the notice from the Promoters express their objection thereto. 5

(4) The construction of any works under this section shall be subject to the approval of the road authority. 10

Temporary tramways may be made when necessary.

18. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid it is in the opinion of the road authority necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Promoters may subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued. 15 20

Application of road materials excavated in construction of works.

19. Any paving metalling or material excavated by the Promoters in the construction of the tramways from any road under the jurisdiction or control of any road authority may be applied by the Promoters so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Promoters are by this Order required to maintain and the Promoters shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor of such road authority or to such person as he may appoint to receive the same at such place as he may direct Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them Provided also that all the above-mentioned materials shall be placed in such positions as the surveyor shall direct so as not to impede or endanger the traffic or persons using the said road Any matter in difference between the Promoters and any other person with reference to any of the matters aforesaid shall be referred to the arbitration of a person nominated by the Board of Trade. 25 30 35 40

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

20. The tramways shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by the Board of Trade. 45

Motive Power.

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21. 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):—

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Provisions as
to motive
power.

- 5 (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade.
- 10 (2) The Board of Trade shall make regulations (in this Order referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Order of mechanical power on the tramways and for regulating the use of electrical power:
- 15 (3) The Promoters or any person using any mechanical power on the tramways contrary to the provisions of this Order or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:
- 20 (4) The Board of Trade if they are of opinion—
- (A) that the Promoters or such person have or has made default in complying with the provisions of this Order or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or
- (B) that the use of mechanical power as authorised under this Order is a danger to the passengers or the public;
- 25 may by order either direct the Promoters or such person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Promoters or such person shall comply with every such order. In every such case the Board of Trade shall
- 30 make a special report to Parliament notifying the making of such order.

22.—(1) For the purpose of working the tramways by mechanical power the Promoters may subject to the provisions of this Order—

Mechanical
power works.

- 35 (A) Erect construct provide maintain and use on any lands acquired under the powers of this Order stations for generating electrical power with all necessary or proper machinery dynamos engines buildings works and conveniences:
- 40 (B) Subject to the reasonable approval of the local and road authorities and to such reasonable terms and conditions as those authorities may impose and subject to the approval of the local authority as to design of works place construct erect lay down make and maintain on in under or over the surface of any street or road within the borough posts brackets electric conductors wires boxes apparatus subways tunnels cables tubes and openings:

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(c) With the consent of the owners and occupiers of any building within the borough attach to such building and maintain brackets wires and apparatus.

(2) If at any time the road authority shall become entitled under the provisions of sections 41 and 42 of the Tramways Act 1870 or of any other enactment to remove the tramway within their district or any part thereof the road authority may without removing such tramway or in addition thereto remove the electrical equipment of such tramway or of such part thereof in like manner and subject to the same provisions as to the payment of the costs in every respect as in cases of removal of tramways under section 41 of the said Act. 5 10

Mechanical power works to be subject to Tramways Act 1870.

23. All works to be executed by the Promoters in any street or road for working the tramways by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects (save as by this Order otherwise expressly provided) to the provisions of the Tramways Act 1870 as in this Order incorporated as if they had been therein expressly mentioned. Provided always that nothing in this Order contained shall authorise the opening or breaking up of any street or road outside the borough. 15

Byelaws.

24. Subject to the provisions of this Order the Board of Trade may make byelaws with regard to any part of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say).— 20

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages: 25

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

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety: 30

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 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. 35

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Order shall be liable to a penalty not exceeding forty shillings. 40

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

25. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority

to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which engines are to be driven or propelled on the tramways under the authority of this Order but the byelaws of the local authority may restrict the rate of speed to a lower rate than
5 that so authorised.

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

Special provisions as to use of electrical power.

- 10 (1) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance :
- 15 (2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or
15 substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- 20 (3) The electric 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
25 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 :
- 30 (4) The Promoters shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and
35 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 :
- 40 (5) At the expiration of two years from the passing of the Act confirming this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including

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the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :

- (6) If any difference arises between the Promoters and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be : 5 10
- (7) In this section the expression "the Promoters" includes any person owning working or running carriages over the tramways. 10

For protection
of Postmaster-
General.

27.—(A) Notwithstanding anything in this Order contained if any of the works by this Order authorised involves or is likely to involve any alteration of any telegraphic line belonging to or used by His Majesty's Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration. 15

(B) In the event of any of the tramways being worked by electricity the following provisions shall have effect :— 20

- (1) The Promoters shall construct their electric lines and other works of all descriptions and shall work the undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of the undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Promoters as to compliance with this subsection shall be referred to arbitration : 25 30
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection : 35
- (3) Before any electric line is laid down or any act or work for working the tramways by electricity is done within 10 yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall 40 45

conform with such reasonable requirements (either general or special) as may be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work
 5 Any difference which arises between the Postmaster-General and the Promoters as to any requirements so made shall be referred to arbitration :

A.D. 1905.
 —
Aberavon.

- 10 (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works by this Order authorised is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such works or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electric energy is being generated for the purposes of
 15 this Order at any of the works of the Promoters enter thereon for the purpose of inspecting the plant and the working of the same and the Promoters shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electric tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the
 20 Promoters pursuant to the Board of Trade regulations :
- (5) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during
 25 which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the
 30 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
 35 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
 40 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
 45 deemed to be incorporated with this Order :
- (67.) C

- A.D. 1905. (9) The expression "electric line" has the same meaning in this section
 as in the Electric Lighting Act 1882 :
- Aberavon.* (10) Any question or difference arising under this section which is
 directed to be referred to arbitration shall be determined by an
 arbitrator appointed by the Board of Trade on the application of 5
 either party whose decision shall be final and sections 30 to 32
 both inclusive of the Regulation of Railways Act 1868 shall
 apply in like manner as if the Promoters or their agents were
 a company within the meaning of that Act :
- (11) Nothing in this section contained shall be held to deprive the 10
 Postmaster-General of any existing right to proceed against the
 Promoters by indictment action or otherwise in relation to any
 of the matters aforesaid :
- (12) In this section the expression "the Promoters" includes any person
 owning working or running carriages over any of the tramways 15
 of the Promoters.

Traffic upon Tramways.

Purposes for
 which tram-
 ways may be
 used.

- 28.—(1) The tramways may be used for the purpose of conveying—
- (A) Passengers and their personal luggage :
- (B) Small parcels not exceeding fifty-six pounds in weight : 20
- (C) Goods minerals and parcels required for the purposes of the
 undertaking.

(2) Subject as hereinafter provided the tramways may also be used for
 the purpose of conveying animals goods minerals and parcels Provided always
 that the tramways shall not except as provided by subsection (1) of this 25
 section and by subsection (11) of section 7 (For protection of the Corporation)
 of this Order be used without the consent in writing of the Rhondda and
 Swansea Bay Railway Company for the purpose of conveying any traffic
 which but for the existence of the tramways would in the ordinary course
 have been carried on the lines of the said railway company as those lines 30
 exist at the commencement of this Order.

(3) Any matter in difference between the Promoters and the said railway
 company under this section shall be referred to the arbitration of a person
 nominated by the Board of Trade.

Promoters not
 bound to carry
 animals goods
 &c.

29. The Promoters shall not be bound to carry unless they think fit 35
 any animals goods minerals or parcels other than passengers' luggage not
 exceeding twenty-eight pounds in weight.

Provision as to
 carriage of
 animals
 goods &c.

30. In case the Promoters carry animals goods minerals or parcels
 they may and when required by the local authority shall carry the same in
 separate carriages or separate parts of carriages set apart for that purpose 40
 Provided that this provision shall not apply to the carriage of passengers'
 luggage not exceeding twenty-eight pounds in weight.

31. No goods animals or things other than passengers and passengers' luggage and parcels not exceeding fifty-six pounds in weight shall be conveyed on the tramways between the hours of eight in the morning and eleven in the evening without the consent of the local authority nor shall any 5 carriages trucks or waggons constructed for use on railways be permitted to pass along the tramways between the same hours without such consent.

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Heavy traffic
confined to
certain hours.

32.—(1) The Promoters shall at all times after the opening of the tramways for public traffic run a sufficient daily service of cars.

Promoters to
run sufficient
daily service
of cars.

(2) Any matter in difference between the local authority and the 10 Promoters as to the sufficiency of the service upon the system or any part of the system shall be referred to the arbitration of a person nominated by the Board of Trade.

(3) The Promoters shall be liable to a penalty of five pounds for every day during which they fail to give effect to any decision of a referee under 15 this section and such penalty may be recovered by the local authority as by this Order provided.

Rates.

33. The Promoters may demand and take for every passenger travelling upon the tramways including every expense incidental to such conveyance 20 any rates or charges not exceeding one penny per mile and for this purpose a fraction of a mile shall be deemed a mile.

Passengers'
fares.

34. The Promoters shall not take or demand on Sunday or any public or local holiday any higher rates or charges than those levied by them on ordinary week days.

As to fares on
Sundays and
holidays.

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 all such personal luggage be carried by hand and at the responsibility of the passenger and do not occupy any part of a seat nor be of a form or description to 30 annoy or inconvenience other passengers.

Passengers'
luggage.

36.—(1) The Promoters at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day Good 35 Friday and public holidays always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Promoters in lieu of running such 40 carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

Cheap fares
for labouring
classes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances

A.D. 1905. of the locality may by order direct the Promoters to provide such service
 as may appear to the Board to be reasonable.

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(3) The Promoters shall be liable to a penalty not exceeding five pounds
 for every day during which they fail to comply with any order under this
 section. 5

Rates and
 charges for
 animals goods
 &c.

37. The Promoters may demand and take in respect of any animals
 goods minerals or parcels conveyed by them on the tramways including every
 expense incidental to such conveyance any rates or charges not exceeding the
 rates and charges specified in the schedule to this Order annexed subject
 to the regulations in that behalf therein contained. 10

Payment of
 rates.

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

Periodical revision
 of rates
 and charges.

39. If at any time after three years from the opening for public traffic 15
 of the tramways or any portion thereof or after three years from the date
 of any order made in pursuance of this section in respect of the tramways or
 any portion thereof it is represented in writing to the Board of Trade by the
 local authority of any district in which the tramways or such portion are or
 is wholly or partially situate or by twenty ratepayers of such district or 20
 by the Promoters that under the circumstances then existing all or any
 of the rates and charges demanded and taken in respect of the traffic on
 the tramways or on such portion should be revised the Board of Trade may
 (if they think fit) direct an inquiry by a referee to be appointed by the said
 Board in accordance with the provisions of the Tramways Act 1870 and if 25
 such referee reports that it has been proved to his satisfaction that all or any
 of the rates or charges should be revised the said Board may make an order
 in writing altering modifying reducing or increasing all or any of the rates
 and charges to be demanded and taken in respect of the traffic on the
 tramways or on such portion of the tramways in such manner as they think 30
 fit and thenceforth such order shall be observed until the same is revoked
 or modified by an order of the Board of Trade made in pursuance of this
 section Provided always that the rates and charges prescribed by any
 such order shall not exceed in amount the rates and charges by this Order
 authorised Provided also that a copy of this section shall be annexed to 35
 every table or list of rates published or exhibited by the Promoters.

Miscellaneous.

As to purchase
 of undertaking
 by local authority.

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

(1) The powers of purchase given by section 43 of that Act shall not be 40
 exercisable by the Corporation on the terms of purchase in the
 said section mentioned until the expiration of thirty-five years
 from the date of this Order The period of twenty-one years in

the said section mentioned shall in respect of the undertaking be deemed to be the period of thirty-five years from the date of this Order and the periods of seven years in such section mentioned shall be deemed to be periods of seven years subsequent to such period of thirty-five years :

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Aberavon.

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- (2) The powers of purchase given by the said section shall be exercisable by the Corporation at the expiration of periods of twenty-one and twenty-eight years respectively from the date of this Order upon payment to the Promoters of the fair market value thereof as a going concern but without any allowance for compulsory purchase such value to be in case of difference determined by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party and the expenses of the reference to be borne and paid as the referee directs and in such cases the period and the terms of purchase in the said section 43 mentioned shall as regards the said undertaking be deemed to be the respective periods of twenty-one and twenty-eight years and the terms of purchase by this subsection prescribed.

- 20
25
30
41. If the Promoters shall at any time be desirous of selling the undertaking under section 44 of the Tramways Act 1870 they shall give notice of their desire to the Corporation and if the Corporation shall within one month after the receipt of such notice pass such a resolution as is specified in the said section deciding to purchase the whole of the undertaking the Promoters shall thereupon sell to the Corporation and the Corporation shall purchase the undertaking and if no offer has been made to the Promoters for the purchase of the undertaking by a third party at a price which the Promoters are willing to accept upon the terms of paying the fair market value thereof as a going concern such value to be determined failing agreement by arbitration but if an offer has been made to the Promoters for the purchase of the undertaking by a third party at a price which the Promoters are willing to accept then the purchase of the undertaking by the Corporation shall be upon the terms of paying to the Promoters the price offered to the Promoters by the third party.

As to power of sale under section 44 of Tramways Act 1870.

- 35
- 42.—(1) Subject to the provisions of this Order the Promoters may enter into and carry into effect contracts and agreements with any person authorised (whether expressly or otherwise) to enter into such contracts and agreements and owning or working tramways connecting with any of the tramways of the Promoters with respect to—

Working agreements.

- 40
- (A) The combined working by the Promoters and such person of the tramways and such other tramways ;
- (B) The granting of running powers over the tramways and obtaining running powers over such other tramways ; and
- (C) The fixing collection and apportionment of rates tolls and charges in connection with such combined working.

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(2) Any such contract or agreement as aforesaid shall be submitted to and be subject to the approval of the Board of Trade.

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

(4) The Promoters or any person using the tramways may subject to the provisions of this Order enter into agreements with any person with respect to the receiving from or forwarding to such person any passengers animals goods minerals parcels and the fixing collection and apportionment of rates charges or other receipts arising in respect of such traffic. 5

Agreements
with road
authorities.

43. The Promoters and any road authority may subject to the provisions of this Order and with the consent of the Board of Trade from time to time enter into any agreements with respect to the construction maintaining renewing repairing and using of the tramways situated within the district of such road authority and the rails plates sleepers and works connected therewith and the facilitating of the traffic over the same. 10
15

Saving as to
powers of bor-
rowing on
mortgage.

44. Nothing in this Order or in the Tramways Act 1870 contained shall prevent the Promoters borrowing money on the security of mortgages of the undertaking or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Promoters in the event of a compulsory sale of the undertaking or any part thereof to the local authority under section 43 of the Tramways Act 1870 as amended by this Order and that any mortgage granted by the Promoters shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being purchased by the local authority under the said section as so amended and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect. 20
25

Orders &c. of
Board of Trade.

45. All orders regulations and byelaws made and consents and certificates given by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board and when purporting to be so signed the same shall be deemed to be duly made in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly. 30
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Recovery of
penalties.

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

Power to hold
patents.

47. The Promoters may subject to the provisions of this Order (but only for the purposes of the undertaking and not so as to acquire any exclusive right therein) acquire hold and use any patent or other rights and any licences to use patent rights relating to the construction or working of tramways or carriages used thereon. 40

[5 EDW. 7.] *Tramways Orders Confirmation (No. 2).* 23

48. With respect to notices and to the delivery thereof by or to the Promoters the following provisions shall have effect (that is to say):— A.D. 1905.

(1) Every notice consent or approval shall be in writing and if given by the Promoters or by any local or road authority or company shall be signed by their secretary or clerk : *Aberavon.*
Form and delivery of notices &c.

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

49. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration as if the arbitration were pursuant to a submission. Provisions as to arbitration.

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

25 SCHEDULE.

MAXIMUM RATES AND CHARGES FOR ANIMALS GOODS &C.

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

Goods and Minerals.

35	For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung nightsoil town refuse compost and all sorts of manure and all undressed materials for the repair of public roads or highways - - - - - per ton	0 2
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Aberavon.

	Per Mile
	<u>s. d.</u>
For all iron iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs	5
per ton	0 2½
For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - - per ton	0 3
For cotton wools drugs and manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein - - - - - per ton	10 0 4
For every carriage of whatever description - - - - -	1 0

Small Parcels.

	Any Distance
	<u>s. d.</u>
For any parcel not exceeding seven pounds in weight - - -	15 0 3
For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight - - - - -	0 5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - -	20 0 7
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight - - - - -	0 9
For any parcel exceeding fifty-six pounds in weight but not exceeding five hundred pounds in weight such sum as the person conveying the same may think fit :	25
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.	30

For the Carriage of Single Articles of Great Weight.

	Per Mile.
	<u>s. d.</u>
For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the persons conveying the same may think fit not exceeding - - - - - per ton	35 2 0
For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons such sum as the person conveying the same may think fit.	40

[5 EDW. 7.] *Tramways Orders Confirmation (No. 2).* 25

Regulations as to Rates.

A.D. 1905.

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

Aberavon.

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

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

10 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 ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller

15 quantity.

LUTON CORPORATION.

Luton Corporation.

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

Preliminary.

20 1. This Order may be cited as the Luton Corporation Tramways Order 1905. Short title.

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

25 Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order.

Incorporation of Acts.

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

Interpretation.

30 The expression "the borough" means the borough of Luton in the county of Bedford:

The expression "the corporation" means the mayor aldermen and burgesses of the borough acting by the council:

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

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

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

A.D. 1905.
 —
Luton
Corporation.
 Promoters.
 Lands.

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

5. The Promoters may—

(A) Subject to the sanction of the Local Government Board and under such conditions as they may prescribe from time to time appropriate and use for any of the purposes of this Order but subject to the provisions (if any) under which such lands were respectively acquired any lands not dedicated to public use from time to time vested in them being part of their corporate estates : 5 10

(B) By agreement from time to time purchase and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes Provided that all sums received by the Promoters from the sale of such lands or from fines or premiums on leases of the same shall be applied solely in repayment of outstanding loans and that such moneys shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board : 15 20

Provided that they shall not at any time hold for such purposes more than five acres of land Provided also that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands appropriated or taken under the powers of this section. 25

Construction of Tramways.

Construction
 of tramways.

6. The Promoters may subject to the provisions of this Order— 30

(A) Construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order as the same have been amended previous to the passing of the Act confirming this Order (which plans and sections so amended as aforesaid are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways hereinafter described with all proper rails plates sleepers junctions turntables turnouts works and conveniences connected therewith or for the purposes thereof : 35

(B) Erect or construct on any lands taken or appropriated under the powers of this Order any offices stables sheds workshops stores waiting rooms or other buildings yards works and conveniences for the purposes of the undertaking : 40

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Corporation.

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

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

10 Tramway No. 1 (7 furlongs 2·25 chains in length whereof 6 furlongs 3·25 chains will be single line and 9·00 chains will be double line) situate wholly in Dunstable Road commencing at the borough boundary at a point opposite to the eastern boundary fence of the cottages and premises known as "The Firs" and terminating at a point opposite to the western frontage line of Beech Road :

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

(A) Between points respectively 1 chain and 4 chains east of the commencement of the tramway :

20 (B) From a point opposite the eastern boundary fence of the private road leading to Maiden Common Farm for a distance of 3 chains measured in an easterly direction :

(C) Between points respectively 0·5 chain and 3·5 chains west of the westerly corner of the footpath leading from Dunstable Road past the Children's Home to the Gasworks in Dunstable Road :

25 Tramway No. 2 (2 miles 1 furlong 4·90 chains in length whereof 1 mile 6 furlongs 3·60 chains are single line and 3 furlongs 1·30 chains are double line) commencing in Leagrave Road at the borough boundary thence proceeding in an easterly direction along Leagrave Road Dunstable Road Upper George Street George Street Park Square and Park Street to and terminating in Park Road at the intersection of the centre lines of Park Road and Trapps Lane :

30

Tramway No. 2 will be laid as a single line except at the following places where it will be double:—

35 (A) In Leagrave Road between points respectively 1 chain and 4 chains east of the commencement of the tramway :

(B) In Leagrave Road between points respectively 1·5 chains and 4·5 chains north-west of the northern side of the bridge carrying the Midland Railway over Leagrave Road :

40 (C) In Dunstable Road from the intersection of the centre lines of Leagrave Road and Dunstable Road for a distance of 3 chains measured in an easterly direction :

(D) In Dunstable Road between points respectively 0·85 chain west and 1·45 chains east of the intersection of the centre lines of Dunstable Road and Francis Street :

(67.)

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 ———
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Corporation.

(E) In Dunstable Road from the intersection of the centre lines of Cardigan Street and Dunstable Road for a distance of 3 chains measured in a north-easterly direction :

(F) In George Street from a point 0·80 chain north-west of the north-western corner of Wellington Street to a point 0·30 chain west of the intersection of the centre lines of George Street and Bute Street : 5

(G) In George Street from a point 0·15 chain east of the intersection of the centre lines of George Street and Adelaide Terrace to a point 0·25 chain north-east of the intersection of the centre lines of George Street and Cheapside : 10

(H) In Park Square between points respectively 2·15 chains and 5·15 chains east of the intersection of the centre lines of Park Square and Park Lane :

(I) In Park Street from a point 0·15 chain north-west of the intersection of the centre lines of Cumberland Street and Park Street for a distance of 2·85 chains measured in a south-easterly direction : 15

(K) In Park Street from a point 1·65 chains south-east of the intersection of the centre lines of Park Street and East Avenue to a point 0·70 chain south-east of the intersection of the centre lines of Bailey Street and Park Street : 20

(L) In Park Road between points respectively 4 chains and 1 chain north-west of the termination of the tramway.

Tramway No. 3 (1 mile 1 furlong 7·87 chains in length whereof 7 furlongs 7·22 chains are single line and 2 furlongs 0·65 chain are double line) commencing in George Street by a junction with Tramway No. 2 at a point 1 chain south of the south-western corner of the warehouse No. 68 George Street thence proceeding in a northerly direction into and along Manchester Street and New Bedford Road and terminating in the last mentioned road at the borough boundary at a point 0·5 chain south of the intersection of the centre lines of New Bedford Road and Stockingstone Lane : 30

Tramway No. 3 will be laid as a single line except at the following places where it will be double :— 35

(A) In George Street from the commencement of the tramway for a distance of 3 chains measured in a northerly direction :

(B) In Manchester Street and New Bedford Road from a point in Manchester Street 1·15 chains north of the intersection of the centre lines of Gordon Street and Manchester Street to the intersection of the centre lines of Inkerman Street Collingdon Street and New Bedford Road : 40

(C) In New Bedford Road from a point 1 chain north of the intersection of the centre lines of the entrance to the premises

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Luton
Corporation.

5 known as "The Mount" and New Bedford Road to a point 0·5 chain south of the intersection of the centre lines of the entrance to the premises known as "Shirley" and New Bedford Road. Provided that single line only shall be laid unless and until the roadway at this place has been so widened that 9 feet 6 inches shall intervene between the nearest rail and the kerb on both sides of the road :

10 (D) In New Bedford Road between points respectively 0·75 chain and 3·75 chains north of the intersection of the centre lines of New Bedford Road and Studley Road :

(E) In New Bedford Road from a point 2·5 chains north of the southerly boundary fence of the Gelatine Works to a point 2·5 chains south of the northerly fence of those works :

15 (F) In New Bedford Road from the intersection of the centre lines of New Bedford Road and the bridge over the River Lea opposite the cottage known as "Pump House" to a point 1 chain south of the termination of the tramway.

20 Tramway No. 4 (1 mile 1 furlong in length whereof 7 furlongs are single line and 2 furlongs are double line) commencing in New Bedford Road by a junction with Tramway No. 3 at a point 0·5 chain south-east of the intersection of Mill Street and New Bedford Road thence proceeding into and along Mill Street Old Bedford Road Midland Road and Hightown Road to and terminating in Hitchin Road at a point opposite the north-eastern corner of the Wesleyan Chapel at Round Green :

25 Tramway No. 4 will be laid as a single line except at the following places where it will be double :—

30 (A) In Midland Road from a point opposite the westerly boundary wall of the premises known as "Hilldene" to a point opposite the south-westerly corner of the "Railway Inn" Hightown Road :

(B) In Hightown Road from the intersection of the centre lines of Hightown Road and Cross Street to the intersection of the centre lines of Hightown Road and Havelock Road :

35 (C) In Hightown Road between points respectively 2·20 chains south-west and 0·80 chain north-east of the intersection of the centre lines of Hightown Road and Park Way :

40 (D) In Hitchin Road from a point opposite the south-easterly corner of the premises known as No. 2 Round Green to a point opposite the north-westerly corner of the premises known as No. 18 Round Green :

Provided that Tramway No. 4 shall not be opened for traffic unless and until the roadway between furlong points six and seven has been widened to at least 23 feet.

