



CHAPTER cxxxv.

An Act to empower the Rawmarsh Urban District Council A.D. 1900.
to construct and work tramways and to make street
improvements and for other purposes. [30th July 1900.]

WHEREAS the urban district of Rawmarsh in the West Riding of the county of York (in this Act called "the district") is under the government of the Rawmarsh Urban District Council (in this Act called "the Council"):

And whereas it is expedient that the Council should be authorised to construct the tramways and street improvements in this Act described in the district and in adjacent districts and subject to the provisions of this Act to work and use the said tramways and any tramways for the time being belonging or leased to them or over which they have any running powers:

And whereas it is expedient that the Council should be empowered to acquire the lands in this Act mentioned for the purposes of the tramways and improvements and that such further powers as are hereinafter contained should be conferred upon the Council:

And whereas by the Rawmarsh Electric Lighting Order 1898 the Council were empowered to supply electrical energy for public and private purposes within the district and it is expedient to make further provision in regard to their electric lighting undertaking:

And whereas it is expedient that the borrowing powers of the Council be extended:

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

And whereas estimates have been prepared by the Council for the construction of the tramways by this Act authorised the construction and erection of works for working the tramways and for electrical purposes in connexion therewith and the purchase of land for and the construction of the street improvements authorised by this Act and such estimates amount to fifty-eight thousand one hundred and eleven pounds:

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And whereas the works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the Council at a meeting held on the nineteenth day of November one thousand eight hundred and ninety-nine after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Rotherham Advertiser a local newspaper published or circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate :

And whereas such resolution was published twice in the said Rotherham Advertiser and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the fourth day of January one thousand nine hundred being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Public Health Act 1875 (Schedule III.) have consented to the promotion of the Bill for this Act :

And whereas plans and sections showing the lines and levels of the tramways and works authorised by this Act the plans also showing the lands to be acquired under this Act and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the West Riding of the county of York and are hereinafter respectively referred to as the deposited plans sections and book of reference :

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

PRELIMINARY.

Short title.

1. This Act may be cited as the Rawmarsh Urban District Council (Tramways) Act 1900.

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2. The following Acts and parts of Acts so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act (namely):—

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—
Incorporation of Acts.

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870.

3. In this Act the following words and expressions have the meanings hereby assigned to them unless the subject or context otherwise requires:—

Interpretation.

“The Council” means the Rawmarsh Urban District Council;

“The district” means the urban district of Rawmarsh;

“The tramways” means and includes the tramways by this Act authorised and any other tramways which may be hereafter constructed acquired leased to or worked by the Council;

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

“Engine” includes motor:

Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings.

LANDS.

4. Subject to the provisions and for the purposes of this Act the Council may enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Power to take lands.

5. If there be any omission mis-statement 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 Council after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the West Riding of the county of York for the correction thereof and if it appears to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the said West Riding and a duplicate thereof shall also be deposited with the clerks to the councils of the several urban districts in which the lands affected thereby are

Correction of errors &c. in deposited plans and book of reference.

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A.D. 1900. — situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerks of the councils 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 Council to take the lands and execute the works in accordance with such certificate.

Period for compulsory purchase of lands.

6. The powers granted by this Act to the Council for the compulsory purchase of lands shall cease after the expiration of five years from the passing of this Act.

Persons under disability may grant easements &c.

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

Purchase of additional lands by agreement.

8. The Council in addition to the other lands which they are by this Act authorised to acquire may purchase acquire and hold for the purposes of this Act any lands not exceeding in the whole five acres and with the consent of the Local Government Board and subject to such conditions as that Board may prescribe may appropriate to such purposes lands vested in the Council and not wanted for the purposes for which they were acquired Provided that the Council shall not create or permit the creation or continuance of any nuisance on any lands acquired or appropriated in pursuance of this section nor erect any buildings thereon except for the purposes of this Act.

Restriction on taking houses of labouring class.

9.—(1) The Council shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or without the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) If the Council acquire or appropriate any house or houses under the powers by this Act granted in contravention of the provisions of this section they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall

be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty. A.D. 1900.

(3) 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 domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them;

The expression "house" means any tenement separately occupied by any person or persons.

10. So long as any lands remain to be acquired by the Council under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on re-sale or exchange or by leasing of any lands acquired under this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Council shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board Provided that the amount to be applied in the purchase of land under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act Provided further that the borrowing powers by this Act authorised shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section. Proceeds of sale of surplus lands.

TRAMWAYS.

11. Subject to the provisions of this Act the Council may make form lay down use and maintain in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections the tramways hereinafter described together with all proper rails plates sleepers channels junctions turntables turnouts crossings passing-places posts poles brackets cables conductors wires engines dynamos stables carriage houses engine boiler and dynamo houses sheds waiting rooms. Construction of tramways.

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A.D. 1900. buildings, works and conveniences connected therewith. The tramways in this section referred to and authorised by this Act are as follows:—

Tramway No. 2—2 furlongs 0·60 chain in length of which 5·30 chains shall be laid as a double line and 1 furlong 5·30 chains as a single line wholly situate in the parish and urban district of Greasbrough commencing in Rotherham Road at the boundary line between the parishes of Rotherham and Greasbrough passing thence in a north-easterly direction along Rotherham Road and terminating therein at a point 11·50 chains north-east of the centre of the bridge carrying the roadway over the canal belonging to Earl Fitzwilliam being the boundary line between the parishes of Greasbrough and Rawmarsh:

Tramway No. 3—5 furlongs 6·50 chains in length of which 1 furlong 6·50 chains shall be laid as a double line and 4 furlongs as a single line wholly situate in the parish and urban district of Rawmarsh commencing by a junction with Tramway No. 2 at its point of termination passing thence in a north-westerly and northerly direction along Rotherham Road thence along Broad Street and terminating therein at a point 1·00 chain north of the intersection of the centre lines of Bear Tree Street and Broad Street:

Tramway No. 4—4 furlongs 0·35 chain in length of which 1 furlong 9·30 chains shall be laid as a double line and 2 furlongs 1·05 chains as a single line wholly situate in the parish and urban district of Rawmarsh commencing by a junction with Tramway No. 3 at its point of termination passing thence in a northerly direction along Rawmarsh Hill and High Street and terminating therein at a point 1·20 chains north of the intersection of the centre lines of Phillips Row and