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 Corporation.

Tramway No. 5 (1 mile 4·70 chains in length whereof 7 furlongs 0·70 chain are single line and 1 furlong 4·00 chains are double line) commencing in George Street by a junction with Tramway No. 2 at a point opposite the easterly corner of Cheapside and thence proceeding in a southerly direction into and along Chapel Street Windsor Street 5
 Hibbert Street and Ashton Road to and terminating in London Road at the borough boundary at the intersection of the centre lines of London Road and Trapps Lane :

Tramway No. 5 will be laid as a single line except at the following places where it will be double :— 10

(A) In Chapel Street between points respectively 0·40 chain north and 1·10 chains south of the intersection of the centre lines of Stuart Street and Chapel Street :

(B) In Chapel Street from a point 0·5 chain north of the intersection of the centre lines of Dumfries Street and Chapel Street to 15
 a point 0·5 chain south of the intersection of the centre lines of Elizabeth Street and Chapel Street :

(C) In Windsor Street from a point 0·25 chain east of the north-easterly corner of South Road to a point 1 chain west of the intersection of the centre lines of Castle Street and Windsor Street : 20

(D) In London Road from the intersection of the centre lines of London Road and Castle Street for a distance of 3 chains measured in a southerly direction. Provided that single line only shall be laid unless and until the roadway at this place has been so widened that 9 feet 6 inches shall intervene between the nearest rail and the 25
 kerb on both sides of the road :

(E) In London Road between points respectively 0·25 chain and 3·25 chains south of the northern boundary wall of the premises known as "Kinaere Hill."

Tramway No. 6 (single line 1·50 chains in length) commencing in Upper 30
 George Street by a junction with Tramway No. 2 at a point opposite the south-westerly corner of the Town Hall thence proceeding in an easterly and northerly direction to and terminating in Manchester Street by a junction with Tramway No. 3 at a point opposite the north-easterly corner of the Town Hall. 35

Tramway No. 7 (single line 1·1 chains in length) commencing in New Bedford Road by a junction with Tramway No. 3 at a point 0·10 chain north of the south-westerly boundary of the house No. 33 New Bedford Road thence proceeding in an easterly direction to and terminating in Mill Street by a junction with Tramway No. 4 at a 40
 point 0·20 chain west of the south-easterly corner of the house known as "Millbrook House."

For protection
 of Bedfordshire
 County Council.

7. The following provisions for the protection of the Bedfordshire County Council (in this section called "the county council") shall notwithstanding anything in this Order contained or shown upon the deposited plans 45

unless otherwise agreed in writing between the Promoters and the county council under their respective common seals have effect :—

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Luton Corporation.
(County contributions to main roads.)

- 5 (1) After the passing of this Order in ascertaining the annual payment to be made by the county council to the Promoters under section 11 (2) of the Local Government Act 1888 the Promoters shall not be entitled to any sum for any length of main road in which the tramways are situate greater than one calculated at the rate of two hundred and seven pounds per mile and the county council shall not in any case be required to contribute towards the cost of any widening or alteration in the level of any such road or any part thereof rendered necessary by reason of the construction or user of the tramways :
- 10
- 15 (2) The Promoters shall so construct and maintain and use the tramways over any bridge or culvert and the approaches thereto belonging to the county council as not injuriously to affect the same and in the event of any injury or damage being caused to any such bridge or culvert or the approaches thereto by the construction maintenance or user of the tramways the Promoters shall make good at their own expense and restore the same to the reasonable satisfaction of the surveyor of the county council :
- 20
- 25 (3) Before commencing any work which may affect or interfere with the structure of any such bridge or culvert or the approaches thereto or the roadway thereon the Promoters shall give twenty-one days' notice in writing to the county council and shall at the same time send sufficient plans sections and specifications showing the nature and the proposed method of construction of such works and such works shall be constructed and maintained in all respects in accordance with such plans sections and specifications and under the superintendence (if such superintendence shall be given) and to the reasonable satisfaction of the surveyor of the county council :
- 30
- 35 (4) In the event of the tramways being worked by electricity on the overhead system no posts brackets wires or other apparatus shall be attached to or erected on any such bridge or culvert or the approaches thereto :
- 40
- 45 (5) If by reason of the user of the tramways any such bridge or culvert or the approaches thereto though otherwise of sufficient strength and having been kept in proper repair shall have become or shall be in danger of becoming too weak for the traffic upon it and it is therefore reasonably necessary to strengthen alter repair or entirely rebuild the same then and in every such case the Promoters at their own expense shall so strengthen alter repair or entirely rebuild such bridge or culvert or the approaches thereto in all respects in accordance with the reasonable requirements of the county surveyor :
- (Protection of bridges and culverts.)
- (Works affecting bridges and culverts.)
- (Attachments to bridges &c.)
- (Strengthening &c. of bridges and culverts.)

- A.D. 1905. (6) Nothing in this Order contained shall affect the right of the county council to repair alter or rebuild any such bridge or culvert or the approaches thereto and if any bridge or culvert or the approaches thereto upon or along which the tramways are laid be repaired altered or rebuilt by the county council the county council may require the Promoters at their own expense to alter the tramways in such manner as the circumstances of the case may reasonably require and the county council shall not be responsible for any interference with the tramways or the traffic thereon caused by such repair alteration or rebuilding: 5
- Luton Corporation.*
(Alterations in bridges and culverts.)
- (Settlement of differences.) (7) Any matter in difference between the Promoters and the county council under or arising out of this section or with regard to anything done or required to be done under or in accordance therewith shall be referred to the arbitration of a single arbitrator to be agreed upon between the Promoters and the county council or failing agreement to be nominated by the Board of Trade. 10 15
- For protection of Great Northern Railway Company. 8. The following provision for the protection of the Great Northern Railway Company (in this section called "the Great Northern Company") shall unless otherwise agreed between the Promoters and the Great Northern Company in writing under their respective common seals apply and have effect:— 20
- (Superintendence of works affecting railway &c.) All works by this Order authorised where the same will be made under any railway of the Great Northern Company or will otherwise interfere with the same shall be constructed and maintained to the reasonable satisfaction of the engineer of the Great Northern Company according to plans sections and specifications to be previously approved by him or in case of difference between him and the engineer of the Promoters by an arbitrator to be appointed by the Board of Trade. 25 30
- For protection of Midland Railway Company. 9. The following provisions for the protection of the Midland Railway Company (in this section called "the Midland Company") shall unless otherwise agreed between the Promoters and the Midland Company in writing under their respective common seals apply and have effect:—
- (Works affecting bridges.) (1) So much of Tramways Nos. 2 3 and 4 as will pass under the respective bridges carrying the Midland Railway over Legrave Road New Bedford Road and Midland Road shall be so constructed and maintained as not injuriously to affect the structure of the said bridges or the piers and abutments thereof: 35
- (Submission of plans.) (2) Plans sections and specifications of all works which may be necessary in constructing and maintaining the tramways or working the same by mechanical power under the said bridges and property of the Midland Company shall be submitted to the principal engineer of the Midland Company at least fourteen days before the same are to be commenced: 40 45

- 5 (3) In the event of any injury being caused to the structure of the said bridges or the piers or abutments thereof by the construction maintenance repairing user or removal of any of the said tramways by this Order authorised or the works in connection therewith the Midland Company may at the expense of the Promoters restore the structure of such bridges or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the reasonable costs of so doing shall be repaid to them by the Promoters :
- 10
- 15 (4) The alteration of the levels of the said roads by this Order authorised under and adjoining the said bridges carrying the railway of the Midland Company over the said roads shall be executed so as not to injure or affect the stability of the said bridges or the piers or abutments thereof and such alteration of levels shall be executed according to plans sections and specifications to be previously submitted to and reasonably approved by the principal engineer of the Midland Company Provided nevertheless that the level of the footpath shall not be altered :
- 20
- 25 The works of such alteration of levels shall be so carried out as to cause no injury to the said bridges or the piers or abutments thereof or interruption to the traffic on the said railway and if any injury be caused to the said bridges or interruption be caused to the traffic on the said railway in consequence of such alteration of levels the Promoters shall make full compensation to the Midland Company in respect thereof :
- 30 (5) If and when the Midland Company shall require to reconstruct alter repair or paint any bridge under which any electric wire of the Promoters has been placed the Promoters shall if in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting it should be necessary so to do cut off the electric current from the trolley wires under such bridge at such time as shall be reasonably required by the principal engineer of the Midland Company unless the Promoters shall have previously adopted some other means of protection to workmen which shall have been reasonably approved by the said engineer :
- 35
- 40 (6) In the event of the tramways being worked by electricity on the overhead system no brackets wires or other apparatus shall except with the previous consent in writing of the principal engineer of the Midland Company be attached to any part of the said bridges :
- 45 (7) Any matter in difference between the Promoters and the Midland Company under this section shall unless otherwise agreed be referred to the arbitration of a person nominated by the Board of Trade.

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Luton
Corporation.
 (Injury to
 bridges.)

(Alterations in
 roads under
 bridges &c.)

(Protection of
 workmen.)

(Attachments
 to bridges.)

(Settlement of
 differences.)

A.D. 1905.

Luton Corporation.
For protection
of Luton Gas
Company.

10. Notwithstanding anything shown on the deposited plans the Promoters shall construct Tramway No. 2 where it passes the Luton Gas-works as shown on the plan signed by George Sell on behalf of the Promoters and by William Richards Phillips on behalf of the Luton Gas Company a copy of which has been deposited with the Board of Trade.

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Gauge and
width of car-
riages.

11.—(1) The tramways shall be constructed on a gauge of three feet six inches or such other gauge as may from time to time be determined by the Board of Trade on the application of the Promoters.

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

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Provisions as
to construction
of tramways.

12. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down or renewing the tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down or renewal of any of the tramways except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and in places where the Promoters are not the sole road authority under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by the said section.

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Rails of tram-
ways.

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

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

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

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

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

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Luton
Corporation.

- 5 15. If the Promoters or any other road authority hereafter alter the level of any road along or across which any part of the tramways is laid or authorised to be laid the Promoters may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.
- 10 16. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Promoters shall if and where required by the Board of Trade construct a crossover or crossovers connecting the one tramway with the other and by
- 15 17. the means of such crossover or crossovers the traffic shall when necessary be diverted from one tramway to the other.
- 20 17.—(1) The Promoters may subject to the provisions of this Order with the consent of the Board of Trade make maintain alter and remove all such crossovers passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the tramways or for effecting junctions with other tramways or light railways or for providing access to any warehouses stables or carriage houses or works of the Promoters.
- 25 (2) Notwithstanding anything shown on the deposited plans the Promoters may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and may with the like consent alter the position in the road of any of the tramways or any part thereof respectively Provided
- 30 that the uppermost surface thereof shall be on a level with the surface of the road.
- (3) Provided that if in the construction of any works under this section any rail is intended to be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the
- 35 outside of the footpath on either side of the road the Promoters shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops and warehouses abutting on the place where such less space would intervene and such rail shall not be laid if the owners or occupiers of one third of such houses shops or warehouses by
- 40 writing under their hands addressed and delivered to the Promoters within three weeks after receiving the notice from the Promoters express their objection thereto.
- (4) In places where the Promoters may not be the road authority the construction of any works under this section shall be subject to the approval
- 45 of that authority.

Tramways to be kept on level of surface of road.

Crossovers to be constructed in certain cases.

Power to make additional crossovers &c. and to alter tramway lines.

A.D. 1905.

Luton Corporation.

Temporary tramways may be made when necessary.

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

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Application of road materials excavated in construction of works.

19.—(1) Any paving metalling or material excavated by the Promoters in the construction of any works under the authority of this Order from any road under their jurisdiction or control shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit.

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

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

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

Motive Power.

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Provisions as to motive power.

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

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

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- (2) The Board of Trade shall make regulations (in this Order referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Order of mechanical power on the tramways and for regulating the use of electrical power :
- (3) The Promoters or any person using any mechanical power on the tramways contrary to the provisions of this Order or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof :
- (4) The Board of Trade if they are of opinion—
- (A) That the Promoters or such person have or has made default in complying with the provisions of this Order or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or
- (B) That the use of mechanical power as authorised under this Order is a danger to the passengers or the public ;
- may by order either direct the Promoters or such person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Promoters or such person shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.
22. For the purpose of working the tramways by mechanical power the Promoters and their lessees subject to the provisions of this Order (and as to the lessees subject to the terms of their lease) may—
- (A) Construct provide maintain and use on any lands appropriated or acquired by them under the powers of this Order stations for generating electrical power with all necessary or proper machinery dynamos engines buildings works and conveniences :
- (B) Place construct erect lay down make and maintain on above or below the surface of any street or road within the borough posts brackets electric conductors wires boxes apparatus subways tunnels cables tubes and openings :
- (C) With the consent of the owners and occupiers of any houses or buildings within the borough affix to such houses or buildings or maintain brackets wires and apparatus.
23. All works to be executed by the Promoters or their lessees in any street or road for working the tramways by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects (save as by this Order otherwise expressly provided) to the provisions of the Tramways Act 1870 as in this Order incorporated as if they

A.D. 1905.
Luton
Corporation.

Mechanical
power works.

Mechanical
power works to
be subject to
Tramways Act
1870.

A.D. 1905. had been therein expressly mentioned Provided always that nothing in this Order contained shall authorise the opening or breaking up of any street or road outside the borough.

Luton Corporation.

Byelaws.

24. Subject to the provisions of this Order the Board of Trade may make byelaws with regard to any part of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say):— 5

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

For regulating the emission of smoke or steam from engines used on the tramways : 10

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

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages : 15

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. 20

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Order shall be liable to a penalty not exceeding forty shillings. 25

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

25. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which engines are to be driven or propelled on the tramways under the authority of this Order but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised. 30

Special provisions as to use of electric power.

26. The following provisions shall apply to the use of electric power under this Order unless such power is entirely contained in and carried along with the carriages :— 35

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

(2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or 40

apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

A.D. 1905.

Luton
Corporation.

- 5 (3) The electric 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 :
- 10 (4) The Promoters shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expenses involved and to the effect thereof upon the commercial prospects of the undertaking :
- 15 (5) At the expiration of two years from the passing of the Act confirming this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- 20 (6) If any difference arises between the Promoters and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :
- 25 (7) In this section the expression "the Promoters" includes any person owning working or running carriages over the tramways.
- 30 27.—(A) Notwithstanding anything in this Order contained if any of the works by this Order authorised involves or is likely to involve any alteration of any telegraphic line belonging to or used by His Majesty's Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply
- 35 (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

For protection
of Postmaster-
General.

A.D. 1905.
 Luton
 Corporation.

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

- (1) The Promoters shall construct their electric lines and other works of all descriptions and shall work the undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of the undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Promoters as to compliance with this subsection shall be referred to arbitration : 5 10
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking the Promoters shall pay the expenses of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection : 15
- (3) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Promoters as to any requirements so made shall be referred to arbitration : 20 25 30
- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works by this Order authorised is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such works or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electric energy is being generated for the purposes of this Order at any works of the Promoters enter thereon for the purpose of inspecting the plant and the working of the same and the Promoters shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any 35 40 45

electric tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Promoters pursuant to the Board of Trade regulations :

A.D. 1905.
London
 Corporation.

- 5 (5) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- 10 (6) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having 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
- 15 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 :
- 20 (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 :
- 25 (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- 30 (10) Any question or difference arising under this section which is directed to be referred to arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall
- 35 apply in like manner as if the Promoters or their agents were a company within the meaning of that Act :
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any
- 40 of the matters aforesaid :
- (12) In this section the expression "the Promoters" includes any person owning working or running carriages over any of the tramways of the Promoters.

A.D. 1905.

Traffic upon Tramways.

Luton Corporation.
Traffic upon tramways.
Promoters' lessees not bound to carry animals goods &c.

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

29. The Promoters' lessees shall not be bound to carry unless they think fit any animals goods minerals or parcels other than passengers' luggage not exceeding twenty-eight pounds in weight. 5

Provisions as to carriage of animals goods &c.

30. In case the Promoters' lessees carry animals goods minerals or parcels they may and when required by the Corporation shall carry the same in separate carriages or separate parts of carriages set apart for that purpose Provided that this provision shall not apply to the carriage of passengers' luggage not exceeding twenty-eight pounds in weight. 10

Rates.

Passengers' fares.

31.—(1) The Promoters' lessees may demand and take for every passenger travelling upon the tramways including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile and for this purpose a fraction of a mile shall be deemed a mile. 15

(2) Provided that the Promoters' lessees may appoint stages upon the tramways not less than half a mile in length and may demand and take for every passenger travelling upon the tramways including every expense incidental to the conveyance of such passenger any rates or charges not exceeding one penny for each two stages (or portion of that distance) travelled and for this purpose the fraction of a stage shall be deemed a stage. 20

As to fares on Sundays and holidays.

32. The Promoters' lessees shall not take or demand on Sunday or any public or local holiday any higher rates or charges than those levied by them on ordinary week days. 25

Passengers' luggage.

33. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof Provided that all such personal luggage be carried by hand and at the responsibility of the passenger and do not occupy any part of a seat nor be of a form or description to annoy or inconvenience other passengers. 30

Cheap fares for labouring classes.

34.—(1) The Promoters' lessees at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day Good Friday and public holidays always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Promoters' lessees in lieu of running such carriages after five o'clock in the evening shall run the same at such 35 40

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hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes. A.D. 1905.

Luton
Corporation.

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

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

10 35. The Promoters' lessees may demand and take in respect of any animals goods minerals or parcels conveyed by them on the tramways including every expense incidental to such conveyance any rates or charges not exceeding the rates and charges specified in the schedule to this Order annexed subject to the regulations in that behalf therein contained. Rates and charges for animals goods &c.

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

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

Miscellaneous.

38. Notwithstanding anything in the Tramways Act 1870 to the contrary the corporation may place and run carriages on and may work and may demand and take rates and charges in respect of the tramways and in respect of the use of such carriages and may provide such stables Power to corporation to work tramways.

- A.D. 1905. buildings carriages trucks horses harness engines machinery apparatus
 steam cable electrical and other plant appliances and conveniences as may
Luton Corporation. be requisite or expedient for the convenient working or user of the said
 tramways by animal or mechanical power and in such case the several 5
 provisions in this Order contained relating to the working of the tramways
 and the taking of rates and charges therefor shall extend and apply
 mutatis mutandis to and in relation to the corporation and the corporation
 may work such tramways and demand and recover such rates and charges
 accordingly but nothing in this section shall empower the corporation to
 create or permit a nuisance. 10
- Regulations. 39. The regulations authorised by the Tramways Act 1870 to be made
 by the Promoters of any tramway and their lessees may with respect to
 any tramways or portions of tramways for the time being belonging to and
 worked by the corporation be made by the corporation alone.
- Working agreements. 40.—(1) Subject to the provisions of this Order the Promoters may— 15
 (A) Enter into and carry into effect contracts and agreements with
 any person authorised (whether expressly or otherwise) to
 enter into such contracts or agreements and owning or working
 any tramways connecting with any of the tramways of the
 Promoters with respect to— 20
 (i) The construction of the tramways by this Order
 authorised ;
 (ii) The formation of junctions between the tramways and
 the tramways belonging to such person ;
 (iii) The working running over using maintaining and 25
 managing by either of the contracting parties of the tram-
 ways of the other and the fixing collecting apportionment
 and distribution of the rates and profits arising therefrom
 or of a rent for the same ;
 (iv) The supply under any agreement for the tramways 30
 of either of the contracting parties being worked and used
 by the other of motive power or of engines carriages and
 plant necessary for the purposes of such agreement ;
 (v) The management regulation interchange collection 35
 transmission and delivery of traffic coming from or destined
 for the undertakings of the contracting parties ;
 (vi) The appointment of officers and servants and generally
 all such matters as may be deemed desirable for enabling
 the tramways of the contracting parties to be worked in
 connection : 40
 (B) Confirm subject to this section any such contracts and agreements
 entered into before the confirmation of this Order.
- (2) Any contract or agreement under this section shall be submitted to
 and be subject to the approval of the Board of Trade.

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(3) In this section the word "tramways" includes light railways and parts of tramways and light railways. A.D. 1905.

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

Luton Corporation.
Mortgages to include rents and rates.

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

Orders &c. of Board of Trade.

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

Recovery of penalties.

44. Sections 246 and 250 of the Public Health Act 1875 and section 58 (1) of the Local Government Act 1894 shall apply to the accounts of the receipts and expenditure of the Promoters and of their committees and officers with respect to the tramways and the undertaking and to the audit thereof as if such accounts related to receipts and expenditure under the Public Health Act 1875.

Audit of accounts.

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

Protection of local authority.

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

Form and delivery of notices.

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

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

47. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person

Provisions as to arbitration.

A.D. 1905. nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration as if the arbitration were pursuant to a submission.

Luton
Corporation.

Saving for
general Acts.

48. Nothing in this Order contained shall exempt the Promoters or any person using the tramways or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum rates or charges authorised by this Order. 5

SCHEDULE.

MAXIMUM RATES AND CHARGES FOR ANIMALS GOODS &C.	Per Mile.	10
<i>Animals.</i>	<u>s. d.</u>	
For every horse mule or other beast of draught or burden - per head	0 4	
For every ox cow bull or head of cattle - - - - - „	0 3	
For every calf pig sheep or other small animal - - - - - „	0 1½	15
<i>Goods and Minerals.</i>		
For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways per ton	0 2	20
For all iron iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs per ton	0 2½	25
For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - - per ton	0 3	
For cotton wools drugs and manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein - - - - - per ton	0 4	30
For every carriage of whatever description - - - - -	1 0	
<i>Small Parcels.</i>		
	<u>Any Distance.</u>	
	<u>s. d.</u>	35
For any parcel not exceeding seven pounds in weight - - - - -	0 3	
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - -	0 5	

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		Any Distance.	A.D. 1905.
		s. d.	<u>Luton</u> Corporation.
	For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - -	0 7	
5	For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight - - - - -	0 9	
	For any parcel exceeding fifty-six pounds in weight but not exceeding five hundred pounds in weight such sum as the person conveying the same may think fit:		
10	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.		
		Per Mile.	
15	<i>For the Carriage of single Articles of great Weight.</i>	s. d.	
	For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the person conveying the		
20	same may think fit not exceeding - - - - per ton	2 0	
	For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons such sum as the person conveying the same may think fit.		

Regulations as to Rates.

- 25 For articles or animals conveyed on the tramways for a less distance than a mile rates and charges as for one mile may be demanded.
- A fraction of a mile beyond an integral number of miles shall be deemed a mile.
- For a fraction of a ton rates and charges may be demanded and taken according to the number of the quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.
- 30 With respect to all articles except stone and timber the weight shall be determined according to Imperial avoirdupois weight.
- 35 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.

A.D. 1905.

COLCHESTER CORPORATION.

Colchester Corporation.

Order authorising the Mayor Aldermen and Burgesses of the Borough of Colchester to construct an additional Tramway in the said Borough and for other purposes.

- Short title. 1. This Order may be cited as the Colchester Corporation Tramways Order 1905. 5
- Order of 1901 and this Order to be construed together. 2. The Colchester Corporation Tramways Order 1901 (hereinafter called "the Order of 1901") as amended by this Order and this Order shall be construed together as one Order and may be cited jointly as the "Colchester Corporation Tramways Orders 1901 and 1905." 10
- Promoters. 3. The mayor aldermen and burgesses of the borough of Colchester in the county of Essex acting by the council shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters." 15
- Construction of tramway. 4. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to as "the deposited plans" and "the deposited sections") the tramway hereinafter described with all proper rails points junctions plates works and conveniences connected therewith or for the purposes thereof Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the Act of 1882 apply except in accordance with and subject to the provisions of that section. 20
- The tramway by this Order authorised will be wholly situate within the borough and is as follows (that is to say) :— 25
- A tramway 4 furlongs 6·97 chains or thereabouts in length (whereof 2 furlongs 5·60 chains will be single and 2 furlongs 1·97 chains will be double) commencing in Magdalen Street by a junction with the existing tramway in such street at a point 40 yards or thereabouts eastward of the north-eastern corner of Portland Road passing along Military Road and part of Old Heath Road and terminating in Old Heath Road at a point 73 yards or thereabouts south-eastward of the south-east corner of Wimpole Road : 30
- The said tramway will be constructed as a single line except between the points hereinafter specified where it will be laid as a double line :— 35
- (A) In Magdalen Street from the point of its junction with the existing tramway in such street to a point 32 yards or thereabouts south-eastward of such junction such last-mentioned point being at the commencement of Military Road : 40

(B) In Military Road--

A.D. 1905.

Colchester Corporation.

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(1) Between points distant respectively 32 yards and 67 yards or thereabouts south-eastward of such junction in Magdalen Street aforesaid ;

(2) Between points distant respectively 20 yards and 117 yards or thereabouts south-eastward of the south-eastern corner of Winnock Road ;

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(3) Between points distant respectively 110 yards and 210 yards or thereabouts south-eastward of the north-eastern corner of Mill Street ;

(4) Between points distant respectively 110 yards and 20 yards or thereabouts westward of the south-western corner of New Town Road ;

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(5) Between points distant respectively 60 yards and 150 yards or thereabouts south-eastward of the south-western corner of New Town Road aforesaid ;

20

(6) Between a point distant 60 yards or thereabouts north-westward of the south-eastern corner of Wimpole Road and a point opposite such south-eastern corner of Wimpole Road being the termination of Military Road ;

(c) In Old Heath Road from a point opposite the aforesaid south-eastern corner of Wimpole Road to a point 30 yards or thereabouts south-eastward of the aforesaid corner of Wimpole Road.

25 5. Unless the Board of Trade in the interests of safety otherwise require the Promoters shall not permit any engine or carriage to step or stand upon the tramway opposite or near to the entrance to any lands or buildings vested in or under the control of His Majesty's Principal Secretary of State for the War Department in such manner as to interfere with access to or from such lands or buildings except with the consent of the said Secretary of State first
30 obtained.

For protection of War Department

35 6. The tramway by this Order authorised shall form part of the tramway undertaking of the Promoters and the provisions of the Order of 1901 so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Order shall extend and apply mutatis mutandis to and in relation to the tramway by this Order authorised.

Application of provisions of Order of 1901.

40 7. The provisions of section 12 (Alteration of tramways) of the Order of 1901 shall extend to the substitution of double or single lines for interlacing lines and the notices of the Promoters' intention referred to in the said section and in section 14 (Additional crossover roads &c. may be made where necessary) of the said Order shall be sent to the owners and occupiers therein mentioned one month before the Promoters commence the alterations or works in those sections provided for.

Notice of alteration of tramways &c.

8.—(A) Notwithstanding anything in this Order or in the Order of 1901 contained if any of the works by this Order or by the Order of 1901

For protection of Postmaster-General.

A.D. 1905.
Colchester
Corporation.

authorised involves or is likely to involve any alteration of any telegraphic line belonging to or used by His Majesty's Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

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

- (1) The Promoters shall construct their electric lines and other works of all descriptions and shall work their tramway undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of the tramway undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. Any difference which arises between the Postmaster-General and the Promoters as to compliance with this subsection shall be referred to arbitration : 5 10 15
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of their tramway undertaking or any part thereof the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection : 20
- (3) Before any electric line is laid down or any act or work for working the Promoters' tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. Any difference which arises between the Postmaster-General and the Promoters as to any requirements so made shall be referred to arbitration : 25 30 35
- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works by this Order or by the Order of 1901 authorised is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such works or to the working of the tramway undertaking the engineer-in-chief of the Post Office or any 40 45

person appointed in writing by him may at all times when electrical energy is being generated for tramway purposes at any works of the Promoters enter thereon for the purpose of inspecting the plant and the working of the same and the Promoters shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Promoters pursuant to the Board of Trade regulations:

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Colchester
Corporation.

- 5
- 10 (5) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding
- 15 fifty pounds for every day on which such interruption continues :
- 20 (6) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having 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 :
- 25 (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
- 30 by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order :
- 35 (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- 40 (10) Any question or difference arising under this section which is directed to be referred to arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act :
- 45 (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid :

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 Colchester
 Corporation.

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

(13) Section 25 of the Order of 1901 is hereby repealed.

Delivery of
 notices.

9.—(1) Notices and other documents required or authorised to be served under this Order or under the Order of 1901 may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served. Provided that in the case of any local authority or company any such notice or other document shall be delivered or sent by post in a prepaid letter addressed to the clerk to the local authority at his office or to the secretary of the company at their registered or principal office. 5 10

(2) Subsection (2) of section 47 of the Order of 1901 is hereby repealed.

*King's Norton
 and Northfield
 Urban District
 Council.*

KING'S NORTON AND NORTHFIELD URBAN DISTRICT
 COUNCIL. 15

Order authorising the Urban District Council of King's Norton and Northfield to construct an additional Tramway in their District and for other purposes.

Short title.

1. This Order may be cited as the King's Norton and Northfield Urban District Council Tramway Order 1905. 20

Incorporation
 of Acts.

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

Interpretation.

3. The several words terms and expressions to which by the Tramways Act 1870 meanings are assigned have in this Order the same respective meanings. Provided that in this Order— 25

The expression "the district" means the urban district of King's Norton and Northfield in the county of Worcester:

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

The expression "the tramway" means the tramway and works by this Order authorised: 30

The expression "the Act of 1901" means the King's Norton and Northfield Urban District Tramways Act 1901:

The expression "the tramway undertaking" has the meaning assigned thereto by the Act of 1901: 35

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

Promoters.

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

5. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited for the purposes of this Order at the office of the Board of Trade the tramway hereinafter described with all proper rails plates sleepers channels junctions 5 turntables turnouts crossings passing places triangles posts poles brackets wires waiting-rooms stables carriage-houses engine-houses stations sheds buildings works and conveniences connected therewith or for the purposes thereof:

A.D. 1905.

*King's Norton
and Northfield
Urban District
Council.*

Construction
of tramway.

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

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

20 A double line 6 furlongs 8·10 chains or thereabouts in length commencing by a junction with the existing tramway of the City of Birmingham Tramways Company Limited at a point 4·00 chains or thereabouts north-eastward of the intersection of the centre lines of Vicarage Road and Alcester Road passing along Alcester Road in a southerly direction and terminating at a point 3·50 chains or thereabouts southward of the intersection of the centre lines of Taylor Road and Alcester Road.

25 6. For the protection and benefit of the Worcestershire County Council (in this section referred to as "the county council") so long as they are the road authority of the road whereon the tramway is laid the following provisions shall unless otherwise agreed in writing between the Promoters and the county council apply and have effect (that is to say):—

For protection
of Worcestershire
County
Council.

30 (1) The provisions of section 7 and section 38 subsection (10) (as to Tramway No. 1 therein referred to) and subsections (13) (14) (15) (16) (17) (18) (19) (20) and (21) of the Act of 1901 are hereby incorporated with this Order and applied to the tramway 35 except where they are inconsistent with or expressly varied by this Order. Provided always that the county council shall signify their approval or disapproval of the plan showing the proposed mode of constructing laying down maintaining and renewing the tramway and of the statement of the materials intended to be used therein to be laid before the county council under or by 40 virtue of section 7 of the Act of 1901 within one calendar month from the date such plan and statement shall be so laid before them:

45 (2) The cost of any raising lowering or other alteration of the road whereon the tramway is constructed rendered necessary by the construction of the tramway and the cost of providing or altering

A.D. 1905.

King's Norton
and Northfield
Urban District
Council.

all drains culverts gullies kerbs and channels rendered necessary thereby shall be borne by the Promoters and such raising lowering or other alteration of the road and the construction of such drains culverts kerbs and channels shall be carried out by the Promoters in such manner as may be agreed upon with the 5 county council :

- (3) If any company or person other than a local authority to whom the Promoters may lease the tramway shall in connection with the tramway without the consent of the county council deposit snow or other matter or use salt or other unsuitable material for the thawing of snow contrary to the provisions of section 38 subsection (18) of the Act of 1901 they shall for every such offence (without prejudice to the enforcement of any other remedy against them by the county council) be liable to a penalty of twenty pounds as liquidated damages for each day on which snow or other matter shall be or remain deposited as aforesaid and for each day on which salt or other unsuitable material shall be used as aforesaid such penalties shall be payable to the county council as road authority and be recoverable in manner provided by the Summary Jurisdiction Acts. 10 15 20

For protection
of City of
Birmingham
Tramways
Company
Limited.

7. The Promoters shall be entitled to execute the works necessary to form a junction between the tramway authorised by this Order and the existing tramway of the City of Birmingham Tramways Company Limited (hereinafter called "the tramways company") subject only to the provisions and restrictions of this section :— 25

- (1) All such works as may be necessary to form the said junction shall be constructed and maintained by the Promoters in manner and according to plans sections and specifications to be first submitted to and reasonably approved by the engineer of the tramways company : 30
- (2) All such works relating to the said junction shall be carried on uninterruptedly when commenced and shall be completed with all reasonable dispatch and shall be constructed and maintained by the Promoters so that the traffic on the existing tramways of the tramways company shall not except to such extent as 35 may be agreed upon between the Promoters and the tramways company or failing agreement be determined by arbitration be in any way obstructed impeded or interfered with and such maintenance shall be effected under the superintendence and to the reasonable satisfaction of the engineer of the tramways 40 company :
- (3) The Promoters shall pay to the tramways company full compensation for any injury or damage sustained by them in respect of any works constructed by the council under this section :

[5 EDW. 7.] *Tramways Orders Confirmation (No. 2).*

55

- (4) Any difference arising between the Promoters and the tramways company under the provisions of this section shall be referred to the arbitration of a person to be nominated by the Board of Trade and the Arbitration Act 1889 shall apply as if the arbitration were pursuant to a submission:
- 5
- (5) Nothing in this Order shall authorise the Promoters to run over the several tramways of the tramways company or to interfere with such tramways or any of them except so far as they may be entitled to so interfere under the terms of this section.
- 10 8. Subject to the provisions of this Order the tramway shall for all purposes form part of the tramway undertaking and the Promoters and their lessees and licencees may in respect of the tramway exercise and enjoy all and the like powers rights privileges and authorities which they now may or are empowered to exercise and enjoy and shall be subject and liable to
- 15 the like penalties conditions restrictions and stipulations as they are subject and liable to with respect to the tramway undertaking or any part thereof and may demand take and recover in respect of the tramway or any part thereof the like tolls rates and charges for the use thereof and for the conveyance thereon of traffic of all kinds and for the use of carriages placed
- 20 and run thereon by them as they are authorised to demand and take in respect of the tramways authorised by the Act of 1901 Provided that nothing in this Order shall be deemed to extend the provisions of section 28 of the Act of 1901 to the tramway by this Order authorised or to authorise the taking of any lands except by agreement.
- 25 9. So far as regards any tramways of the council the provisions of section 14 (Alteration of tramways) of the Act of 1901 shall extend to the substitution of double or single lines for interlacing lines and the notices of the Promoters' intention referred to in the said section and in section 13 (Additional crossings &c.) of the said Act shall be sent to the owners and
- 30 occupiers therein mentioned one month before the Promoters commence the alterations or works in those sections provided for.
10. For the purpose of working the tramway by mechanical power the Promoters and their lessees may subject to the provisions of this Order (and as to the lessees subject to the terms of their lease) with the consent of the
- 35 owners and occupiers of any houses or buildings affix to such houses or buildings and maintain posts brackets electric conductors wires and apparatus.
- 11.—(A) Notwithstanding anything in this Order or in the Act of 1901 contained if any of the works by this Order or by the said Act authorised
- 40 involves or is likely to involve any alteration of any telegraphic line belonging to or used by His Majesty's Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

A.D. 1905.

*King's Norton
and Northfield
Urban District
Council.*Tramway to
form part of
tramway
undertaking.Alteration of
tramways.Attachment of
brackets to
buildings.For protection
of Postmaster-
General.

A.D. 1905.

*King's Norton
and Northfield
Urban District
Council.*

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

- (1) The Promoters shall construct their electric lines and other works of all descriptions and shall work the tramway undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of the tramway undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. Any difference which arises between the Postmaster-General and the Promoters as to compliance with this subsection shall be referred to arbitration : 5 10
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the tramway undertaking or any part thereof the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection : 15 20
- (3) Before any electric line is laid down or any act or work for working the tramways of the Council by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. Any difference which arises between the Postmaster-General and the Promoters as to any requirements so made shall be referred to arbitration : 25 30 35
- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works by this Order or by the Act of 1901 authorised is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such works or to the working of the tramway undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated for tramway purposes at any works of the Promoters enter thereon for the purpose of inspecting the plant and the working of the same and the Promoters shall in the 40 45

presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Promoters pursuant to the Board of Trade regulations :

A.D. 1905.
*King's Norton
and Northfield
Urban District
Council.*

- 5
- (5) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding 10 fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing 15 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 20 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 any act or work if telegraphic communication by means of such line is 25 whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order :
- 30 (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be referred to arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either 35 party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act :
- (11) Nothing in this section contained shall be held to deprive the 40 Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid :
- (12) In this section the expression "the Promoters" includes any person owning working or running carriages over any of the tramways 45 of the Promoters.
- (13) Section 31 of the Act of 1901 is hereby repealed.

A.D. 1905. 12. Nothing in this Order contained shall exempt the Promoters or any person using the tramway or the tramway from the provisions of any general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by this Order. 5

King's Norton and Northfield Urban District Council.
Saving for general Acts.

Portobello and Musselburgh (Amendment).

PORTOBELLO AND MUSSELBURGH (AMENDMENT).

Order granted to the National Electric Construction Company Limited amending the Portobello and Musselburgh Tramways Orders 1900 and 1903. 10

Short title. 1. This Order may be cited as the Portobello and Musselburgh Tramways (Amendment) Order 1905.

Orders of 1900 and 1903 and this Order to be construed together. 2. The Portobello and Musselburgh Tramways Order 1900 (hereinafter called "the Order of 1900") as amended by the Portobello and Musselburgh Tramways Order 1903 (hereinafter called "the Order of 1903" and by this Order and the said Order of 1903 as amended by this Order and this Order shall be construed together as one Order and may be cited jointly as the Portobello and Musselburgh Tramways Orders 1900 to 1905. 15

Promoters. 3. The National Electric Construction Company Limited shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters." 20

Promoters of this Order to be substituted for Promoters of Orders of 1900 and 1903. 4. From and after the passing of the Act confirming this Order the Orders of 1900 and 1903 shall be read and construed as though in section 4 of each of those Orders the Promoters of this Order were named instead of the Promoters named in the said sections respectively and the undertakings authorised by the Orders of 1900 and 1903 and all rights powers and authorities conferred by those Orders upon the Promoters thereof shall subject to the duties obligations and liabilities of such Promoters in relation thereto vest in and be exerciseable and enjoyable by the Promoters of this Order. 25 30

Section 5 of the Order of 1903 is hereby repealed.

Amendment of section 46 of Order of 1900. 5. Section 46 of the Order of 1900 shall be read and construed as if the words "11th day of August 1903" were substituted throughout that section for the words "passing of the Act confirming this Order."

SOUTHAMPTON CORPORATION.

A.D. 1905.

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

Southampton Corporation.

- 5 1. This Order may be cited as the Southampton Corporation Tramways Order 1905 and the following Acts (namely):—
- The Southampton Street Tramways Act 1877 ;
 The Southampton Street Tramways (Extensions) Act 1888 ;
 The Southampton Corporation Tramways Act 1897 ;
- 10 The Southampton Corporation Tramways Order 1900 (confirmed by the Tramways Orders Confirmation (No. 3) Act 1900) ;
 The Southampton Corporation Tramways Order 1902 (confirmed by the Tramways Orders Confirmation (No. 2) Act 1902) ;
- and this Order may be jointly cited as the Southampton Corporation
 15 Tramways Acts 1877 to 1905.
2. The several words terms and expressions to which by the Southampton Corporation Tramways Order 1900 (hereinafter called "the Order of 1900") or the Acts in whole or in part incorporated therewith meanings are assigned have in this Order the same respective meanings Provided that in
 20 this Order—
- The expression "the tramways" means the tramways and works by this Order authorised :
- The expression "the existing tramway undertaking" means the tramway undertaking as defined by the Order of 1900 as enlarged by that
 25 Order and by the Southampton Corporation Tramways Order 1902 (hereinafter called "the Order of 1902").
3. The Corporation shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters." Promoters.
4. The Promoters may subject to the provisions of this Order—
- 30 (A) Construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways hereinafter described with
 35 all proper rails plates sleepers channels (including in that expression channels passages and tubes for and cables wires and lines) junctions turntables turnouts crossings and passing places carriage-houses works mechanical appliances plant and conveniences connected therewith as may be necessary or
 40 proper therefor and for connecting and using the same with the existing or authorised tramways of the Promoters:
- (67.) I

Short and collective titles.

Interpretation.

Promoters.

Construction of tramways.

A.D. 1905.
 —
Southampton Corporation.

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

Provided that nothing in this Order or in any Act wholly 5
 or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the Act of 1882 apply 10
 except in accordance with and subject to the provisions of that section.

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

Tramway No. 1 (4 furlongs 8·33 chains in length whereof 2 furlongs 8·77 chains will be single line and 1 furlong 9·56 chains will be 15
 double line) commencing in St. Mary's Road by a junction with the existing tramway at a point 0·95 chain or thereabouts measured in a northerly direction from Northam Road passing into and along Northam Road along Northam Bridge crossing over the London and South Western Railway at a point 7·47 chains or thereabouts 20
 measured in an easterly direction from Derby Road and terminating in the Northam Road at a point 0·2 chain or thereabouts measured in a westerly direction from Summers Street :

Tramway No. 1 will be laid as a double line except at the following 25
 places where it will be laid as a single line—

In Northam Road and St. Mary's Road from the commencement of the tramway to a point 0·5 chain west of Derby Road ;

In Northam Road from a point 2·5 chains east of Derby Road to a point 2·5 chains east of Belvidere Terrace ;

In Northam Road from a point 0·65 chain east of Prince's Street 30
 to the termination of the tramway.

Tramway No. 3 (3 furlongs 7·90 chains in length whereof 3 furlongs 4·90 chains will be single line and 3·00 chains will be double line) commencing in Paynes Road at a point 4·95 chains or thereabouts 35
 measured in a westerly direction from Almond Road passing along Paynes Road and Waterloo Road and terminating by a junction with the existing tramway in Shirley Road :

Tramway No. 3 will be laid as a single line except at the following 40
 place where it will be laid as a double line—

Between points 0·1 chain and 3·1 chains measured in a westerly 40
 direction from Almond Road.

Tramway No. 4 (2 furlongs 8·45 chains in length whereof 1 furlong 6·70 chains will be single line and 1 furlong 1·75 chains will be double line) commencing in Above Bar Street by a junction with the

existing tramway at a point 1·30 chains or thereabouts measured in a northerly direction from New Road passing into and along New Road and terminating in Northam Road at a point 0·90 chain or thereabouts measured in an easterly direction from New Road :

A.D. 1905.
Southampton
Corporation.

5 Tramway No. 4 will be laid as a double line except at the following place where it will be laid as a single line—

In New Road from a point 0·25 chain or thereabouts measured in an easterly direction from Palmerston Road to the termination of the Tramway.

10 5. The following provisions for the protection of the London and South Western Railway Company (in this section called “the South Western Company”) shall unless otherwise agreed between the Promoters and the South Western Company in writing under their respective common seals apply and have effect :—

For protection
of London and
South Western
Railway Com-
pany.

15 (1) In this section the word “apparatus” includes posts brackets electric mains wires conductors apparatus and any similar appliances to be used as or for the purposes of a motive power for the carriages running on the tramway and includes also any subways tunnels tubes boxes openings excavations channels and pipes for the purposes of such apparatus :

(Definition.)

20 (2) All works by this Order authorised where the same will be made upon across or over any tunnel bridge or the approaches thereto or other work belonging to or maintainable by the South Western Company or will otherwise affect the same shall be executed so as not to interfere unnecessarily with the structure of any such tunnel bridge approaches or other work and according to plans sections and specifications to be previously submitted to and approved by the South Western Company or in case of difference between them and the Promoters by an arbitrator to be appointed as hereinafter provided All such work shall be executed and thereafter maintained according to the plans sections and specifications so approved and under the superintendence (if the same be given) and to the reasonable satisfaction of the South Western Company The Promoters shall so construct maintain and use the tramways works and apparatus as not to injuriously affect the structure of any such tunnel bridge approaches or other work and in the event of any injury being occasioned to the structure of such tunnel bridge approaches or work by the construction maintenance user or removal of the tramways works and apparatus upon across or over the same the South Western Company may make good the injury and may recover from the Promoters the reasonable expenses of so doing :

(Structure of
tunnels and
bridges and
superinten-
dence.)

35 (3) If by reason of the construction or user of the tramways over any such tunnel it becomes necessary to strengthen the same the South Western Company shall give notice accompanied by

(Strengthening
of tunnels.)

45 (67.)

A.D. 1905.

Southampton Corporation.

sufficient plans and specifications of the intended works to the Promoters and may after fourteen days from the date of the notice (or forthwith in case of emergency) proceed with all due despatch to execute all such works as may be reasonably necessary but in all things at the expense of the Promoters and the South Western Company may recover from the Promoters all moneys reasonably expended by them in the execution of such works as aforesaid :

(Alterations in tramway or alterations in bridges.)

(4) If any such tunnel bridge approaches or work as aforesaid upon which the tramway is laid be altered widened or rebuilt by the South Western Company they may require the Promoters to alter the tramway in such manner as the circumstances of the case may reasonably require and shall at the same time send sufficient plans specifications and other information to show the nature of the alteration required and the Promoters shall forthwith with all reasonable despatch carry into effect such alterations and in default thereof the South Western Company may carry out the same at the expense of the Promoters :

(Facilities for and suspension of tramway traffic during alterations in tunnels and bridges.)

(5) If the South Western Company hereafter require to widen lengthen strengthen reconstruct alter or repair any such tunnel or bridge under or upon which the tramway is laid or the approaches thereto or to widen or alter any railway thereunder or to lift or support any such tunnel or bridge the Promoters shall afford to the South Western Company all reasonable and proper facilities for the purpose and if it shall be necessary for such purpose that the working or user of any part of the tramway under or upon such tunnel bridge or approaches be wholly or in part stopped up or delayed or that such part of the tramway be wholly or in part taken up or removed and if the South Western Company accordingly give to the Promoters one month's 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 part of the tramway shall be stopped or delayed or such part of the tramway shall be taken up or removed as stated in such notice by the Promoters but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purpose as aforesaid and such part of the tramway shall be restored with all possible despatch and in such case the South Western Company shall not be liable to pay compensation in respect of such stoppage delay or taking up or removal as aforesaid Provided that during the stoppage or delay of any part of the tramways under the provisions of this subsection the South Western Company shall so far as reasonably practicable give to the Promoters all reasonable facilities for the construction and user of a temporary tramway in the place of the part of the

- tramway so stopped or delayed so that the traffic on the Promoters' tramways may not be interfered with more than absolutely necessary:
- 5 (6) The Promoters shall not in any manner in the execution maintenance user or repair of any of their works or apparatus obstruct or interfere with the free uninterrupted and safe user of any railway or other work belonging to the South Western Company or any traffic thereon:
- 10 (7) The Promoters shall indemnify the South Western Company against all claims and compensate them for any damage or injury which may happen to the railway works or property of the South Western Company or to any persons using their railway in consequence of or during the construction and maintenance of the works or the working of the tramways by this Order authorised and the appointment by the South Western Company of any inspectors or watchmen shall not relieve the Promoters from any liability in connection therewith:
- 15 (8) The Promoters shall on demand pay to the South Western Company the reasonable expense of the employment by the South Western Company during the execution or repair by the Promoters under this Order of any work or apparatus affecting any tunnel bridge railway or other work belonging to the South Western Company of a sufficient number of inspectors watchmen and signalmen to be appointed by the South Western Company for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Promoters or their contractors or of any person in the employ of either of them:
- 20 (9) Any additional expense in the maintenance of any such tunnel bridge or of the approaches thereto occasioned to the South Western Company by the construction or user of the tramways shall be borne by the Promoters:
- 25 (10) The protection afforded to the South Western Company by this section shall not extend to the case of any interference with the wires lines and apparatus of the South Western Company or the currents therein to which section 19 (Special provisions as to the use of electric power) of the Southampton Corporation Tramways Act 1897 applies but the South Western Company shall not by reason of being specially protected as regards other matters under this section lose as regards any such interference any protection to which they are otherwise entitled.
- 30 (11) No apparatus shall except with the previous consent in writing of the South Western Company be affixed to or rest directly upon any tunnel bridge or other property of that company.
- 35 (12) Any matter in difference between the Promoters and the South Western Company under this section shall unless otherwise agreed be referred to the arbitration of a person nominated by the Board of Trade.

A.D. 1905.

Southampton Corporation.

(Free user of railway.)

(Indemnity for expenses.)

(Employment of watchmen &c.)

(Additional maintenance expenses.)

(Saving as to electrical apparatus.)

(Attachments to bridges.)

(Settlement of differences.)

A.D. 1905.

Southampton Corporation.
Tramways to form part of existing tramway undertaking for all purposes.

6. Subject to the provisions of this Order the tramways shall for all purposes form part of the existing tramway undertaking and the Promoters and their lessees and their licencees may in respect of the tramways exercise and enjoy all and the like powers rights privileges and authorities which they now may or are empowered to exercise and enjoy and shall be subject and liable to the like penalties conditions restrictions and stipulations as they are subject and liable to with respect to the existing tramway undertaking or any part thereof and may demand take and recover in respect of the tramways or any part or parts thereof the like tolls rates and charges for the use thereof and for the conveyance thereon of traffic of all kinds and for the use of carriages placed and run thereon by them as they are authorised to demand and take in respect of the tramways authorised by the Southampton Street Tramways Act 1877.

Application of tramway revenue and audit of accounts.

7.—(1) This section shall come into operation on the first day of April one thousand nine hundred and six.

(2) Section 38 (Application of revenue) of the Southampton Corporation Tramways Act 1897 section 10 (Application of tramway revenue) of the Order of 1900 and section 9 (Application of tramway revenue) of the Order of 1902 are hereby repealed.

(3) The corporation shall keep the accounts in respect of their tramway undertaking (including the existing tramway undertaking the undertaking authorised by this Order and the undertakings authorised by all subsequent Acts of Parliament or Orders confirmed by Parliament) separate from all their other accounts distinguishing therein capital from revenue and shall apply all money received by them on account of revenue in respect of the undertaking in the manner and in the order following (that is to say):—

First In payment of the working and establishment expenses and cost of maintenance of the undertaking (including the maintenance and repair of so much of the roads in which the tramways of the corporation are laid as is required to be maintained and kept in good condition and repair by the promoters of tramways by section 28 of the Tramways Act 1870 and including all costs expenses penalties and damages incurred or payable by the corporation consequent upon any proceedings by or against the corporation their officers or servants in relation to the undertaking):

Secondly In payment of the interest or dividends on money borrowed by the corporation for the purposes of the undertaking:

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of money borrowed by the corporation for the purposes of the undertaking:

Fourthly In effecting (if the corporation think fit) any authorised extensions and improvements of the existing tramway undertaking:

Fifthly In providing a reserve fund (if the corporation think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in or upon any securities in or upon which the corporation are or may be authorised to invest

A.D. 1905.
*Southampton
Corporation.*

5 their sinking fund and accumulating the same together with the
fund formed by the corporation under the said section 38 of the
Southampton Corporation Tramways Act 1897 at compound interest
until the fund so formed amounts to the maximum reserve fund for
10 the time being prescribed by the corporation not exceeding a sum
equal to one-fifth of the aggregate capital expenditure for the time
being by the corporation upon the undertaking which fund shall be
applicable to answer any deficiency at any time happening in the
income of the corporation from the undertaking or to meet any
15 extraordinary claim or demand at any time arising against the
corporation in respect of the undertaking or for payment of the cost
of renewing improving or extending any part of the undertaking
and so that if that fund be at any time reduced it may thereafter
be again restored to the prescribed maximum and so from time to
time as often as such reduction happens Provided that resort may
be had to the reserve fund under the foregoing provisions although
such fund may not at the time have reached or may have been
reduced below the prescribed maximum :

20 and the corporation shall carry to the borough fund so much of any balance
remaining in any year of the income of the undertaking (including the
interest on the reserve fund when such fund amounts to the prescribed
maximum) as may in the opinion of the corporation not be required for
carrying on the undertaking and paying the current expenses connected
therewith.

25 (4) The accounts of the corporation kept in accordance with the
provisions of this section shall be audited with the same incidents and
consequences as the accounts of the corporation are audited under the
provisions of the Municipal Corporations Act 1882.

**Tramways Orders
Confirmation (No. 2).
[H.L.]**

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Aberavon Tramways Colchester Corporation Tramways King's Norton and Northfield Urban District Council Tramway Luton Corporation Tramways Portobello and Musselburgh Tramways (Amendment) and Southampton Corporation Tramways.

The Lord Privy Seal (M. Salisbury).

Ordered to be printed 9th May 1905.

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[Price 6½d.]

(67.)

Unemployed Workmen Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Organisation for London.
 2. Organisation outside London.
 3. Temporary provision pending establishment of proper organisation.
 4. Local Government Board orders and regulations.
 5. Application to Scotland.
 6. Application to Ireland.
 7. Short title.
 8. Duration of Act.
-

A

B I L L

INTITLED

An Act to establish organisation with a view to the provision of Employment or Assistance for Unemployed Workmen in proper cases. A.D. 1905.

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:—

- 5 **1.**—(1) For the purposes of this Act there shall be established, by order of the Local Government Board under this Act, a distress committee of the council of every metropolitan borough in London, consisting partly of members of the borough council and partly of members of the board of guardians of every poor law union wholly
 10 or partly within the borough and of persons experienced in the relief of distress, and a central body for the whole of the administrative county of London, consisting partly of members of and selected by the distress committees and of members of and selected by the London County Council, and partly of persons co-opted to
 15 be additional members of the body, and partly, if the order so provides, of persons nominated by the Local Government Board, but the number of the persons so co-opted and nominated shall not exceed one-fourth of the total number of the body, and every such order shall provide that one member at least of the
 20 committee or body established by the order shall be a woman.

Organisation
for London.

- (2) The distress committee shall make themselves acquainted with the conditions of labour within their area, and when so required by the central body shall receive, inquire into, and discriminate between any applications made to them from persons
 25 unemployed :

Provided that a distress committee shall not entertain an application from any person unless they are satisfied that he has resided in London for such period, not being less than twelve

A.D. 1905. — months, immediately before the application as the central body fix as a residential qualification.

(3) If the distress committee are satisfied that any such applicant is honestly desirous of obtaining work, but is temporarily unable to do so from exceptional causes over which he has no control, and consider that his case is capable of more suitable treatment under this Act than under the poor law, they may endeavour to obtain work for the applicant, or if they think the case is one for treatment by the central body rather than by themselves, refer the case to the central body, but the distress committee shall have no power to provide, or contribute towards the provision of work, for any unemployed person. 5 10

(4) The central body shall superintend and, as far as possible, co-ordinate the action of the distress committees, and aid the efforts of those committees by establishing, taking over, or assisting labour exchanges and employment registers, and by the collection of information and otherwise as they think fit. 15

(5) The central body may, if they think fit, in any case of an unemployed person referred to them by a distress committee, assist that person by aiding the emigration or removal to another area of that person and any of his dependants, or by providing, or contributing towards the provision of, temporary work in such manner as they think best calculated to put him in a position to obtain regular work or other means of supporting himself. 20 25

(6) Any expenses of the central body under this Act, and such of the expenses of the distress committees under this Act, as are incurred with the consent of the central body, shall be defrayed out of a central fund under the management of the central body, which shall be supplied by voluntary contributions given for the purpose, and by contributions made on the demand of the central body by the council of each metropolitan borough in proportion to the rateable value of the borough and paid as part of the expenses of the council. 30

Provided that—

(a) A separate account shall be kept of all sums supplied by contributions made by the councils of the metropolitan boroughs, and no expenses except— 35

(i) establishment charges of the central body and the distress committees, including the expenses incurred by them in respect of labour exchanges 40

[5 EDW. 7.]

Unemployed Workmen.

3

and employment registers and in the collection of information ; and A.D. 1905.

5 (ii) the expenses incurred by the central body in aiding the emigration or removal to another area of an unemployed person and any of his dependants ; and

10 (iii) the expenses incurred by the central body in relation to the acquisition, with the consent of the Local Government Board, of land for the purposes of this Act ;

shall be paid out of that account.

15 (b) No such contribution by a council shall in any year exceed the amount which would be produced by a rate of one halfpenny in the pound calculated on the whole rateable value of the borough, or such higher rate, not exceeding one penny, as the Local Government Board may approve.

20 (7) The provision of temporary work or other assistance for any person under this Act shall not disentitle him to be registered or to vote as a parliamentary, county, or parochial elector, or as a burgess.

25 (8) This section shall apply to the City of London as if the City of London were a metropolitan borough, and the mayor, aldermen, and commons of the City of London in common council assembled were the council of the borough, and any contribution required for the purposes of this Act shall be paid out of the consolidated rate, but shall not be reckoned in calculating the amount of the rate for the purpose of any limit on that amount.

30 (9) The Local Government Board may, upon the application of the council of any borough or district adjoining or near to London, by order, extend the provisions of this section to that borough or district as if the borough or district were a metropolitan borough and were within the administrative county of London, and with such other modifications and adaptations as to
35 the Board may appear necessary.

40 2.—(1) There shall be established by order of the Local Government Board for each municipal borough and urban district with a population according to the last census for the time being of not less than fifty thousand, and not being a borough or district to which the provisions of section one of this Act have been

Organisation
outside
London.

A.D. 1905. extended, a distress committee of the council for the purposes of this Act, with a similar constitution to that of a distress committee in London, and the distress committee so established shall, as regards their borough or district, have the same duties and powers, so far as applicable, as are given by this Act to the distress committees and central body in London. 5

This provision shall extend to any municipal borough or urban district with a population, according to the last census for the time being, of less than fifty thousand but not less than ten thousand, if the council of the borough or district make an application for the purpose to the Local Government Board, and the Board consent. 10

(2) Subject as aforesaid, the Local Government Board may, on the application of any county or borough or district council, or board of guardians, or, if they think it expedient, without any such application, by order establish for the purposes of this Act in any county or part of a county a central body and distress committees with similar constitutions to those of the central body and distress committees in London, and the body and committees so established shall, subject to any exceptions made by the order, have the same duties and powers as respects their area as are given by this Act to the central body and distress committees respectively in London. 20

For the purposes of this provision a county borough with a population of less than fifty thousand shall be deemed to be included in the county in which it is, for the purposes of the Local Government Act, 1888, deemed to be situated. 25

(3) Where a central body and distress committees have not been established under this Act for the whole of a county, the council of that county, and where a distress committee has not been established under this Act for a county borough, the council of that county borough, shall constitute a special committee under this Act, consisting of members of the council, with power to co-opt any persons to be additional members of the committee; but the number of persons so co-opted shall not exceed one-fourth of the total number of the committee. 35

It shall be the duty of the council, in such a case, through the special committee, to collect information with respect to the conditions of labour within their area by establishing, taking over, or assisting labour exchanges and employment registers, and in such other manner as they think fit, and to supply any such information when required. 40

[5 EDW. 7.]

Unemployed Workmen.

5

Any expenses incurred by a council under this provision shall be paid in the case of a county council out of the county fund as expenses for special or general county purposes, as the circumstances may require, and in the case of a borough council out
5 of the borough fund or borough rate.

A.D. 1905.

(4) Where any order is made under this section as respects any area, the provisions of this Act relating to London shall apply with respect to that area, with such necessary modifications and adaptations as may be made by the order.

10 **3.** Where at any time a central body and distress committees or a distress committee are about to be established for any area under this Act, any body already established in that area, whether before or after the passing of this Act, for the purpose of dealing with the unemployed, and any special committee under this Act,
15 may, if the Local Government Board think fit, be temporarily constituted by order of that Board a central body or a distress committee, as the case may be, until the establishment in accordance with this Act of a central body and distress committees or of a distress committee for that area.

Temporary provision pending establishment of proper organisation.

20 **4.—(1)** An order of the Local Government Board under this Act establishing a central body or distress committee may provide for the constitution and proceedings of that body or committee, and, in the case of an order establishing a central body, for the incorporation of that body by an appropriate name, and, where
25 any property or liabilities are taken over from any other body, for effecting by virtue of the order the transfer of that property or those liabilities, and also for any matter for which provision may be made by regulations under this Act, and for which it appears desirable to make special provision affecting only the
30 body or committee established by the order.

Local Government Board orders and regulations.

(2) An order of the Local Government Board under this Act may be varied, and revoked, by any subsequent order of the Board made under this Act.

(3) The Local Government Board may make regulations
35 for carrying into effect this Act, and may by those regulations, amongst other things, provide—

(a) for regulating, subject to the provisions of this Act, the
40 conditions under which any application may be entertained by a distress committee under this Act, and the conditions under which a central body may aid emigration or removal, or provide or contribute towards

A.D. 1905.

- the provision of work under this Act, and otherwise for regulating the manner in which any duties under this Act are to be performed or powers exercised by any central body or distress committee or special committee under this Act; and 5
- (b) for authorising the establishment, with the consent of the Local Government Board, of farm colonies by a central body established under this Act, and the provision, with the like consent, by such a body of temporary accommodation for persons for whom work 10 upon the land is provided; and
- (c) for authorising and regulating the acquisition by a central body of land by agreement for the purposes of this Act, and the disposal of any land so acquired; and 15
- (d) for the employment of officers and provision of offices, and for enabling any inspector of the Local Government Board to attend the meeting of any body or committee established under this Act; and
- (e) for authorising the acceptance of any money or property 20 by a central body established under this Act, and for regulating the administration of any money or property so acquired; and
- (f) for the payment of any receipts of a central body to the central fund, and for the apportionment, if 25 necessary, of those receipts between the voluntary contribution account and the rate contribution account of that fund; and
- (g) for the audit of the accounts of any central body established under this Act in the same manner and 30 subject to the same provisions as to any matters incidental to the audit or consequential thereon as the accounts of a county council; and
- (h) for enforcing the payment of contributions by any councils liable to make such contributions in pursuance 35 of this Act, and for authorising and regulating the borrowing of money by a central body established under this Act; and
- (i) for facilitating the co-operation of any body or committee having powers under this Act for any area 40 with any other body or committee, or with any local

[5 EDW. 7.]

Unemployed Workmen.

7

authority, and the provision of assistance by one such body or committee to another ; and A.D. 1905.

- 5 (k) for applying, with the necessary adaptations, to a distress committee having the powers of a central body regulations relating to a central body ; and
- (l) for the holding of local inquiries by the Local Government Board for the purposes of this Act, and for requiring returns to be made to the Board by any body or committee having powers under this Act ; and
- 10 (m) for the application for the purposes of this Act, as respects any matters to be dealt with by the regulations, of any provision in any Act of Parliament dealing with the like matters, with any necessary modifications or adaptations.

15 All regulations made under this Act shall be laid as soon as may be before Parliament.

5. In the application of this Act to Scotland—

Application
to Scotland.

- (1) "The Local Government Board for Scotland" shall be substituted for "the Local Government Board" :
- 20 (2) "Royal, parliamentary, or police burgh" shall be substituted for "municipal borough and urban district" and for "borough or district" :
- (3) "Parish" shall be substituted for "poor law union," "parish council" shall be substituted for "board of guardians," and "town council" shall be substituted for "council of the borough or district" and for "borough or district council" :
- 25 (4) "Royal, parliamentary, or police burgh with a population, according to the last census, for the time being of less than fifty thousand, but not less than twenty thousand," shall be substituted for "county borough" :
- 30 (5) References to special county purposes shall not apply :
- (6) "Burgh general improvement assessment" or any other assessment leviable in equal proportions on owners and occupiers shall be substituted for "borough fund or borough rate" : Provided that any rate under this Act shall not be reckoned in calculating the amount of such assessment for the purpose of any statutory limit on such assessment :
- 35
- 40

(167.)

B

A.D. 1905.

- (7) "Inspector" shall include general superintendent and visiting officer:
- (8) Sections forty-seven, fifty-two, and fifty-three of the Local Government (Scotland) Act, 1894, shall be substituted for sections eighty-five, eighty-six, and eighty-eight of the Local Government Act, 1894: 5
- (9) "Municipal elector" shall be substituted for "burgess":
- (10) Subsection three of section two of this Act shall not apply to any county or to any burgh except with the consent of the Local Government Board for Scotland expressed by order made on the application of the county council or town council, as the case may be. 10

Application to Ireland.

6. In the application of this Act to Ireland—
- (1) "The Local Government Board for Ireland" shall be substituted for "the Local Government Board": 15
- (2) As respects population "ten thousand" shall be substituted for "fifty thousand," and "five thousand" for "ten thousand":
- (3) The provisions of this Act relating to the inclusion of a county borough in a county shall not apply: 20
- (4) Subsection three of section two of this Act shall not apply to any county in Ireland, except by order of the Local Government Board for Ireland made on the application of the council of that county: 25
- (5) Articles forty, forty-three, and forty-five of the schedule to the Local Government (Application of Enactments) Order, 1898, shall be substituted for sections eighty-five, eighty-six, and eighty-eight respectively of the Local Government Act, 1894. 30

Short title.

7. This Act may be cited as the Unemployed Workmen Act, 1905.

Duration of Act.

8. This Act shall continue in force for three years from the date of the passing thereof, and no longer, unless Parliament otherwise determine, and at the expiration of that period, unless this Act is so continued as aforesaid, the Local Government Board shall make such orders as they think necessary for dissolving the central bodies and distress committees established under this 35

[5 EDW. 7.]

Unemployed Workmen.

9

Act, and transferring their property and liabilities; and for the purposes of such transfer sections eighty-five, eighty-six, and eighty-eight of the Local Government Act, 1894 (which relate to current rates, existing securities and debts, and pending 5 contracts, &c.), shall apply, with such modifications and adaptations as may be made by order of the Local Government Board. A.D. 1905.

Unemployed Workmen.

A

B I L L

INTITLED

An Act to establish organisation with
a view to the provision of Employ-
ment or Assistance for Unemployed
Workmen in proper cases.

(Brought from the Commons 7th August 1905.)

Ordered to be printed 7th August 1905.

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[*Price 1½d.*]]

(167.)

A

B I L L

INTITULED

An Act to facilitate the proceedings of the Commissioners appointed to hold an Investigation respecting War Stores in South Africa. A.D. 1905.

WHEREAS a Commission has been issued by His Majesty whereby the Honourable Mr. Justice Farwell, the Right Honourable Sir George Taubman-Goldie, K.C.M.G., Field Marshal Sir George White, G.C.B., Sir Francis Mowatt, G.C.B., and Samuel Hope Morley, Esquire (hereinafter referred to as "the Commissioners") have been authorised and directed to investigate and report upon the allegations made in the report of the committee presided over by Lieutenant-General Sir W. F. Butler, K.C.B., dated May 22nd last; and all the circumstances connected with contracts, sales, and refunds to or by contractors in South Africa or elsewhere after the conclusion of peace, and any previous transactions which may throw light on them; and further to report upon the responsibility of the persons concerned, whether in this country or in South Africa:

And whereas it is desirable to make provision for the more effective conduct by the Commissioners of any investigation which they may be authorised to make:

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

1.—(1) The Commissioners shall have all such powers, rights, and privileges as are vested in the High Court or in any judge thereof, on the occasion of any action in respect of the following matters:—

Powers of
Commis-
sioners.

- (i) The enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue
(123.)

A.D. 1905.

of a commission or a request to examine witnesses abroad; and

(ii) The compelling the production of documents; and

(iii) The punishing persons guilty of contempt;

and a summons signed by one or more of the Commissioners may 5
be substituted for and shall be equivalent to any formal process
capable of being issued in any action for enforcing the attendance
of witnesses and compelling the production of documents.

(2) A warrant of committal to prison issued for the purpose
of enforcing the powers conferred by this section shall be signed 10
by one or more of the Commissioners, and shall specify the prison
to which the offender is to be committed, but shall not authorise
the imprisonment of an offender for a period exceeding three
months.

(3) Every person who on examination on oath or affirmation 15
before the Commissioners wilfully gives false evidence shall be
liable to the penalties for perjury.

Indemnity
to witnesses.

2.—(1) A person examined as a witness by the Commissioners
shall not be excused from answering any question put to him, or
from producing any document, on the ground that the answer 20
thereto or production thereof may criminate or tend to criminate
him.

(2) Every person examined as a witness who, in the opinion
of the Commissioners, makes a full and true disclosure touching all
the matters in respect of which he is examined, shall be entitled 25
to receive a certificate signed by the Commissioners, stating that
the witness has, on his examination, made a full and true disclosure
as aforesaid.

(3) If any criminal proceeding (including a proceeding by
court-martial) is at any time thereafter instituted against any such 30
witness, in respect of any matter touching which he has been so
examined, the court having cognizance of the case shall, on his
application, and on proof of the certificate, stay the proceeding.

(4) Nothing in this section shall apply to the case of pro-
ceedings for having given false evidence before the Commissioners, 35
or of having procured, or attempted or conspired to procure, the
giving of such evidence.

Short title
and extent.

3.—(1) This Act may be cited as the War Stores (Com-
mission) Act, 1905.

(2) This Act shall apply only with respect to sittings of the 40
Commissioners in the United Kingdom.

[5 EDW. 7.] *Wemyss Tramways Order Confirmation.* [H.L.] 1

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Wemyss Tramways. A.D. 1905.

WHEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict.
c. 47.

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

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation
of Order in
schedule.

2. This Act may be cited as the Wemyss Tramways Order Confirmation Act 1905. Short title.

A.D. 1905.

SCHEDULE.

WEMYSS TRAMWAYS.

Provisional Order authorising Randolph Gordon Erskine Wemyss to make and maintain Tramways and other Works in the County of Fife and for other purposes. 5

WHEREAS the making and maintaining of the tramways and other works hereinafter described and by this Order authorised and the working of such tramways by mechanical power would be of public and local advantage :

And whereas Randolph Gordon Erskine Wemyss of Wemyss Castle in the county of Fife (hereinafter called "the Undertaker") is willing at his own expense to construct the tramways if authorised so to do with adequate powers for the purpose and it is expedient that he should be empowered accordingly as by this Order provided : 15

And whereas portion of the tramways in so far as not situate on lands belonging to the Undertaker will be laid along streets and roads the property on both sides of which belongs or is claimed to belong to the Undertaker :

And whereas the Wemyss Estate contains a valuable coal field now in course of development and the traffic between the said estate and the burghs of Kirkcaldy and Leven along the said streets and roads is large and increasing : 20

And whereas the construction of the tramways will greatly facilitate such traffic : 25

And whereas the local and road authorities having jurisdiction over the streets and roads on which the tramways will in part be situate are willing that the tramways should be constructed and no frontager or other person interested in the property in any of the said streets and roads has made any objection to this Order : 30

And whereas it is expedient that the Undertaker and certain local authorities should be empowered to enter into and carry into

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effect agreements as hereinafter provided and that the other powers mentioned in this Order be conferred upon the Undertaker and that the provisions of the Tramways Act 1870 as to the purchase of the undertaking by this Order authorised should be amended as hereinafter mentioned : A.D. 1905.

And whereas plans and sections showing the lines and levels of the tramways and other works by this Order authorised and showing the lands required or which may be taken or used for the purposes or under the powers of this Order and also a book of reference 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 principal sheriff clerk for the county of Fife and are hereinafter respectively referred to as the deposited plans sections and book of reference :

15 And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows :—

1. This Order may be cited as the *Wemyss Tramways Order* Short title. 1905 and shall come into operation at the date of the passing of the Act confirming the same which date is herein-after referred to as " the commencement of this Order."

25 2. The following Acts and parts of Acts (that is to say) :—
The Lands Clauses Acts ;
Sections 6 8 to 16 18 to 37 60 to 68 70 to 85 and 90 to
99 so far as the same are not repealed of the Railways
Clauses Consolidation (Scotland) Act 1845 ; and
30 Section 3 (Interpretation of terms) Part II. (Construction of tramways) and Part III. (General provisions) of the Tramways Act 1870 ;

so far as they are applicable to and are not varied by or inconsistent with the provisions of this Order are incorporated with and form
35 part of this Order and shall apply to the undertaking Provided that :—

(1) The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 herewith incorporated shall apply
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only to the Tramways Nos. 3 5 7 and 9 and to such portions of Tramways Nos. 2 4 6 8 and 11 as may under the provisions of this Order be constructed on private land and for the purposes thereof such tramways shall be deemed to be railways and the Undertaker shall be deemed to be a railway company ;

- (2) The provisions of Part II. of the Tramways Act 1870 herewith incorporated shall not apply to the Tramways Nos. 3 5 7 and 9 or to such portions of Tramways Nos. 2 4 6 8 and 11 as may under the provisions of this Order be constructed on private lands ;
- (3) The provisions of section 43 (Future purchase of undertaking by local authority) of the Tramways Act 1870 shall not apply to any of the tramways or any part thereof.

15

Interpreta-
tion.

3. In this Order 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 Order unless the context otherwise requires—

20

“The Undertaker ” means Randolph Gordon Erskine Wemyss and includes his heirs successors and assigns :

“The company ” means the limited company to whom under the section of this Order whereof the marginal note is “ Undertaking shall be transferred to a registered company ” the undertaking by this Order authorised is to be transferred :

25

“The sheriff ” means the sheriff of the county of Fife and includes his substitutes ;

“The Kirkcaldy Corporation ” means the provost magistrates and councillors of the royal burgh of Kirkcaldy :

30

“The Leven Corporation ” means the provost magistrates and councillors of the burgh of Leven :

“The tramways ” and “the undertaking ” mean respectively the tramways and the undertaking and any part thereof by this Order authorised :

35

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

“ Engine ” includes motor.

TRAMWAYS.

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4. Subject to the provisions of this Order the Undertaker may make form lay down work use and maintain the tramways hereinafter described in the lines and within the limits of deviation
 5 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 necessary and proper rails plates foundations
 10 sleepers tubes pulley pits underground chambers shafts manholes embankments cuttings bridges drains stations platforms gates
 15 junctions turntables turnouts crossings crossovers passing-places pillars posts poles brackets cables chains wires engines dynamos approaches sidings waiting rooms stables engine houses carriage houses depôts buildings sub-stations apparatus machinery appliances works and conveniences connected therewith and equip the same
 20 with the necessary plant and rolling stock and the Undertaker or the company may but in the case of the Undertaker by agreement only enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose Provided that nothing in this
 25 Order shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 and 1888 the Electric Lighting (Scotland) Act 1890 and the Electric Lighting (Scotland) Act 1902 to which the provisions of section 15 of the first of the said Acts apply except in accordance with and
 subject to the provisions of that section.

Power to
make tram-
ways.

The tramways hereinbefore referred to and authorised by this Order will be situate wholly in the county of Fife and are—

Tramway No. 1 A tramway (1 furlong 4·1 chains or there-
 30 abouts in length of which 4·1 chains or thereabouts will be double line and 1 furlong or thereabouts will be single line) wholly in the parish of Kirkcaldy and Dysart and burgh of Kirkcaldy commencing by a junction with the existing tramway of the Kirkcaldy Corporation at its
 35 termination in Rosslyn Street 117 yards or thereabouts measured in a southerly direction along that street from its intersection with Randolph Road and terminating in Randolph Road at the eastern boundary of the burgh of Kirkcaldy at a point 195 yards or thereabouts measured in an easterly direction from the junction of that road with
 40 Rosslyn Street :

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Tramway No. 2 A tramway (3 furlongs 4·3 chains or thereabouts in length of which 6·4 chains or thereabouts will be double line and 2 furlongs 7·9 chains or thereabouts will be single line) commencing in the parish of Kirkcaldy and Dysart by a junction with Tramway No. 1 at its termination and terminating in the parish of Wemyss at a point 67 yards or thereabouts measured in a northerly direction from the intersection of Randolph Road with the road to Cameron Bridge Provided that the Undertaker may by agreement with the owners lessees and occupiers interested construct Tramway No. 2 in whole or in part on lands abutting on the road :

Tramway No. 3 A tramroad (1 mile 2 furlongs 8·1 chains or thereabouts in length of which 3 furlongs 8·6 chains or thereabouts will be double line and 6 furlongs 9·5 chains or thereabouts will be single line and which except where it crosses the public road leading from West Wemyss village to West Wemyss Station will be wholly laid on private lands) wholly in the parish of Wemyss commencing by a junction with Tramway No. 2 at its termination and terminating on the north side of the Kirkcaldy and Leven road at a point 23 yards or thereabouts measured in a westerly direction from the intersection by that road of the branch railway from the Buckhaven branch of the North British Railway to Hugo Pit :

Tramway No. 4 A tramway (2 furlongs 7·5 chains or thereabouts in length single line) wholly in the parish of Wemyss commencing by a junction with Tramway No. 3 at its termination and terminating on the north side of the Kirkcaldy and Leven road at a point 280 yards or thereabouts measured in a south-westerly direction from the Ordnance bench mark on Heather Cottage Provided that the Undertaker may construct Tramway No. 4 on the side of or on any lands belonging to him adjoining the Kirkcaldy and Leven road :

Tramway No. 5 A tramroad (5 furlongs 6·4 chains or thereabouts in length of which 3·8 chains or thereabouts will be double line and 5 furlongs 2·6 chains or thereabouts will be single line and which except where it crosses the public road leading from the Kirkcaldy and Leven road to Newton farmhouse will be wholly laid on private lands) wholly in

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the parish of Wemyss commencing by a junction with
Tramway No. 4 at its termination and terminating on
the north side of the Kirkcaldy and Leven road at a point
190 yards or thereabouts measured in a south-westerly
5 direction from the centre of the bridge carrying that road
over the Chemiss Burn :

10 Tramway No. 6 A tramway (5 furlongs 8·9 chains or
thereabouts in length of which 7·8 chains or thereabouts
will be double line and 5 furlongs 1·1 chains or thereabouts
will be single line) wholly in the parish of Wemyss
commencing by a junction with Tramway No. 5 at its
15 termination and terminating on the east side of the
Kirkcaldy and Leven road at a point 94 yards or thereabouts
measured in a north-easterly direction from the centre of
the bridge carrying that road over the Buckhaven branch of
the North British Railway Provided that the Undertaker
may by agreement with the owners lessees and occupiers
interested construct Tramway No. 6 in whole or in part on
lands abutting on the road :

20 Tramway No. 7 A tramroad (1 furlong 5·1 chains or there-
abouts in length single line and which will be wholly
laid on private lands) wholly in the parish of Wemyss
commencing by a junction with Tramway No. 6 at its
25 termination and terminating on the east side of the
Kirkcaldy and Leven road at a point 430 yards or
thereabouts measured in a north-easterly direction along
that road from the centre of the last-mentioned bridge
over the said Buckhaven branch railway :

30 Tramway No. 8 A tramway (1 furlong 1·25 chains or there-
abouts in length double line) wholly in the parish of
Wemyss commencing by a junction with Tramway No. 7
at its termination and terminating on the south side of
the Kirkcaldy and Leven road at a point 130 yards or
35 thereabouts measured in a north-easterly direction from the
Ordnance bench mark on the corner of Rosie Cottages
Provided that the Undertaker may construct Tramway
No. 8 on the side of or on any lands belonging to him
adjoining the Kirkcaldy and Leven road :

40 Tramway No. 9 A tramroad (2 miles 5 furlongs 9·3 chains
or thereabouts in length of which 2 furlongs 1·8 chains
or thereabouts will be double line and 2 miles 3 furlongs
7·5 chains or thereabouts will be single line and which

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except where it crosses the public road leading from the Kirkcaldy and Leven road to Buckhaven and the public road leading from Kirkland to Methil will be wholly laid on private lands) wholly in the parish of Wemyss commencing by a junction with Tramway No. 8 at its termination and terminating on the south side of the Kirkcaldy and Leven road at a point 90 yards or thereabouts measured in a south-westerly direction from the centre of the bridge carrying that road over the River Leven :

Tramway No. 10 A tramway (5 furlongs 1·4 chains or thereabouts in length of which 1 furlong 0·4 chain or thereabouts will be double line and 4 furlongs 1 chain or thereabouts will be single line) commencing in the parish of Wemyss by a junction with Tramway No. 9 at its termination and terminating in the parish of Scoonie and burgh of Leven in Durie Street at a point two hundred yards or thereabouts measured in a southerly direction from the centre of the bridge carrying the road from Durie Street to Scoonie over the North British Railway East Fife section :

Tramway No. 11 A tramway (6 furlongs 1·1 chains or thereabouts in length of which 3·8 chains or thereabouts will be double line and 5 furlongs 7·3 chains or thereabouts will be single line) commencing in the parish of Kirkcaldy and Dysart by a junction with Tramway No. 2 at a point in the road to Cameron Bridge 57 yards or thereabouts measured in a northerly direction from the intersection of Randolph Road with the road to Cameron Bridge and terminating in the parish of Kirkcaldy and Dysart and burgh of Dysart in Townhead road at a point 18 yards or thereabouts measured in a southerly direction along that road from its intersection with the mineral railway to Frances Pit Provided that the Undertaker may by agreement with the owners lessees and occupiers interested construct Tramway No. 11 in whole or in part on lands abutting on the road.

LANDS.

Lands for generating station.

5. Subject to the provisions of this Order the company may enter upon take hold and use the lands hereinafter described and may on such lands construct a station or stations for producing and generating transforming storing and applying electrical energy and erect thereon buildings and use dynamos engines accumulators

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batteries and other apparatus and things necessary or proper for the generation of electrical energy and for the working of the tramways thereby and may produce generate transform store use and apply such power accordingly The lands hereinbefore referred to are as follows:—

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A piece of land containing 1·25 acres or thereabouts situate in the parish of Wemyss in the county of Fife on the south side of the Buckhaven branch of the North British Railway near Wemyss Castle Station bounded on the north by the said Buckhaven branch railway on the east by the road leading from the Kirkcaldy and Leven road to Wemyss Castle Station on the south by the Kirkcaldy and Leven road and on the west by an imaginary line drawn in a southerly direction to the Chemiss Burn from a point in the fence on the south side of the said Buckhaven branch railway 200 yards or thereabouts measured in a south-westerly direction from the west corner of the Wemyss Castle Station buildings and belonging or reputed to belong to the Undertaker.

6. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the company after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to the sheriff for the correction thereof and if it appear to the sheriff that the omission misstatement or wrong description arose from mistake he shall certify the same accordingly and shall in such certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the principal sheriff clerk for the county of Fife and a duplicate thereof shall also be deposited with the town clerk of the burgh or with the clerk of the parish council of the parish as the case may be in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such principal sheriff clerk and town clerk and clerk of the parish council respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the company to take the lands and execute the works in accordance with such certificate.

Correction
of errors in
deposited
plans and
book of
reference.

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Period for compulsory purchase of lands.

Persons under disability may grant servitudes &c.

7. The powers of the company for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of four years from the commencement of this Order.

8. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Undertaker any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands feu duties and rent charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Purchase of lands by agreement.

9. In addition to the other lands which the Undertaker is by this Order authorised to purchase and acquire he may purchase take on lease or acquire by agreement and may hold for the purpose of the undertaking any lands not exceeding ten acres and he may on such lands and on any other lands purchased or acquired under the authority of this Order erect or construct carriage and engine houses shelters waiting rooms gatekeepers' houses stables sheds depôts yards offices buildings stations sidings works and other conveniences in connection with the undertaking but nothing in this Order shall exonerate the Undertaker from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by him on any land purchased or acquired by agreement under the powers of this section.

Restriction as to houses of labouring class.

10. The Undertaker shall not under the powers of this Order purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 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 Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

If the Undertaker acquire or appropriate any house or houses for the purposes of this Order in contravention of the foregoing provisions he shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable

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by the Secretary for Scotland by action in the Court of Session 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. A.D. 1905.

5 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
10 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.

CONSTRUCTION AND MAINTENANCE.

15 11. 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. Inspection
by Board of
Trade.

20 12. The tramways shall be completed within five years from the commencement of this Order and on the expiration of that period the powers by this Order granted to the Undertaker 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 tramways.

25 13.—(1) The tramways shall be constructed on a gauge of three feet six inches or such other gauge as may from time to time be approved by the Board of Trade but carriages or trucks adapted to run on railways shall not be run thereon. Gauge of
tramways.

30 (2) So much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the edge of the wheels of such carriage shall not apply to carriages used on the tramways but no carriage or engine shall if the gauge of the tramways is three feet six inches exceed six feet three inches or in the event of the tramways being constructed on a less gauge six feet in width or such other width as may from time to time be prescribed by the Board of Trade.

35 14. The Undertaker in constructing the Tramways Nos. 3 5 7 and 9 may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown on those plans and he may deviate vertically from the levels thereof shown on the deposited sections except where any such tramway Power to
deviate in
constructing
Tramways
Nos. 3 5 7
and 9.

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Tramways to be kept on level of surface of road. 15. If and whenever after the commencement of this Order 5 any road authority alters the level of any road along or across which any part of the tramways is laid or authorised to be laid the Undertaker may and shall from time to time alter or (as the case may be) lay the rails of the tramway so that the uppermost surface thereof shall be on a level with the surface of the road as altered. 10

Plan of proposed mode of construction. 16.—(1) In addition to the requirements of section 26 of the Tramways Act 1870 the Undertaker shall lay before the Board of Trade and the road authority a plan showing the proposed mode of constructing laying down and renewing such tramways and a statement of the materials intended to be used therein and the 15 Undertaker shall not commence the construction laying down or renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement 20 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 Provided that the word "materials" in this section does not include materials used for paving any part of any street or road under the provisions of the Tramways Act 1870 or this Order. 25

(2) If any dispute shall arise between the Undertaker and the road authority or the said surveyor under this section such dispute shall be referred to arbitration under the Tramways Act 1870.

Repair of part of road where tramway is laid. 17. The materials with which and the manner in which the Undertaker shall maintain and keep in good condition and repair 30 the portion of the road referred to in section 28 of the Tramways Act 1870 shall be such as may be agreed between the road authority and the Undertaker or in case of difference between them as may be determined by the Board of Trade on the application of either party. 35

Rails of tramways. 18. The rails of the tramways shall be such as the Board of Trade may approve.

Penalty for not maintaining rails and roads. 19.—(1) The Undertaker 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 Undertaker at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 as varied by this Order he shall be subject to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

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(2) In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Undertaker has 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 as varied by this Order the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if the officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Undertaker to such penalty or penalties in respect thereof as is or are by this section imposed.

Board of Trade may on complaint inspect tramways.

20. Every local and road 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 Undertaker and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the said authority as if the same were a pipe for the supply of gas or water.

Local and road authority to have access to sewers.

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

Cross-overs to be constructed in certain cases.

22.—(1) The Undertaker may subject to the provisions of this Order with the consent of the Board of Trade make maintain alter and remove such crossings cross-overs passing places sidings turn-outs junctions and other works in addition to those particularly specified in and authorised by this Order as he finds necessary

Power to make additional cross-overs and to double tramway lines.

A.D. 1905. or convenient for the efficient working of the tramways or for providing access to any generating stations stables or carriage houses or works of the Undertaker or for providing access to any premises near any part of the tramways or for forming junctions with other tramways. 5

(2) Notwithstanding anything shown on the deposited plans the Undertaker may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and may with the like consent at any time alter the position in the road or from the road to lands adjoining the road of any of the Tramways Nos. 2 4 6 8 and 11 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 Undertaker 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 he may think fit. 10 15

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid nearer to the footpath than previously authorised in such a manner that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Undertaker shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not (except with the consent of the Board of Trade) be so laid if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Undertaker within three weeks after receiving the notice from the Undertaker express their objection thereto. 20 25 30

Temporary tramways may be made where necessary.

23. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid it is in the opinion of the Undertaker necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Undertaker may with the consent of the local and 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. 35 40

24. The Undertaker may increase the roadway of any street or road in which any of the tramways are authorised to be laid to such extent as may be necessary to leave a space of nine feet and six inches between the outside of the footpath on each or either side of such street or road and the nearest rail of such tramway by reducing the width of the footpath on each or either side of such street or road. Provided that any footway shall not be reduced in width without the consent of the road authority or other person in whom it is vested nor to such an extent as to be less than six feet wide.

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Undertaker may reduce footpath for constructing tramway.

25. Any paving metalling or material excavated by the Undertaker 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 Undertaker so far as may be necessary in or towards the reinstatement or making up 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 Undertaker is by section 28 of the Tramways Act 1870 as varied by this Order required to maintain and the Undertaker 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 of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Undertaker and may be dealt with removed and disposed of by him in such manner as he may think fit. Any difference between the Undertaker and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be settled by an arbiter to be nominated by the Board of Trade on the application of either party.

Application of road materials excavated in construction of works.

26. The Undertaker may erect and maintain in any district sheds or shelters or waiting rooms for the accommodation of passengers and of the servants of the Undertaker and the Undertaker may with the consent of the local and road authority of such district for such period and on such terms as may be agreed upon use for that purpose portions of the public streets or roads within such district.

Shelters or waiting rooms.

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—
Stopping of
roads during
execution of
works.

27. Subject to the provisions of this Order the Undertaker may during the execution of the tramways 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 he thinks necessary and for that purpose may put up 5 bars posts and other erections Provided that the Undertaker shall before stopping up any footway under this section provide a temporary substitute therefor.

As to elec-
trical works
&c.

28.—(1) The Undertaker may in under or over the surface of any street or road including the footways thereof or public place in 10 any district in which the tramways will be situate construct lay down erect maintain renew and repair electric wires conductors posts tubes boxes and other electrical apparatus and may make and maintain openings and ways for the purpose of working the tramways by electrical power and may for that purpose subject to 15 the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Order open and break up any such street or road including the footways thereof or public place and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder and with the consent of 20 the owners thereof remove replace or alter the position of any lamp-post or letter box in any such street or road including the footways thereof or public place provided as follows :—

(A) All posts and apparatus erected by the Undertaker under the powers of this Order in any street or road including 25 the footways thereof or public place shall be of such design as the local authority may approve and shall be placed in such position as the local authority and road authority may approve Provided that no post or other apparatus shall be erected on the carriageway except 30 with the consent of the Board of Trade :

(B) The route in which any electrical apparatus is to be laid or erected (elsewhere than in any street or road including 35 the footways thereof or public place in which the tramways will be situate) shall be approved by the local authority and the road authority within whose jurisdiction each portion of the route is situate.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 the Electric 40 Lighting (Scotland) Act 1890 and the Electric Lighting (Scotland)

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Act 1902 to which the provisions of section 15 of the first of the said Acts apply. A.D. 1905.

29. The Undertaker may make junctions between the tramways and any other tramroad wagonway or light railway laid near
5 the tramways and which can be worked in connection therewith but only with the consents of the owners and lessees of such tramroad wagonway or light railway and (where such junctions are laid upon any road) of the road authority within whose district
10 such junctions are intended to be laid and the provisions of the Tramways Act 1870 incorporated with this Order and of this Order with respect to the construction maintenance and working of the tramways shall apply to such junctions where laid along any road and such junctions when made shall for all purposes be deemed to be part of the undertaking of the Undertaker.

Junctions with tramroads which can be worked in connection with tramways.

15 30. If the Undertaker at any time find it necessary or desirable to remove snow or other matter impeding the traffic on the tramways the Undertaker shall at his own cost remove the snow or other matter to the side of the road but so as not to impede or obstruct the ordinary traffic on the road.

As to removal of snow &c.

20 31. The Undertaker may with the consent of the owner of any building or bridge or of any column post or standard erected for lighting purposes in any road street footway footpath or public place in which any of the tramways are situate attach thereto such brackets wires and apparatus as may be required for the working of
25 the tramways by mechanical power :

Attachment of brackets to buildings.

Provided that—

(1) Where in the opinion of the Company any consent under this section is unreasonably refused they may appeal to the sheriff who shall have power having regard to the character of the building or bridge or
30 of such column post or standard as the case may be and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as he may think reasonable or to disallow the same and may determine
35 by which of the parties the costs of the appeal are to be paid ;

(2) Any consent of an owner and any order of the sheriff under this section shall not have effect after that
40 owner ceases to be in possession of the building or
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bridge or of such column post or standard 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 5 the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the sheriff shall have the same powers as under proviso (1);

- (3) The owner may require the Company to temporarily 10 remove the attachments where necessary during any reconstruction or repair of the building or bridge or of such column post or standard.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any 15 other tenancy the person receiving the rent shall be deemed to be the owner.

PROTECTIVE PROVISIONS.

For protec-
tion of local
authority of
area affected.

32. For the protection of the local authority of the area in which any of the tramways may be situate the following provisions 20 shall unless otherwise agreed between the local authority and the Undertaker have effect:—

- (1) The tramways shall be laid down under the superintendence and to the reasonable satisfaction of the local authority: 25
- (2) The tramways shall not be used for experimental purposes and shall be constructed so as to interfere as little as may be with the ordinary traffic on the roads on which the same are laid:
- (3) All standards poles wires and supports erected for the 30 purpose of the electrical equipment of the tramways shall be of such design and shall be erected and placed in such manner and situation and according to such plans as shall have been previously submitted to and approved of by the local authority and the local 35 authority shall have power upon giving to the Undertaker one month's notice in writing of their desire so to do to make use of such standards or poles for the support of electric or gas lamps and all internal wires

connections and pipes or other fittings necessary for such electric or gas lamps belonging to or to be used by the local authority in such manner and so far as the same will not interfere with the electric system of the Undertaker or weaken damage or otherwise prejudicially affect the said standards or poles. Provided that the approval of the local authority shall not be withheld unreasonably and that if the local authority shall not within twenty-eight days after the submission of such designs or plans signify in writing to the Undertaker their disapproval and their requirements in lieu thereof they shall be deemed to have approved thereof:

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- (4) Every standard or pole shall be painted in such colours and manner and so often (not being more than once in every three years) as the local authority may require and if any standard or pole after it has been erected is in the opinion of the local authority an obstruction the Undertaker shall alter the position thereof in such manner as the local authority in writing shall reasonably require:
- (5) The Undertaker shall if required by the local authority light in so far as may be necessary to avoid danger to traffic such of the standards or poles placed on any roadway or footway within the jurisdiction of the local authority as the local authority may select:
- (6) Every carriage used on the tramways shall be kept in proper repair and condition and be painted by the Undertaker to the reasonable satisfaction of the local authority who may prohibit the use of any carriage not in their opinion in proper repair and condition:

The carriages used on the tramways shall be electrically lighted and shall be provided by the Undertaker with all necessary lightning arresters;

All electrical fittings used on the carriages of the Undertaker shall be sufficiently protected so as to prevent injury to passengers:

- (7) When the Undertaker opens or breaks up any street roadway or footway for the purpose of erecting any pole the Undertaker shall within three days after the same

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has been opened or broken up reinstate the same in as good condition as that in which it was before it was opened or broken up and in case the Undertaker makes any default in so doing the local authority may reinstate the same as aforesaid at the expense of 5 the Undertaker :

- (8) The Undertaker shall not without the consent of the local authority remove any public lamp and all lamps so removed under such consent shall be re-erected by the Undertaker in such manner and position as the local 10 authority may direct :
- (9) Whenever the Undertaker desires to erect any pole which involves any alteration or removal of any sewer or drain or machinery or appliance connected therewith vested in or belonging to the local authority the local authority 15 may at their option (but without prejudice to any protection afforded to them by the Tramways Act 1870) make such alteration or removal as the case may be and do all works incidental thereto and all the reasonable and necessary expenses which the local authority 20 shall thereby incur shall be defrayed or repaid to them by the Undertaker :
- (10) No advertisement other than a notice or advertisement relating to the undertaking of the Undertaker shall without the consent of the local authority be affixed 25 to or displayed upon any standard or pole of the Undertaker :
- (11) Where any street or road on which the tramways are laid is widened by the local authority the Undertaker shall alter the position of the rails on such street or road at 30 his own expense if required to do so by the local authority and subject to the provisions of this Order and of the Acts incorporated therewith place them where the local authority may direct :
- (12) Sections 30 32 and 33 of the Tramways Act 1870 shall 35 apply to the local authority with reference to the water and gas mains pipes and apparatus belonging to the local authority in like manner as the same apply to a company or person being the owner of water or gas pipes or mains : 40

- (13) No advertisement shall be placed on the windows of any carriage used on the tramways in such a position as to obstruct the view and the local authority may order the removal of any advertisements placed on the carriages of the Undertaker which shall in their opinion be objectionable :
- (14) If any difference arise between the Undertaker and the local authority with respect to the reasonableness of any act or requirement of the local authority the same shall be determined by the arbitration of an arbiter to be agreed upon between the local authority and the Undertaker or failing agreement to be appointed by the Board of Trade on the application of either of them and the costs of such arbitration shall be borne and paid as such arbiter shall direct :
- (15) If the Undertaker shall subject to the provisions of the immediately preceding subsection fail to comply with any of the subsections of this section numbered four five six seven ten and thirteen he shall be liable for every such failure to comply to make payment to the local authority by way of damages of a sum not exceeding five pounds and in the event of a continued failure of a further sum not exceeding one pound for each day during which such further failure is continued :
- (16) All money payable by the Undertaker to the local authority under the provisions of this section shall be payable on demand in writing and in default thereof may be recovered by the local authority from the Undertaker by action in any competent court.

33. For the protection of the waterworks commissioners of Kirkcaldy and Dysart (hereinafter called "the commissioners") and of the waterworks mains pipes fittings apparatus and property belonging to the commissioners the following provision shall notwithstanding anything contained in this Order or in the Acts incorporated herewith and in addition to all protection and benefit which the commissioners have under and by virtue of the provisions contained in this Order and in the Acts incorporated herewith as altered by this section have effect unless otherwise agreed on between the commissioners and the Undertaker The

For protection of waterworks commissioners of Kirkcaldy and Dysart.

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A.D. 1905. provisions of sections 30 and 32 of the Tramways Act 1870 as altered by this Order shall apply to all the waterworks mains pipes fittings apparatus and property belonging to the commissioners (including consumers' pipes) whether within the limits of compulsory supply as defined by the Kirkcaldy and Dysart Waterworks Act 1867 and as extended by the Kirkcaldy Burgh and Harbour Act 1876 or beyond such limits of compulsory supply. 5

For protection of Leven Corporation.

34. For the protection of the Leven Corporation the following provisions shall unless otherwise agreed upon between that corporation and the Undertaker have effect (that is to say):— 10

- (1) The Undertaker shall before selling the whole or any portion of the tramways within the burgh of Leven to any person offer the same to the Leven Corporation and the Leven Corporation may within two months from the receipt of such offer but not after by notice in writing require the Undertaker to sell and thereupon the Undertaker shall sell to the Leven Corporation the whole or such portion of the tramways within the burgh upon the terms of paying the fair market value thereof as a going concern Such value to be determined in case of difference by an arbiter to be appointed failing agreement on the application of either party by the Board of Trade : 15 20
- (2) When any such sale shall have been made to the Leven Corporation all the rights powers and authorities of the Undertaker in respect to the tramway or portion of tramway so purchased shall be transferred to vested in and may be exercised by the Leven Corporation in like manner as if such tramway or portion of tramway had been constructed by the Leven Corporation under powers conferred upon them by a Provisional Order under the Tramways Act 1870 and in reference to such tramway or portion of tramway the Leven Corporation shall be deemed to be the promoters : 25 30
- (3) Upon the completion of any such sale the Undertaker may subject to the approval of the Board of Trade (which approval the Board of Trade are hereby authorised to give) accept and take from the Leven Corporation and the Leven Corporation may notwithstanding anything in the Tramways Act 1870 contained grant 35 40

a lease or leases of the tramway or portion of tramway
 so purchased on such terms and conditions and for
 such period not exceeding a period of forty-two years
 from the date of the lease as may be agreed upon
 5 between the Undertaker and the Leven Corporation
 and during the continuance and subject to the terms
 and conditions of any such lease the Undertaker may
 work maintain and use the undertaking thereby leased
 and demand take and recover in respect thereof tolls
 10 fares and charges not exceeding the tolls fares and
 charges authorised to be taken thereon by this Order
 or by any subsequent Act or Order relating to or
 regulating the same.

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35. The following provisions for the protection of the North
 15 British Railway Company (in this section called "the railway
 company") shall unless otherwise agreed between the Undertaker
 and the railway company apply and have effect (that is to say):—

For protec-
 tion of North
 British Rail-
 way Com-
 pany.

(1) Before commencing any works or operations under the
 powers of this Order affecting any railway belonging or
 20 leased to or run over or worked by the railway company
 (in this section referred to as "the railway") or affecting
 any bridge over the railway the Undertaker shall submit
 plans and sections of such works or operations to the
 railway company for their approval and the said works
 25 and operations shall be constructed and carried on in
 conformity only with such plans and sections and at the
 sight and to the reasonable satisfaction of the engineer
 of the railway company and such works shall thereafter
 be maintained and repaired by the Undertaker to the
 30 reasonable satisfaction of such engineer Provided that
 the approval of the railway company shall not be
 unreasonably withheld and that it shall be deemed to
 have been given unless the railway company signifies
 their disapproval within twenty-eight days after the
 35 submission of the said plans and sections:

(2) The Undertaker shall not in the construction alteration
 maintenance or use of the tramways cause any
 interruption to or interference with the traffic on the
 railway:

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—

- (3) If any injury to or interference with the railway or any bridge or works of the railway company or any interruption to the traffic on the railway shall arise or be occasioned at any time by the works or operations of the Undertaker the Undertaker shall forthwith make 5
good or remove such injury interference or interruption at his or their own expense or the railway company may execute the necessary works for that purpose at the expense of the Undertaker and the Undertaker shall repay to the railway company all costs and expenses 10
properly incurred by them in so doing and all loss or damage sustained by the railway company in consequence of such injury interference or interruption :
- (4) Nothing in this Order contained or which may be done in pursuance thereof shall prevent the railway company 15
from maintaining and repairing and when necessary altering or reconstructing the railway or any bridge or other work of the railway company without interference on the part of the Undertaker and without incurring any liability to the Undertaker or to any party working 20
or using the tramways for any loss injury damage expense or interruption of traffic which may arise from such maintenance repair alteration or reconstruction and any extra expense which the railway company may incur in such maintenance repair alteration or recon- 25
struction by reason of the construction or existence of the tramways shall be paid by the Undertaker and such extra expense if any shall be determined by the arbiter appointed as hereinafter mentioned Provided that all such operations shall be executed by the railway com- 30
pany in such manner as to cause as little interruption or inconvenience as practicable to the traffic on the tramways and the railway company shall if reasonably necessary in consequence of the operations of the rail-
way company lay at their own expense temporary 35
tramways to maintain the continuity of the tramway traffic and the railway company shall give twenty-eight days' notice in writing to the Undertaker before com-
mencing any such operations and the same so far as 40
interfering with the tramways shall be conducted at the sight and to the reasonable satisfaction of the engineer of the Undertaker :

- (5) The Undertaker shall pay to the railway company any extra expense which the railway company may incur or be put to in maintaining or repairing any bridge or the roadway thereon or any approach to any bridge or any part of any road for the maintenance of which the railway company are liable by reason of the construction use or existence of the tramways and such extra expense if any shall be determined by the arbiter appointed as hereinafter mentioned :
- (6) The Undertaker shall not stop any tramway cars or other carriages on any level crossing by the tramways of the railway so as to interfere with or obstruct the traffic on the railway to a greater extent than is reasonably necessary for the proper working of the tramways and no mineral trains shall be allowed to stand on any level crossing over which the tramway lines are conducted so as to interfere with or obstruct the traffic on the tramway :
- (7) If any difference shall arise between the Undertaker and the railway company or their engineers as to the meaning of this section or as to any plans and sections or as to any works or the method of executing the same or as to any expenses referred to in this section the same shall be determined by an arbiter to be agreed upon between the Undertaker and the railway company or failing agreement to be nominated by the Board of Trade on the application of either of the parties and the costs of such arbitration shall be borne and paid as such arbiter shall direct.

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RATES AND REGULATIONS.

36. The Undertaker 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 Undertaker be bound to charge a less sum than one penny.

Passengers' fares.

37. 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

Passengers' luggage.

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A.D. 1905. — all such luggage to be carried by hand and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers.

Carriage of passengers and goods.

38. The tramways may be used for the carriage of passengers and passengers' luggage and of consignments of single articles and of goods of every kind in parcels bags hampers sacks vessels or packages provided that each consignment shall not exceed five hundred pounds in weight but the Undertaker shall not be bound unless he thinks fit to carry any such consignments but only passengers and their personal luggage as aforesaid not exceeding twenty-eight pounds in weight. 5 10

Rates for goods in parcels &c.

39. With respect to the consignments mentioned in the preceding section the Undertaker may demand and take any rates and charges not exceeding the following (that is to say):—

Not exceeding seven pounds in weight threepence; 15

Exceeding seven pounds and not exceeding fourteen pounds in weight fivepence;

Exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence;

Exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence; 20

Exceeding fifty-six pounds but not exceeding five hundred pounds in weight such sum as the Undertaker may think fit.

Service of carriages.

40. The Undertaker shall run the carriages on the tramways at intervals suitable to the requirements of the districts served and if in the opinion of the local authority of any such district the Undertaker is not providing a sufficient service the Board of Trade may on the representation of the local authority and after considering all the circumstances order the Undertaker to provide and the Undertaker shall forthwith provide such additional service of carriages as the Board may in their discretion think reasonable and prescribe. 25 30

Cheap fares for labouring classes.

41.—(1) The Undertaker at all times after the opening of the tramways for public traffic shall and he is hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays New Year's Day and general holidays always excepted) at such hours not being later than eight in the morning or earlier 35

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than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Undertaker in lieu of running such carriages
5 after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

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

(3) The Undertaker shall be liable to a penalty not exceeding five pounds for every day during which he fails to comply with any
15 order under this section.

42. The Undertaker shall not take or demand on Sunday or any public holiday any higher fares or charges than those levied by him on ordinary week days.

As to fares on Sundays or holidays.

43. If at any time after three years from the opening for
20 public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion are or is wholly or
25 partly situate or by twenty inhabitant ratepayers of that district or by the Undertaker 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
30 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 Order by order in
35 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 Provided that a copy of this section shall
40 be annexed to every table or list of fares published or exhibited by the Undertaker.

Periodical revision of rates and charges.

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Byelaws.

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

For regulating the use of any bell whistle or other warning apparatus fixed to the engines or carriages : 5

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

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety : 10

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 : 15

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 : 20

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

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

45. 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 Order or by the Board of Trade regulations at which engines are to be driven or propelled on the tramways under the authority of this Order 30
Provided that carriages may be driven or propelled on the tramways at such speed not exceeding fifteen miles an hour as the Board of Trade may prescribe.

Penalty for
malicious
damage.

46. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of any tramway or of any light railway owned leased or worked by the Undertaker anything which is calculated to obstruct or interfere with the working of such tramway or light railway or to cause injury to any person he shall (without prejudice to any proceedings 40

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by way of interdict 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 such tramway or
5 light railway shall be liable to a penalty not exceeding twenty pounds and the Undertaker may himself remove obstructions caused by any breakdown or illegal act or cause from any such tramway or light railway so as to free the traffic thereon from any such obstruction.

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10 MOTIVE POWER.

47. 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.

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

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

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

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

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

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

40 may by order either direct the Undertaker or such company or person to cease to use such mechanical

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power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Undertaker or such company or person shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order. 5

Special provisions as to use of electrical power.

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

- (1) The Undertaker shall employ either insulated returns or uninsulated metallic returns of low resistance : 10
- (2) The Undertaker shall take all reasonable precautions in constructing placing and maintaining his electric lines and circuits and other works of all descriptions and also in working the undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other 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 : 15 20
- (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 : 25 30
- (4) The Undertaker shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as he adopts and employs at his option 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 35 40

such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking : A.D. 1905.

5 (5) At the expiration of two years from the commencement of this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :

15 (6) If any difference arises between the Undertaker and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbiter to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbiter as the case may be :

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

25 49. Notwithstanding anything in this Order contained if any of the works authorised to be executed by this Order involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration and in case any such alteration be made a telegraphic line of the Postmaster-General shall not be altogether removed from any highway (including the unmetalled or waste land by the side of the highway) without his consent.

Alteration of telegraph lines of Postmaster-General.

50. In the event of any tramways of the Undertaker being worked or lighted by electricity the following provisions shall have effect :—

40 (1) The Undertaker shall construct his electric lines and other works of all descriptions and shall work the undertaking

For protection of Post Office telegraph lines.

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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 his electric lines and other works 5 of all descriptions and the working of the undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Undertaker as to compliance 10 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 Undertaker of his electric lines and works or by the working of the undertaking the Undertaker shall pay the 15 expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (3) Before any electric line is laid down or any act or work for working or lighting the tramways by electricity 20 is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Undertaker or his agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster- 25 General specifying the course of the line and the nature of the work including the gauge of any wire and the Undertaker and his agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster- 30 General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work :

Any difference which arises between the Postmaster-General and the Undertaker as to any 35 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 Undertaker is injuriously affected and he is of opinion 40

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5 that such injurious affection is or may be due to the
 construction of the works of the Undertaker 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
 10 generated by the undertaker enter any of the works of
 the Undertaker for the purpose of inspecting the plant
 of the Undertaker and the working of the same and
 the Undertaker 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 Undertaker pursuant
 to the Board of Trade regulations :

15 (5) In the event of any contravention of or wilful non-
 compliance with this section by the Undertaker or his
 agents the Undertaker shall be liable to a fine not
 exceeding ten pounds for every day during which such
 20 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 :

25 (6) Provided that nothing in this section shall subject the
 Undertaker or his agents to a fine under this section if
 he satisfies 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
 30 work of emergency and that he 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 :

35 (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
 40 or by any use made of such work :

A.D. 1905.

(8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order :

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

(10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbiter 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 Undertaker or his agents were a company within the meaning of that Act :

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

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

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

51. 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 the tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Undertaker for the purposes of mechanical power were parts of the tramways.

Power to acquire patent rights.

52. For the purpose of using mechanical power the Undertaker 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.

DEPOSIT FUND.

Deposit fund not to be repaid except so far as tramways are opened.

53. Whereas pursuant to the General Orders under the Private Legislation Procedure (Scotland) Act 1899 and to the Parliamentary Deposits Act 1846 as applied in such General Orders a sum of two thousand five hundred and seventy-four pounds eleven shillings has been deposited with the King's and Lord Treasurer's Remembrancer on behalf of the Court of Exchequer in Scotland in respect

of the application for this Order which sum (hereinafter referred to as "the deposit fund") represents five per centum upon the amount of the estimate in respect of the Tramways Be it enacted that notwithstanding anything contained in the said Parliamentary

5 Deposits Act 1846 the deposit fund shall not be paid or transferred to or on the application of the person named in the warrant or order issued in pursuance of the said Act or his executors heirs or assigns (hereinafter referred to as "the depositor") unless the Undertaker shall previously to the expiration of the period limited

10 by this Order for completion of the tramways open the same for the public conveyance of passengers and if the Undertaker 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

15 Undertaker opens 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

20 as the length of the tramways so opened bears to the entire length of the tramways the Court shall on the application of the depositor order the portion of the deposit fund specified in the certificate to be paid or transferred to the depositor or as he shall direct and the certificate of the Board of Trade shall be sufficient evidence of the

25 facts therein certified and it shall not be necessary to produce any certificate of the Act confirming* this Order having passed anything in the Parliamentary Deposits Act 1846 to the contrary notwithstanding.

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54. If the Undertaker does not previously to the expiration of

30 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 depositor shall be applicable and after due notice in the Edinburgh Gazette shall be applied towards

35 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

40 upon the Company by this Order and also in compensating all road authorities for the expense incurred by them in taking up any

Application
of deposit
fund.

A.D. 1905. tramway or materials connected therewith placed by the Undertaker 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 5 aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland 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 10 required as aforesaid shall if a judicial factor has been appointed or the Undertaker is insolvent or the undertaking has been abandoned be paid or transferred to such factor or be applied in the discretion of the Court as part of the assets of the depositor for the benefit of his creditors and subject to such application shall be repaid 15 or re-transferred to the depositor. Provided that until the deposit fund has been repaid or re-transferred to the depositor or has become otherwise applicable as hereinbefore mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application 20 of the depositor.

AGREEMENTS.

Confirming
agreement
with Kirk-
caldy Cor-
poration.

55.—(1) The agreement between the Kirkcaldy Corporation and the Undertaker as set forth in the schedule to this Order is hereby confirmed and shall be binding upon the parties thereto. 25

(2) The Kirkcaldy Corporation may at the expiration of five years from the commencement of this Order and at the expiration of every subsequent period of five years by notice in writing require the Undertaker to sell and thereupon the Undertaker shall sell to them either the whole of the tramways within the burgh of Kirk- 30 caldy or the portion thereof in Rosslyn Street upon the terms of paying the then structural value thereof exclusive of any allowance for past or future profits. Such value to be in case of difference determined by an arbiter to be appointed failing agreement on the application of either party by the Board of Trade. 35

(3) When any such sale shall have been made all the rights powers and authorities of the Undertaker in respect to the portion of the tramways so purchased shall be transferred to vested in and may be exercised by the Kirkcaldy Corporation and such portion

[5 EDW. 7.] *Wemyss Tramways Order Confirmation.*

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shall for all purposes be and be deemed to form part of the tramway undertaking of the Kirkcaldy Corporation authorised by the Kirkcaldy Corporation and Tramway Act 1899 and the Kirkcaldy Corporation Order 1904.

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5 56.—(1) The Undertaker may subject to the provisions of this Order 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
10 facilitating the passage of carriages and traffic over and along any roads or streets in the district of such authority upon or along which any of the tramways are intended to be laid or any part thereof.

Agreements with road authority.

(2) The Undertaker on the one hand and the road authority
15 on the other hand may enter into and carry into effect agreements with respect to the cost of the 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 Undertaker towards the moneys to be expended
20 on such works.

57. The Undertaker may enter into and carry into effect contracts and agreements with the Kirkcaldy Corporation and any local authority company or person (authorised to enter into such contracts or agreements) owning or working any tramways
25 or light railways which can be worked with the tramways of the Undertaker with respect to all or any of the following matters (that is to say) :—

Undertaker may contract to work tramways or light railways in neighbouring districts.

30 The working use management and maintenance of all or any of the tramways or light railways of the contracting parties and the works connected and used therewith or any part or parts thereof respectively ;

The making of all necessary junctions ;

35 The supply and maintenance under any agreement for all or any of the respective tramways or light railways 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 ;

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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 ; 5

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 : 10

Provided that any such supply of electrical energy to the Undertaker and any works constructed for the purpose thereof shall be subject to all provisions for the protection of the Post-master-General and of his rights in respect thereof which are contained in the Act or Order by which the supplying local authority company or person is authorised to generate or supply electricity for the purposes of its own undertaking. 15

Agreements with local authorities and others as to supply of electrical energy.

58.—(1) The Undertaker on the one hand and any local authority company body or person authorised by any Act or Provisional Order to supply electrical energy in 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 all or any of the following purposes and all matters incidental thereto (that is to say) :— 20 25

(A) The supply to the Undertaker by such local authority company body or person of electrical energy for use by the Undertaker beyond as well as within the area of supply of such local authority company body or person for working any tramways which may for the time being be worked by the Undertaker by electrical power under the provisions of this Order and for lighting any streets which the Undertaker may be under any obligation to light in connection with the working of any such tramways Provided that any supply of electrical energy by any such local authority company body or person to the Undertaker shall except with respect to the area within which such supply may be used be subject to the provisions of the respective 30 35 40

Acts or Orders under which such local authority company body or person may be empowered to supply electrical energy : A.D. 1905.

- 5 (B) The supply by the Undertaker to any such local authority company body or person of electrical energy Provided that any supply of electrical energy by the Undertaker under this Order and any works constructed for that purpose shall be subject to all the provisions for the protection of the telegraphic lines of the Postmaster-General and of his rights in respect thereof which are contained in the Electric Lighting (Clauses) Act 1899 or in this Order :
- 10
- (c) The payments to be made or other consideration to be given in respect of any such supply.
- 15 (2) For the purpose of carrying out any such agreement as aforesaid the Undertaker may subject to the provisions contained in the Schedule to the Electric Lighting (Clauses) Act 1899 and in this Order lay down electric lines mains or cables through any district in such line or route and in a trench of such dimensions and subject to such other terms and conditions as may be agreed between the Undertaker and the local authority of such district
- 20 and as failing agreement shall be determined by arbitration.

MISCELLANEOUS.

59. Subject to the provisions of the sections of this Order Power to lease tramways
 25 whereof the marginal notes are respectively "For protection of Leven Corporation" and "Confirming agreement with Kirkcaldy Corporation" the Undertaker may subject to the approval of the Board of Trade and after the completion of the tramways or any part thereof lease to any local authority company body or person
 30 authorised to take such lease the whole or such part of the tramways or the right of user of the same and of levying tolls rates fares and charges in respect thereof for such period (not exceeding in the case of any local authority forty-two years) and generally upon such terms and conditions as may be agreed on between the
 35 contracting parties.

60.—(1) Subject to the provisions with respect to purchase of portions of the undertaking of the sections of this Order whereof the marginal notes are respectively "For protection of Leven Corporation" and "Confirming agreement with Kirkcaldy Corporation" the Undertaker shall subject to the approval of the Board Undertaking shall be transferred to a registered company.
 40 ration" the Undertaker shall subject to the approval of the Board

A.D. 1905. of Trade and within two years from the commencement of this Order transfer the undertaking to a limited company registered under the Companies Acts 1862 to 1900 :

(2) Within that period the Undertaker may transfer and the Company to whom the transfer is to be made may take a transfer 5 of the undertaking with the consent of and on such terms and conditions as may be approved by the Board of Trade :

(3) On any such transfer the rights powers authorities obligations and liabilities of the Undertaker in respect to the undertaking shall be transferred to and may be exercised by and shall attach 10 to the company to whom the transfer is made and that company shall subject to the provisions of this Order become the Undertaker for the purposes of this Order.

Form and
delivery of
notices.

61. With respect to notices and the delivery thereof by or to the Undertaker the following provisions shall have effect 15 (namely) :—

(1) Every notice given under this Order by the Undertaker or by the local or road authority shall be sufficiently authenticated by being signed by their secretary or clerk : 20

(2) Any notice to be delivered by or to the Undertaker to or by the local or road authority or other body may be delivered by being left at the principal office of such local or road authority or other body or of the Undertaker (as the case may be) or by being sent by 25 post addressed to their respective clerk or secretary at their principal office or to such other office as the local or road authority or other body or the Undertaker (as the case may be) may from time to time by notice to the other request that such notices may be sent 30 or delivered.

Consents of
local or road
authority.

62. Where the consent or approval of any local or road authority is by this Order required before the exercise of any powers by the Undertaker such consent or approval shall not be unreasonably withheld and if any difference arises as to whether 35 any consent or approval is unreasonably withheld that difference shall be referred to an arbiter to be appointed by the Board of Trade.

Provision as
to general
Tramway
Acts.

63. Nothing in this Order contained shall exempt the Undertaker or the tramways from the provisions of any general Act 40

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relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised by this Order. A.D. 1905.

5 64. Any penalty under this Order or under any byelaws or regulations made under this Order may be recovered in manner provided by the Summary Jurisdiction (Scotland) Acts. Recovery of penalties.

65. All orders regulations and byelaws made by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board. Orders &c. of Board of Trade.

10 66. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Order and the confirming Act or otherwise in relation thereto shall be paid by the Undertaker. Costs of Order.

15 The **SCHEDULE** referred to in the foregoing Order.

MINUTE OF AGREEMENT between the **PROVOST MAGISTRATES AND COUNCILLORS OF THE BURGH OF KIRKCALDY** (hereinafter called "the Corporation") on the one part and **RANDOLPH GORDON ERSKINE WEMYSS** Esquire of **Wemyss** on the other part. 20

WHEREAS under the Kirkcaldy Corporation and Tramway Act 1899 and the Kirkcaldy Corporation Order 1904 the corporation own and work certain tramways situated in the burgh of Kirkcaldy :

25 And whereas the said Randolph Gordon Erskine Wemyss has applied to the Secretary for Scotland for a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 (hereinafter called "the Order") to authorise him to construct a line of tramways between Leven and Kirkcaldy (hereinafter called "the Wemyss tramways") forming a junction in the burgh of Kirkcaldy with the tramways belonging to the corporation 30

at their terminus in Rosslyn Street 3 chains or thereby northwards from the junction of Oswald Road and Rosslyn Street (hereinafter called "the Oswald Road terminus") :

35 And whereas the said Randolph Gordon Erskine Wemyss has applied to the corporation for their consent as the local and road authority within the said burgh under and for the purposes of the Tramways Act 1870 to the construction of portion of the Wemyss tramways within the burgh :

(152.)

F

A.D. 1905.

And whereas the corporation are of opinion that it will be to the public and local advantage that such tramways should be constructed subject to the conditions hereinafter contained :

Therefore the parties hereby agree as follows :—

1. The corporation shall consent to the said Randolph Gordon Erskine 5
Wemyss and his heirs successors and assigns in the Wemyss tramways (all hereinafter called and included in the expression “ the Promoter ”) laying a tramway within the burgh along Randolph Road and Rosslyn Street to the Oswald Road terminus.

2. It is hereby agreed (1) that Rosslyn Street and Randolph Road for a 10
distance of 80 feet or thereby eastwards from the junction of the centre lines of Rosslyn Street and Randolph Road shall be causewayed by the Promoter from side to side (2) in the remainder of Randolph Road so far as in the burgh the tramway line shall be placed at one side of the road and the mode of construction so far as regards the materials of the roadway shall be 15
the same as may be agreed on between the district committee of the county of Fife and the Promoter in regard to the portion of Randolph Road situated in the county (3) the gradient of Randolph Road where it joins Rosslyn Street shall in the laying of the tramways be improved by the Promoter at his expense to the reasonable satisfaction of the corporation provided no 20
alterations are required on walls fences or buildings and (4) the precise situation of the tramway line so far as in the burgh shall be submitted to and approved of by the corporation.

3. The cost of making and maintaining the necessary junction at the Oswald Road terminus shall be paid by the Promoter but the work shall be 25
carried out to the satisfaction of the engineer appointed for that purpose by the Corporation.

4. The Promoter shall have the right of running through cars over the tramways of the corporation (hereinafter called “ the corporation tramways ”) from Oswald Road terminus thence southwards down Rosslyn Street and 30
St. Clair Street thence along Junction Road Factory Road Nairn Street Victoria Road Bennoch Road Wemyssfield and Whytescauseway to the foot of that street or such other terminus as may be agreed on.

5. The Promoter shall have right to take up and set down passengers 35
when his cars are on the corporation tramways.

6. The passengers on the Promoter’s cars while on the corporation tramways shall be furnished with tickets supplied by the corporation to the Promoter at the fares fixed by the corporation and the Promoter will account to the corporation for the fares received by him in exchange for said tickets 40
but under deduction of an amount to cover (1) the wages of drivers and conductors and (2) the interest repairs and depreciation charges on rolling stock and (3) insurance against accident all based on the Promoter’s own operating expenses.

7. The corporation shall from time to time supply the Promoter with the necessary tickets and the Promoter shall grant to the corporation a receipt for the tickets so supplied and he shall at the expiry of every three months during the subsistence of this agreement account to the corporation for the fares received by him in exchange for said tickets under the deduction referred to in Article 6 hereof. A.D. 1905

8. It is hereby agreed that the deduction to be made for the first two years for the wages of drivers and conductors and the interest repairs and depreciation charges on rolling stock shall be threepence halfpenny per car mile run of the cars of the Promoter over the corporation tramways as such mileage shall be certified by the superintendent of the corporation tramways.

9. Through fares for through parcels and passengers' luggage shall be adjusted between the parties and the through fares shall be divided between the corporation and the Promoter in the proportion of one fourth to the corporation and three fourths to the Promoter and the corporation shall supply the Promoter with the tickets for such through parcels and passengers' luggage and the Promoter shall account for the same every three months. This article refers only to rates for carriage and does not include delivery.

10. Parcels and passengers' luggage lifted and carried on the corporation tramways shall be charged at the rates charged by the corporation on their cars at the time and the charges for such parcels and passengers' luggage shall be paid over to the corporation under the same deduction as in the case of passengers' fares. The corporation shall supply the tickets and the Promoter shall account for the same every three months.

11. In the event of the corporation having to withdraw and store any of their cars in consequence of the traffic being overtaken by the Promoter's cars the Promoter shall make good to the corporation any loss in advertising receipts through the storing of such cars.

12. The Promoter's cars must be constructed to the satisfaction of the engineer appointed for the purpose by the corporation as to gauge height length and dimensions generally and such engineer must be satisfied that the motors of the Promoter's cars are so designed that they can be run on the corporation tramways at the voltage used by the corporation and at such speeds as are admissible within the burgh.

13. The corporation tramway inspectors shall have right to board the Promoter's cars at all times when on the corporation tramways and to examine and check the passengers' tickets.

14. The cars of the Promoter shall be run on the corporation tramways according to the time tables to be from time to time submitted to and approved of by the corporation.

15. All officers and servants of the Promoter shall be under the superintendence and subject to the control of the corporation so long as the Promoter's cars are on the corporation tramways. The byelaws regulations

A.D. 1905 and instructions from time to time in force on the corporation tramways shall be carefully observed by the Promoter's employees. If in the opinion of the corporation tramway manager the work of any employee of the Promoter is not satisfactory he shall at the request of the corporation tramway manager be kept off the corporation tramways. 5

16. The Promoter shall maintain the cars run by him upon the corporation tramways in good condition and repair to the reasonable satisfaction of the corporation.

17. The rules and regulations which may be from time to time adopted by the corporation for the placing of advertisements on their own cars shall both as regards the situation and the nature of the advertisements be observed by the Promoter in the case of advertisements on his cars. 10

18. The corporation shall at their own expense generate transmit and distribute the electric energy required by the cars of the Promoter upon the corporation tramways. 15

19. The corporation shall maintain their tracks and all posts cables wires and plant and appliances connected therewith on such of the tramways as the Promoter is by this agreement authorised to run over in a state of repair and efficiency to his reasonable satisfaction.

20. The corporation shall relieve the Promoter of claims for damages from accidents occurring on the corporation tramways. 20

21. No animals minerals manure or goods traffic of any kind shall be carried by the Promoter over the corporation tramways.

22. In the event of the corporation finding it necessary from increased traffic to double any part of the corporation tramways which is at present a single line and in the event of the corporation being of opinion that there is a claim for a contribution from the Promoter in respect of the expense thereof such claim shall be settled by an arbiter to be appointed failing agreement as hereinafter provided. 25

24. Articles 1 2 3 4 12 14 15 16 17 21 22 this article and Article 25 hereof shall remain in force for the period of thirty-five years from the date of the opening of the portion of the Wemyss tramways within the burgh but at the expiration of two years from said date of opening and at the expiration of every succeeding period of five years during the currency of this agreement either party shall be entitled to require the revision of the financial terms and conditions of this agreement as hereby agreed or as revised from time to time hereunder and in default of agreement such revision shall be made by an arbiter to be appointed failing agreement as hereinafter provided. The terms and conditions so revised shall have effect and be binding on the parties as if they had been hereby agreed and in substitution for the terms and conditions hereby agreed so far as they may be inconsistent therewith. 30 35 40

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45

25. Notwithstanding anything hereinbefore contained any question between the parties with respect to the intent and meaning of this agreement shall be settled by a single arbiter to be appointed failing agreement by the Board of Trade. A.D. 1905.

5 26. This agreement is conditional on the Order being made by the Secretary for Scotland and confirmed by Parliament and is subject to such alterations as the Secretary for Scotland and Parliament may think fit to make therein but nothing in this agreement shall prevent the corporation opposing the Order or any clauses amendments additions or matters therein
10 to which they may object at any stage if they see fit and if the Order shall vary or alter in any way the clauses conditions and provisions of this agreement of which the corporation shall be the sole judges and whether such alterations or variations are made by the Secretary for Scotland or
15 by Parliament or otherwise the corporation reserve full right and liberty to withdraw from and abandon the agreement and thereupon it shall be of no force or effect in law.

27. This agreement shall be scheduled to and confirmed by the Order

In witness whereof &c.

**Wemyss Tramways Order
Confirmation Bill. [H.L.]**

A

B I L L

INTITULED

An Act to confirm a Provisional Order under
the Private Legislation Procedure (Scotland)
Act 1899 relating to Wemyss Tramways.

The Marquess of Linlithgow.

Ordered to be printed 21st July 1905.

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[Price 5d.]

Whale Fisheries (Scotland) Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Prohibition of exercise of whaling industry without licence.
 2. Licences may be granted by Fishery Board for Scotland on certain conditions.
 3. Offence by holder of licence or persons employed by him.
 4. Inspection of whaling factories, &c.
 5. Saving for certain whales and whaling industries.
 6. Penalties.
 7. Definition.
 8. Application, commencement, and short title.
-

A

B I L L

INTITULED

An Act to regulate Whale Fisheries in Scotland. A.D. 1905.

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 :—

5 **1.** No person shall in any part of Scotland land any whale, or engage in any way in the manufacture from whales of oil or other products, without a licence granted and issued subject to the conditions hereinafter provided, and any person acting in contravention of this section shall be liable on conviction to a
10 penalty not exceeding five hundred pounds, and to the forfeiture of all tackle, gear, implements, weapons, and machinery used in contravention of this section.

Prohibition of exercise of whaling industry without licence.

15 **2.** It shall be lawful for the Fishery Board for Scotland (in this Act referred to as the Board) to issue licences under this Act, subject to the following conditions :—

Licences may be granted by Fishery Board for Scotland on certain conditions.

20 (1) A person applying to the Board for a licence shall, at least one month before making such application, publish notice thereof in one or more newspaper or newspapers circulating in the district in which the factory or station existing or to be erected is situate :

Such notice shall state the name and address of the applicant, and shall contain a description of the site or intended site of the factory or station where the process of manufacture as aforesaid is to be conducted :

25 (2) It shall be lawful for the local authority under the Public Health (Scotland) Act, 1897, or for any persons interested, within fourteen days after the publication of such notice as aforesaid to lodge with the Board

60 & 61 Vict. c. 38.

(21.)

A 2

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objections to the granting of any such licence, and the Board shall consider any such objections, and, after such inquiry, if any, as they may think necessary, shall grant or refuse such licence :

- (3) Each licence shall contain a description of the site of the 5
factory or station erected or proposed to be erected as
aforesaid, and no such factory or station shall be
removed from the site in the said licence described, to
any other site, unless and until such other site shall have
been approved by the Board, and their approval shall 10
have been endorsed on the licence :
- (4) Subject as hereinafter mentioned the holder of a licence
shall not use or employ more than one whaling steamer ;
provided that it shall be lawful for the Board, on the
application of any person, who before the ninth day of 15
August one thousand nine hundred and four has erected a
factory or station for the prosecution of the whaling
industry, to authorise such person, by special permission
endorsed on his licence, to use or employ not more than
two additional whaling steamers, when the Board, after 20
due enquiry, are satisfied that such additional steamer
or steamers are necessary for the full and proper working
of such factory or station as it existed at that date :
- (5) No licence shall be granted except to a British subject
or to a company registered in Great Britain : 25
- (6) The Board may at any time, on the application of the
holder of a licence, cancel the licence, or in the case
of the holder of a licence endorsed with a special
permission vary the number of whaling steamers (but
in no case to exceed three) the use of which is authorised 30
thereby ; but it shall not be lawful to transfer or assign
any licence without the consent of the Board, and any
transfer or assignment shall be endorsed upon the
licence :
- (7) There shall be paid in respect of every licence issued under 35
the provisions of this Act a sum of one hundred pounds
for each whaling steamer the use of which is authorised
thereby, and such sum shall be payable on the issue
of the licence and thereafter annually during its con-
tinuance, and shall be paid to the county council of the 40
county in which the whale factory or station is situated,

and subject as hereinafter provided, shall be applied to the relief of the public health general assessment levied within the county : A.D. 1905.

- 5 (8) Every licence shall be subject to all the conditions contained in this Act, and it shall be lawful for the Board, in the event of the infringement of any such condition by the holder of a licence, or of the conviction of such holder or any person employed by him of an offence under this Act, without compensation to cancel any
10 licence or to suspend any licence for a specified period.

3.—(1) No holder of a licence or person employed by him shall in the prosecution of the whaling industry use any vessel other than the whaling steamer from or by which a whale shall have been captured or killed for the purpose of bringing or towing
15 such whale to or towards any factory or station for manufacture.

Offence by holder of licence or persons employed by him.

(2) Every whaling steamer employed by the holder of a licence shall carry such distinctive mark as the Board, with the consent of the Board of Trade, may from time to time prescribe, and such mark shall be specified in the licence.

20 (3) No holder of a licence shall use, in the pursuit or capture of whales, any method or contrivance which does not include a harpoon with a whaling line attached thereto, and fixed or fastened to the whaling steamer from which the whale is captured or killed.

(4) No holder of a licence or person employed by him shall
25 pursue, kill or shoot at any whale within three miles of low-water mark of any part of the coast of Scotland, or within the distance of one mile from any boat or vessel lying at anchor or engaged in fishing.

(5) No holder of a licence or person employed by him
30 shall kill or shoot any herring-hog whale, or any whale which is accompanied by a calf.

(6) No holder of a licence, or person employed by him, shall in any year pursue, kill, or shoot whales between the first day of November and the thirty-first day of March, both days inclusive,
35 or pursue, kill, or shoot whales within a distance of forty miles from low-water mark of any part of the coast of Scotland within such limits and during such period, not exceeding in any case five weeks during the summer herring fishing, as the Board may from time to time prescribe.

40 (7) In this section the expression "mile" means a nautical mile.

A.D. 1905.

(8) Any person acting in contravention of this section shall be guilty of an offence under this Act.

(9) Where a whale which has been lawfully shot at and struck shall carry with it a fixed line within an area prohibited in terms of this section, nothing in this section contained shall make it unlawful to continue the pursuit of such whale and to kill it in such area. 5

Inspection of
whaling fac-
tories, &c.

4.—(1) The Board shall give every assistance in carrying out the provisions of this Act and, where necessary, shall employ their officers to facilitate its execution, and may, with the consent of the Secretary for Scotland, provide for the inspection of the factories or stations and vessels employed by the holders of licences, and such holders of licences and all persons employed by them shall give all reasonable facilities for such inspection, and shall make such returns on any matter connected with their whaling business as the Board may from time to time prescribe, and if required by the Board shall verify such returns by statutory declaration. 10 15

(2) The expenses incurred in any year by the Board in the execution of this Act shall, to the amount approved by the Treasury, be paid out of moneys provided by Parliament, but shall be recoverable from the county councils receiving payments in respect of licences issued in terms of this Act in proportion to (but in no case in excess of) the sums annually so received by them respectively. The Board may certify the amount so recoverable from a county council, and any sum so certified shall be a debt to the Crown from the county council directed to pay the same, and shall be paid to the Board. 20 25

Saving for
certain
whales and
whaling
industries.

5.—(1) Nothing in this Act contained shall make it unlawful for any person to drive ashore and appropriate, sell, or otherwise make use of the smaller whales known as bottle-nose and caa-ing whales, or to appropriate, sell, or otherwise make use of such whales as he may find dead, whether floating on the sea or stranded on the shore. 30

(2) Nothing in this Act contained shall make it unlawful for any person to pursue any of the whaling industries commonly followed in Arctic or Antarctic waters, or to engage in the manufacture of oil or other products from whales captured in the exercise of any such industry. 35

Penalties.

6. Any person guilty of an offence under this Act for which no special penalty is provided shall be liable on summary conviction to a penalty not exceeding one hundred pounds, and on failure to make payment of the penalty which may have been imposed 40

[5 EDW. 7.]

Whale Fisheries (Scotland).

5

immediately or within a specified period shall be liable to imprisonment in accordance with the provisions of the Summary Jurisdiction Acts. Every case under this Act may be prosecuted in any sheriff court which the Board may declare by a notice under the hand of the Chairman or Secretary to the Board to the procurator fiscal of such sheriff court to be the court nearest to the spot where the offence was committed, or otherwise the most convenient for the trial of the case.

A.D. 1905.

7. In this Act the expression "whaling steamer" includes any ship used for the purpose of capturing or killing whales, whether propelled by steam power or otherwise.

Definition,

8.—(1) This Act shall apply to Scotland only, and shall commence on the first day of January one thousand nine hundred and six.

Application,
commence-
ment, and
short title.

(2) This Act may be cited as the **Whale Fisheries (Scotland) Act, 1905.**

**Whale Fisheries
(Scotland). [H.L.]**

A

B I L L

INTRODUCED

**An Act to regulate Whale Fisheries in
Scotland.**

The Marquess of Linlithgow.

Ordered to be printed 9th March 1905.

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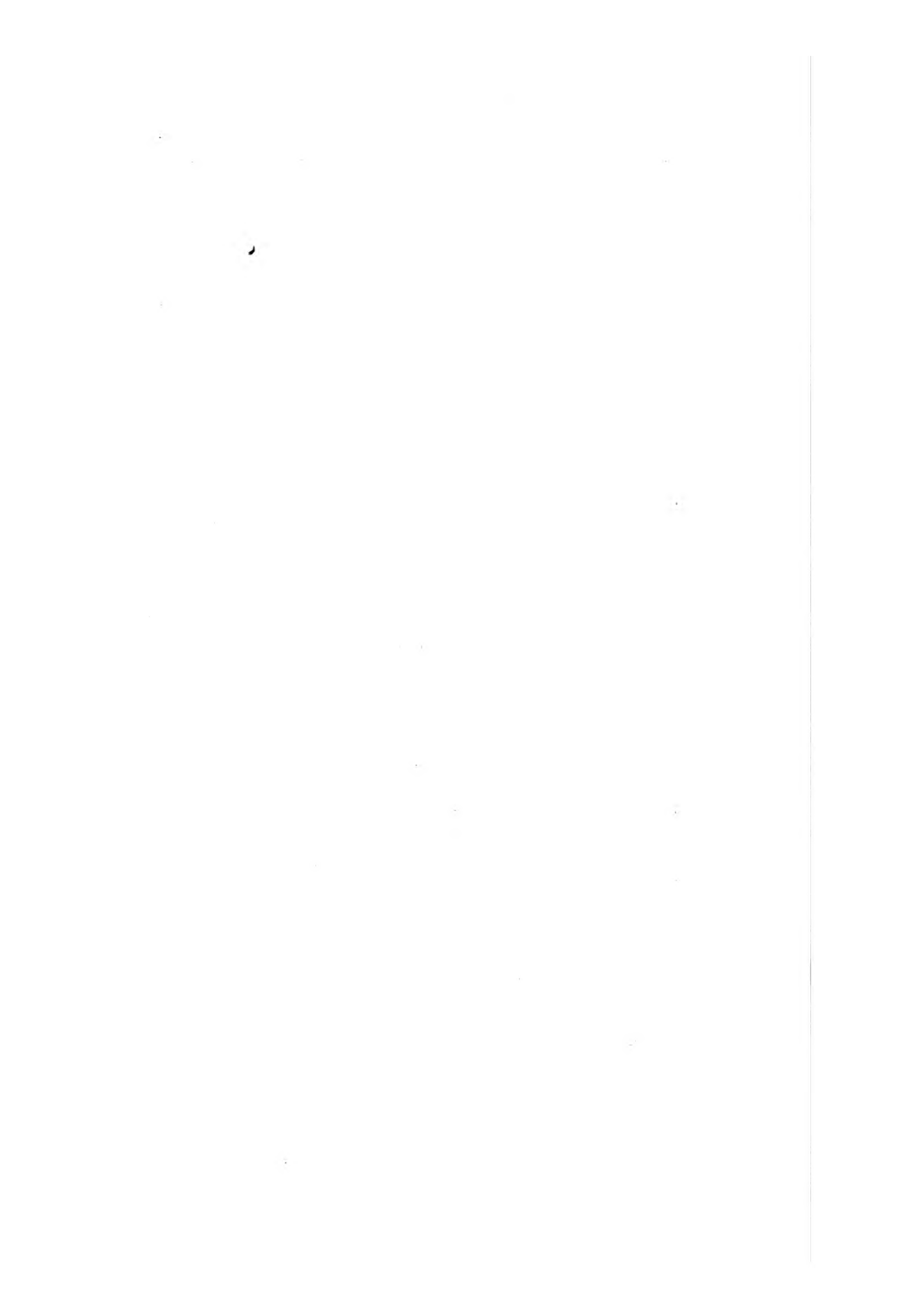
(21.)

Workmen's Compensation Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Alternative remedies against employer.
2. Fines under the Mine and Factory Acts.
3. Time for taking proceedings.
4. Sub-contracting.
5. Remedies both against employer and stranger.
6. Detention of ships.
7. Application of Act and definitions.
8. Amount of compensation in case of aged and infirm persons and minors.
9. Computation of average weekly earnings.
10. Amount of weekly payment.
11. Payment into court in case of death.
12. Payment into court of weekly payments to persons under disability.
13. Medical examination and references to medical referees.
14. Review of weekly payments in case of minors.
15. Commutation of weekly payments for lump sum.
16. Cesser of weekly payment in case of workmen who cease to reside in the United Kingdom.
17. Power to summon medical referee as assessor.
18. Review of taxation of costs.
19. Registration of agreements.
20. Expenses of medical referees.
21. Provisions as to employment in agriculture.
22. Short title, commencement, application, and printing.



A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to amend and extend the Workmen's Compensation Acts, 1897 and 1900, and for purposes incidental thereto. A.D. 1905.

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:—

5 1. In section one of the Workmen's Compensation Act, 1897 (in this Act referred to as the principal Act), paragraph (b) of subsection (2) and subsection (4) (which relate to alternative proceedings) shall be repealed, and in lieu thereof the following subsections shall be added to the section:—

Alternative remedies against employer. 60 & 61 Vict. c. 37.

10 “(4) Nothing in this Act shall affect any liability of an employer independently of this Act or the right of a workman to take any proceedings which were open to him before the commencement of this Act:

15 “Provided that a workman to whom this Act applies, whether or not under any disability, shall not be entitled to take civil proceedings against the employer, both under and independently of this Act, in respect of the same injury, and a workman who has entered into an agreement as to the amount of compensation, which has been duly registered in accordance with this Act, shall, whether

20 he is or is not under any disability, be deemed to have taken proceedings under this Act.

“ (4A) Where the workman has commenced proceedings against his employer under the Employers' Liability Act, 1880, to recover damages in respect of an injury, and the employer in the manner and within the time prescribed by rules of court admits liability to pay compensation under this Act in respect of the same injury, then—

43 & 44 Vict. c. 42.

(i) the procedure applicable to the determination by a county court judge of questions as to the liability of an

(85.)

A 2

A.D. 1905.

employer to pay compensation under this Act, and of questions as to the amount of that compensation, shall apply in the proceedings so commenced to the determination of questions as to the liability of the employer to pay damages under the Employers' Liability Act, 1880, and of questions as to the amount of those damages, and the proceedings under that Act shall, for the purpose of the limitation on the right to take proceedings both under and independently of this Act, be deemed to be proceedings under this Act; and

(ii) if the court determines that the employer is not liable to pay damages under the Employers' Liability Act, 1880, the court shall forthwith proceed to award compensation under this Act, but in such case shall order that all the costs which in its opinion have been caused by proceedings having originally been brought under the Employers' Liability Act, 1880, instead of under this Act be deducted from the compensation so awarded; and

(iii) the provisions as to appeals under this Act shall apply.

“(4B) An action under the Employers' Liability Act, 1880, shall not be removed to a superior court until after the time limited for making admissions of liability under this Act.

Fines under the Mine and Factory Acts.

2. In subsection (5) of section one of the principal Act (which relates to fines under the enactments relating to mines or factories) the words “but if any such fine or any part thereof has been applied for the benefit of the person injured, the amount so applied be taken into account in estimating the compensation under this Act” shall be repealed.

Time for taking proceedings.

3.—(1) Subsection (1) of section two of the principal Act (which relates to the time within which notices of accidents are to be given and claims for compensation made) shall be repealed and in lieu thereof there shall be substituted the following subsection:—

“(1) Proceedings for the recovery of compensation under this Act shall not without the leave of a county court be maintainable unless—

“(a) notice in writing of the accident has been given within six days after the happening thereof; and

“(b) a claim for compensation with respect to the accident has been made in writing within three months after the happening thereof, or in case of death within six months from the time of death; and

[5 Edw. 7.]

Workmen's Compensation.

3

“(c) proceedings to enforce the claim are commenced not less than twenty-eight days nor more than three months after the claim for compensation has been made. A.D. 1905.

“Applications for such leave shall be made and heard in accordance with rules of court, and the leave may be granted either unconditionally or subject to such conditions as the court thinks fit.

“Any defect or inaccuracy in the notice shall not be a bar to the maintenance of proceedings if it is found in the proceedings that the employer is not prejudiced in his defence by the defect or inaccuracy or that the defect or inaccuracy was occasioned by mistake or other reasonable cause.”

(2) The provisions of the same section relating to the service of notices shall apply to the service of claims, and accordingly in subsection (2) of that section the words “the notice and claim” shall be inserted before the words “shall be served” and in subsections (3), (4), and (5) of that section the words “or claim” shall be inserted after the word “notice,” wherever it occurs.

4.—(1) Section four of the principal Act (which relates to the liability of undertakers to workmen employed by subcontractors) shall not apply in cases where the compensation is payable otherwise than under the principal Act, and accordingly in that section for the words “whether under this Act or in respect of personal negligence or wilful act independently of this Act” there shall be substituted the words “under this Act.”

(2) In the same section, after the words “an employer to whom this Act applies,” there shall be added the following words:—
“and where proceedings are taken by the workman against the undertakers, then, in the application of this Act, undertakers shall be substituted for employer, except in the provisions relating to the amount of compensation.”

(3) In the same section for the words “Provided that the undertakers shall be entitled to be indemnified by any other person who would have been liable independently of this section,” there shall be substituted the following proviso:—
“Provided that the undertakers shall be entitled to be indemnified by the person by whom the workman was immediately employed and by any intermediate contractor, and any intermediate contractor called on to indemnify the undertakers shall be entitled to be indemnified by the person by whom the workman

A.D. 1905. " was immediately employed and by any contractor intermediate
 " between him and that person, and so on, and any such indemnity
 " shall, in accordance with rules of court, be enforceable in a
 " county court."

(4) At the end of the same section there shall be added " nor 5
 " in any case where the accident occurred elsewhere than on, or in,
 " or about the premises, work, or building with respect to which
 " the person sought to be made liable to pay compensation is by
 " virtue of section seven of this Act the undertaker."

Remedies
 both against
 employer and
 stranger.

5. Section six of the principal Act (which relates to the 10
 recovery of damages from strangers) shall be repealed, and in
 lieu thereof the following section shall be substituted :—

" Where the injury for which compensation is payable under
 this Act was caused under circumstances creating a legal liability
 in some person other than the employer to pay damages in respect 15
 thereof—

" (1) The workman may take proceedings both against that
 person to recover damages and against any person
 liable to pay compensation under this Act for such
 compensation, but shall not be entitled to recover both 20
 damages and compensation ; and

" (2) If the workman has recovered compensation under this
 Act, the person by whom the compensation was paid,
 and any person who has been called on to pay an
 indemnity under section four of this Act, shall be 25
 entitled to be indemnified by the person so liable to
 pay damages as aforesaid, and any such indemnity
 shall, in accordance with rules of court, be enforceable
 in a county court."

Detention of
 ships.

6. The following section shall be added to the principal Act 30
 as a new section after section six :—

" 6A. Where the owner or master of any ship is alleged to
 be liable as owner or master of that ship to pay compensation
 under this Act, and at any time that ship is found in any
 port or river of the United Kingdom, or within three miles of the 35
 coast thereof, a judge of any court of record in the United Kingdom
 (and in Scotland the Court of Session, and also the sheriff of the
 county within whose jurisdiction the ship may be) may, upon its
 being shown to him by any person applying in accordance with
 rules of court that the owner or master of the ship is probably 40

liable to pay compensation under this Act, issue such an order for the detention of the ship as a court may issue under section six hundred and eighty-eight of the Merchant Shipping Act, 1894, and that section and section six hundred and ninety-two of the same Act shall, with the necessary modifications, apply accordingly.”

A.D. 1905.
—
57 & 58 Vict.
c. 60.

7. Section seven of the principal Act shall be repealed, and in lieu thereof the following section shall be substituted :—

Application
of Act and
definitions.

“ .—(1) This Act shall apply only to—

“(a) employment by the undertakers—

10 (i) on or in or about a railway, tramway, factory, workshop, laundry, dock, wharf, quay, warehouse, mine, quarry, engineering work, or smithy, or on or in or about a building which is being constructed, altered, repaired, decorated, or demolished; or

15 (ii) about the business carried on by the undertakers at any such premises work or building as aforesaid, but away therefrom, if it is proved that the absence of the workman from such premises work or building was due to the nature of his employment at the time of the accident; and

20 “(b) employment by the undertakers—

(i) in the process of loading, unloading, or coaling or in painting or repairing any ship in any dock harbour or canal; or

25 (ii) on or in or about any vehicle or vessel used for the purposes of the trade or business of a carrier of goods or passengers by land or inland navigation; or

30 (iii) in the care or management of horses or locomotives.

“(2) In this Act—

‘Railway’ and ‘tramway’ include every station, and siding of or belonging to the railway or tramway;

35 ‘Factory’ has the same meaning as in the Factory and Workshop Act, 1901; 1 Edw. 7.
c. 22.

40 ‘Workshop’ means a workshop, other than a domestic workshop, within the meaning of the Factory and Workshop Act, 1901, unless it is proved that the number of persons regularly employed therein is less than five;

- A.D. 1905.
—
- 'Quarry' has the same meaning as in the Factory and Workshop Act, 1901;
- 'Engineering work' includes any railroad, harbour, dock, pond, inland navigation, road, embankment, sewer, gas or water works, well, telegraphic line, or electric line or work, or part thereof, which is being made, laid, altered, repaired, demolished, or removed; 5
- 41 & 42 Vict.
c. 76.
- 'Telegraphic line' has the same meaning as in the Telegraph Act, 1878, and 'electric line or work' has the same meaning as in the Electric Lighting Act, 1882; 10
- 45 & 46 Vict.
c. 56.
- 'Building' includes the site of an intended building, and the construction of a building includes the work of preparing for and laying the foundations of an intended building;
- 57 & 58 Vict.
c. 60.
- 'Ship,' 'vessel,' and 'harbour' have the same meaning as in the Merchant Shipping Act, 1894; 15
- 'Undertakers' means—
- (a) in the case of a railway, the owner or lessee of or person working the railway;
- (b) in the case of a tramway, the owner or lessee thereof or person authorised to run carriages or other vehicles thereon; 20
- (c) in the case of a factory, workshop, or quarry, the occupier thereof within the meaning of the Factory and Workshop Act, 1901; 25
- 1 Edw. 7.
c. 22.
- (d) in the case of a laundry, the occupier thereof;
- (e) in the case of a dock, wharf, quay, or warehouse, the person having the actual use or occupation of the dock, wharf, quay, or warehouse, or of any premises within the same or forming part thereof; 30
- 50 & 51 Vict.
c. 58.
35 & 36 Vict.
c. 37.
- (f) in the case of a mine, the owner thereof within the meaning of the Coal Mines Regulation Act, 1887, or the Metalliferous Mines Regulation Act, 1872, as the case may be;
- (h) in the case of an engineering work, the person undertaking the making, laying, altering, repairing, demolishing, or removing; 35
- (i) in the case of a building, the person undertaking the construction, alteration, repair, decoration, or demolition; 40

(j) in the case of carriers, the person carrying on the trade or business of carrier; A.D. 1905.

(l) in all other cases the actual employer;

5 'Employer' includes any body of persons corporate or unincorporate and the legal personal representative of a deceased employer;

10 'Workman' includes every person who is engaged in an employment to which this Act applies, whether by way of manual labour or otherwise, and whether his agreement is one of service or apprenticeship, and is expressed or implied, is oral or in writing. Any reference to a workman who has been injured shall, where the workman is dead, include a reference to his legal personal representative or to his dependants or other person to whom or for whose benefit compensation is payable;

20 'Dependants' means such of the following members of the workman's family as were wholly or in part dependent upon the earnings of the workman at the time of his death, and as are residing in the British Islands; that is to say;—wife or husband, father, mother, grandfather, grandmother, step-father, step-mother, son, daughter, grandson, granddaughter, step-son, step-daughter, brother, sister, half-brother, half-sister;

25 'Medical referee' means a medical practitioner appointed by the Secretary of State for the purpose of this Act under the Second Schedule thereto."

8. At the end of paragraph (1) of the First Schedule to the principal Act (which relates to the amount of compensation) the following proviso shall be added:—

" Provided that—

35 "(a) in the case of a workman over sixty years of age who has entered into an agreement in writing with his employer as to the maximum amount of compensation to be payable to him under this Act, the compensation shall not exceed that maximum, but the maximum shall not be less—

40 "(i) where death results from the injury and the workman leaves any dependants, than twenty-five pounds;

Amount of compensation in case of aged and infirm persons and minors.

A.D. 1905.
 Amount of
 compensa-
 tion in case
 of aged and
 infirm per-
 sons and
 minors.

8. At the end of paragraph (1) of the First Schedule to the principal Act (which relates to the amount of compensation) the following proviso shall be added :—

“ Provided that—

“(a) in the case of a workman whom his employer has 5
 reasonable cause to believe to be over sixty years
 of age and who has entered into an agreement in
 writing with his employer as to the maximum
 amount of compensation to be payable to him
 under this Act in respect of accidents happening 10
 after the date of the agreement, the compensation
 shall not exceed that maximum, but the maximum
 shall not be less—

“(i) where death results from the injury
 and the workman leaves any dependants, than 15
 twenty-five pounds ;

“(ii) where total or partial incapacity for work
 results from the injury, than a weekly payment
 during the incapacity after the second week of
 five shillings ; 20

“(b) in the case of a workman who has, in accordance
 with regulations made by the Secretary of State,
 obtained from a medical referee a certificate to
 the effect that his age, or any physical or mental
 infirmity or incapacity from which he is suffering, 25
 is such as to render him specially liable to accident,
 or to render the result of an accident to him
 specially serious, and who has entered into an
 agreement in writing with his employer as to the
 maximum amount of compensation to be payable 30
 to him under this Act in respect of accidents
 happening after the date of the agreement, the
 compensation shall not exceed that maximum, but
 the maximum shall not be less—

“(i) where death results from the injury and 35
 the workman leaves any dependants, than
 twenty-five pounds or a sum equivalent to
 thirty-nine times his average weekly earnings,
 whichever is the larger ;

“(ii) where total or partial incapacity for work 40
 results from the injury, than a weekly payment

[5 EDW. 7.]

Workmen's Compensation.

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during the incapacity after the second week of five shillings or one quarter of his average weekly earnings, whichever is the larger ;

A.D. 1905.

5 “(c) as respects the weekly payment during total incapacity to a workman who is under twenty-one years of age at the date of the injury, and whose average weekly earnings are less than twenty shillings, one hundred per cent. shall be substituted for fifty per cent. of his average weekly earnings, but the weekly payment shall in no case exceed
10 ten shillings.”

9. After paragraph (1) of the First Schedule to the principal Act, there shall be inserted as a new paragraph—

Computation
of average
weekly
earnings.

15 “(1A) In calculating ‘average weekly earnings’ for the purposes of this Schedule—

- (a) where the employer has been accustomed to pay to the workman a sum to cover any special expenses entailed on him by the nature of his employment, the sum so paid shall not be reckoned as part of the earnings ; and
- 20 (b) where a workman has not been exclusively employed by one employer for the period of four weeks immediately preceding the injury, regard may be had to the estimated amount of the sum which taking one week with another was being earned previously to the injury by a
25 person in the same grade employed in the same class of employment and in the same district.”

10. Paragraph (2) of the First Schedule to the principal Act (which relates to the matters to which regard is to be had in fixing the amount of the weekly payment) shall be repealed, and in lieu
30 thereof the following paragraph shall be substituted :—

Amount of
weekly
payment.

“ (2) In fixing the amount of the weekly payment regard shall be had to any payment not being wages which the workman may receive from the employer in respect of his injury during the period of his incapacity, and in the case of partial incapacity
35 the weekly payment shall in no case exceed one-half of the difference between the amount of the average weekly earnings of the workman before the accident and the average weekly amount which he is earning or is able to earn in some suitable employment or business after the accident.”

A.D. 1905.

Payment
into court
in case of
death.

11.—(1) Paragraph (4) of the First Schedule to the principal Act (which relates to the persons to whom payment of compensation in the case of death is to be made) shall be repealed, and in lieu thereof the following paragraph shall be substituted :—

“(4) The payment in the case of death shall, unless otherwise agreed as hereinafter provided, be paid into court, and any sum so paid into court shall, subject to rules of court and the provisions of this Schedule, be invested, applied, and otherwise dealt with by the court in such manner as the court in its discretion thinks fit for the benefit of the persons entitled thereto under this Act, and the receipt of the registrar of the court shall, notwithstanding anything in paragraph (12) of the Second Schedule to this Act, be a sufficient discharge in respect of the amount paid in : 5 10

“Provided that if so agreed, the payment in case of death shall, if the workman leaves no dependants, be made to his legal personal representative, or, if he has no such representative, to the person to whom the expenses of medical attendance and burial are due.” 15

(2) Paragraph (5) of the same Schedule (which relates to the determination of questions as to who is a dependant and the amount payable to each dependant) shall be repealed, and in lieu thereof the following paragraph shall be substituted :— 20

“(5) Any question as to who is a dependant shall, in default of agreement, be settled by arbitration under this Act, or, if not so settled before payment into court under this Schedule, shall be settled by the county court, and the amount payable to each dependant shall be settled by arbitration under this Act, or, if not so settled before payment into court under this Schedule, by the county court.” 25

(3) After paragraph (5) of the same Schedule the following paragraph shall be inserted :— 30

“(6) Where it appears to a county court on any information which the court considers sufficient that a widow to whom any sums are payable under this Act, whether by way of an annuity or as instalments or otherwise, ought on account of her re-marriage, or on account of drunkenness, neglect of children, or other sufficient misconduct on her part, to be deprived of the whole or any part of any such sums, or that the terms on which, or the manner in which any such sums are payable to the widow, ought to be varied, the court may order such deprivation or variation, and may, on application being made in accordance with rules of court, make 35 40

[5 Edw. 7.]

Workmen's Compensation.

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such further order for the payment of the sums of which the widow has been deprived to or for the benefit of other dependants or of the employer, as in the circumstances of the case the court may think just." A.D. 1905.

5 (4) Paragraph (6) of the same Schedule (which relates to the investment and application of sums allotted to dependants) shall be repealed, and in paragraph (7) (which relates to the investment of such sums) for the words "which is agreed or is ordered by the
10 " committee or arbitrator to be invested " there shall be substituted the words " which under this Schedule is ordered to be invested."

12. After paragraph (4) of the First Schedule to the principal Act the following paragraph shall be inserted:—

"(4A) Where a weekly payment is payable under this Act to a person under any disability, a county court may, on application being made in accordance with rules of court, order that the weekly payment be paid during the disability into court, and the provisions of this Schedule with respect to sums required by this Schedule to be paid into court shall apply to sums paid into court in pursuance of any such order." Payment into court of weekly payments to persons under disability.

20 13.—(1) Paragraph (11) of the First Schedule to the principal Act shall be repealed, and in lieu thereof the following paragraph shall be inserted:— Medical examination and references to medical referees.

(11) Any workman receiving weekly payments under this Act shall, if so required by the employer, from time to time submit himself for examination by a duly qualified medical practitioner provided and paid by the employer. If the workman refuses to submit himself to such examination, or in any way obstructs the same, his right to such weekly payments shall be suspended until such examination has taken place.

30 (2) The following paragraph shall be added as a new paragraph to the same Schedule:—

"(11A) A workman shall not be required to submit himself for examination by a medical practitioner under paragraph (3) or paragraph (11) of this Schedule otherwise than in accordance with regulations made by the Secretary of State, and where he has so submitted himself for examination, he shall not, without the leave of the county court, be again required to so submit himself until after the expiration of three months after the previous examination.

40 "Where a workman has so submitted himself for examination by a medical practitioner and the employer has within six days

(85.)

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A.D. 1905. after such examination furnished the workman with a copy of the report of that practitioner as to his condition, then in the event of no agreement being come to between the employer and the workman as to the workman's condition or fitness for employment, the registrar of a county court— 5

“(a) in the case of a submission for examination under paragraph (3) of this Schedule, on application being made to the court by the employer, and on payment by him of such fee not exceeding two pounds as may be fixed, may ; and 10

“(b) in the case of a submission for examination under paragraph (11) of this schedule, on application being made to the court by either party, shall refer the matter to a medical referee.

“The medical referee to whom the matter is so referred shall, 15 in accordance with regulations made by the Secretary of State, give a certificate as to the condition of the workman and his fitness for employment, specifying, where necessary, the kind of employment for which he is fit, and that certificate shall be conclusive evidence as to the matters so certified. 20

“If a workman, on being required so to do, refuses to submit himself for examination by a medical referee to whom the matter has been so referred as aforesaid, or in any way obstructs the same, his right to compensation and any proceeding under this Act in relation to compensation, or, in the case of a workman in receipt of a weekly payment, his right to that weekly payment, shall be suspended until such examination has taken place. 25

“Rules of court may be made for prescribing the manner in which documents are to be furnished or served and applications made under this paragraph, and the forms to be used for those purposes, and, subject to the consent of the Treasury, as to the fee to be paid under this paragraph.” 30

Review of weekly payments in case of minors.

14. At the end of paragraph (12) of the First Schedule to the principal Act (which relates to the review of weekly payments) there shall be added the following proviso :— 35

“Provided that where the workman was at the date of the accident under twenty-one years of age and the review takes place more than twelve months after the accident, the amount of the weekly payment may be increased to any amount not exceeding fifty per cent. of the weekly sum which the workman would probably have been earning at the date of the review if he had remained uninjured, but not in any case exceeding one pound.” 40

15.—(1) The lump sum by the payment of which a weekly payment may be redeemed under paragraph (13) of the First Schedule to the principal Act shall in no case exceed five hundred pounds; and accordingly, in that paragraph, after the words
5 “lump sum” (where they first occur), there shall be inserted the words “not exceeding five hundred pounds.”

A.D. 1905.
Commuta-
tion of
weekly pay-
ments for
lump sum.

(2) In the same paragraph for the words “as above mentioned” there shall be substituted the words “for the benefit of the person entitled thereto.”

10 **16.** The following paragraph shall be inserted as a new paragraph after paragraph (13) of the First Schedule to the principal Act:—

Cesser of
weekly pay-
ment in case
of workmen
who cease to
reside in the
United
Kingdom.

“ (13A) If a workman receiving a weekly payment ceases to reside in the United Kingdom he shall thereupon cease to be entitled
15 to receive any weekly payment, but if he proves that the incapacity resulting from the injury is of a permanent nature he shall be entitled to a lump sum not exceeding one hundred and fifty-six times the amount of the weekly payment. Any question arising
20 under this paragraph shall, in default of agreement, be determined by arbitration.”

17. After paragraph (4) of the Second Schedule to the principal Act there shall be inserted as a new paragraph:—

Power to
summon
medical
referee as
assessor.

“ (4A) A county court judge may, if he thinks fit, summon a medical referee to sit with him as an assessor.”

25 **18.** At the end of paragraph (6) of the Second Schedule to the principal Act (which relates to costs) there shall be added “and such taxation may be reviewed by the judge of the county court.”

Review of
taxation of
costs.

19. In paragraph (7) of the Second Schedule to the principal Act, which relates to the appointment of a new arbitrator in the
30 place of an arbitrator who dies or refuses or is unable to act, the words “a judge of the High Court at chambers” shall be repealed, and in lieu thereof there shall be inserted the words “the county court judge.”

Appointment
of new arbi-
trator.

20.—(1) In paragraph (8) of the Second Schedule to the
35 principal Act (which relates to the registration of agreements under the Act) the proviso shall be repealed, and in lieu thereof the following proviso shall be inserted:—

Registration
of agree-
ments.

“ Provided that—

40 (a) the judge of the county court may at any time rectify such register; and

A.D. 1905.

- (b) where it appears to the registrar of the county court, on any information which he considers sufficient, that an agreement as to the redemption of a weekly payment by a lump sum, or an agreement as to the amount of compensation payable to a person under any disability, ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement having been obtained by fraud or undue influence or other improper means, he may refuse to record the memorandum of the agreement sent to him for registration, and refer the matter to the judge, who shall, in accordance with rules of court, make such order (including an order as to any sum already paid under the agreement) as under the circumstances he may think just; and
- (c) the judge may, within six months after a memorandum of an agreement as to the redemption of a weekly payment by a lump sum, or of an agreement as to the amount of compensation payable to a person under any disability, has been recorded in the register, order that the record be removed from the register, on proof to his satisfaction that the agreement was obtained by fraud or undue influence or other improper means, and may make such order (including an order as to any sum already paid under the agreement) as under the circumstances he may think just."

(2) After paragraph (8) of the same Schedule there shall be inserted the following new paragraph :—

"(8A) An agreement as to the redemption of a weekly payment by a lump sum, if not registered in accordance with this Act, shall not, nor shall the payment of the sum payable under the agreement, exempt the person by whom the weekly payment is payable from liability to continue to make that weekly payment, unless he proves that the failure to register was not due to any neglect or default on his part."

(3.) This section shall apply only to agreements entered into after the commencement of this Act.

21. At the end of paragraph (10) of the Second Schedule to the principal Act the following words shall be added:—

Rules of court may further provide for the transfer of money paid into court under this Act from one court to another, whether

Transfer of money paid into court from one court to another.

or not the court from which it is to be transferred is in the same part of the United Kingdom as the court to which it is to be transferred. A.D. 1905.

22. All expenses of a medical referee shall be paid out of *Expenses of medical referees.*
 5 moneys provided by Parliament, whether the expense was incurred in respect of any matter on which the referee was appointed to report or otherwise, and accordingly at the end of paragraph (13) of the Second Schedule to the principal Act there shall be inserted the words "whether incurred in respect of any matter on which
 10 " the practitioner was so appointed to report or otherwise under
 , " this Act."

23.—(1) In subsection (1) of section one of the Workmen's Compensation Act, 1900 (which applies the principal Act to agriculture), the words "who habitually employs one or more
 15 "workmen in such employment" shall be repealed and in lieu thereof there shall be substituted "unless he proves that he does
 "not regularly employ in agriculture any permanent workman."

Provisions as to employment in agriculture. 63 & 64 Vict. c. 22.

(2) At the end of subsection (3) of the same section there shall be added the following paragraph:—

20 "The expression 'workman' does not include a person whose employment is by the hour or the day, or for a particular piece of work, if the employer proves that the employment was intended to be of a purely temporary nature, nor does it include a member of the employer's family dwelling in his house."

24.—(1) This Act may be cited as the Workmen's Compensation Act, 1905, and the Workmen's Compensation Acts, 1897 and 1900, and this Act may be cited together as the Workmen's Compensation Acts, 1897 to 1905. *Short title, commencement, application, and printing.*

(2) This Act shall come into operation on the *first day of*
 30 *January nineteen hundred and six*, but, except as respects the amendments of paragraph (11) of the First Schedule to the principal Act, and the new paragraphs (4A), and (11A), added to that Schedule, the amendments of paragraphs (6), (8), and (13) of the Second Schedule to the principal Act, and the new
 35 paragraphs (4A) and (8A) added to that Schedule, shall apply only to cases where the accident causing the injury happened after the commencement of this Act. *[See clauses 12, 13, 17, 18, 19, and 20.]*

(3) In the application of the principal Act to any employment to which the principal Act would not, but for this Act, have

A.D 1905: applied, references to the commencement of the principal Act shall
— be construed as references to the commencement of this Act.

(4) Every enactment and word of this Act which is expressed to be substituted for or added to any portion of the principal Act or the Workmen's Compensation Act, 1900, shall form part of those Acts respectively in the place assigned to it by this Act, and those Acts, and all Acts, including this Act, which refer thereto shall, after the commencement of and subject to the savings contained in this Act, be construed as if the said enactment or word had been originally enacted in the principal Act or the Workmen's Compensation Act, 1900, as the case may be, in the place so assigned, and where it is substituted for another enactment or word, had been so enacted in lieu of that enactment or word; and the expression "this Act" as used in the principal Act or the Workmen's Compensation Act, 1900, or this Act, shall be construed accordingly.

(5) A copy of the principal Act and of the Workmen's Compensation Act, 1900, with every such enactment and word inserted in the place so assigned, and with the omission of the parts expressly repealed by this Act, and with the sections and subsections numbered in manner directed by this Act, shall be prepared and certified by the Clerk of the Parliaments, and deposited with the Rolls of Parliament; His Majesty's Printer shall print in accordance with the copy so certified all copies of the principal Act and of the Workmen's Compensation Act, 1900, which are printed after the commencement of this Act.

Workmen's Compensation Bill [H.L.]

A M E N D M E N T S

T O B E M O V E D O N T H I R D R E A D I N G .

BY THE LORD DAVEY.

Clause 4, pages 3 and 4, leave out the whole clause and insert:

. Section 4 of the principal Act (which relates to sub-contracting) shall be repealed, and in lieu thereof the following section shall be substituted:—

.—(1) Where any person, being an undertaker within the meaning of this Act (in this section referred to as the principal) contracts with any person (in this section referred to as the contractor) for the execution by or under the contractor of any work, and the principal would, if such work were executed by workmen immediately employed by him, be liable to pay compensation under this Act to those workmen in respect of any accident arising out of and in the course of their employment, the principal shall be liable to pay to any workman employed by the contractor in the execution of the work any compensation which he would have been liable to pay if the workman had been immediately employed by him; and where proceedings are taken against the principal then in the application of this Act references to the principal shall be substituted for references to the employer, except in the provisions relating to the amount of compensation.

Provided that the principal shall be entitled to be indemnified by the person by whom the workman was immediately employed and by any intermediate contractor, and any intermediate contractor called on to indemnify the principal shall be entitled to be indemnified by the person by whom the workman was immediately employed, and by any contractor intermediate between him and that person, and so on, and any such indemnity shall, in accordance with rules of court, be enforceable in a county court.

(85 a.)

(2) Nothing in this section shall be construed as preventing a workmen recovering compensation under this Act from the contractor instead of the principal, if the contractor is an undertaker within the meaning of this Act.

(3) This section shall not apply to any contract with any person for the execution by or under the contractor of any work which is merely ancillary or incidental to and is no part of or process in the trade or business carried on by the principal, nor shall it apply in any case where the accident occurred elsewhere than on, or in, or about the premises, work, or building in respect of which the principal is the undertaker within the meaning of this Act.

BY THE LORD BELPER.

Clause 24, page 15, line 33, after (“(6)”) insert (“(7)”)

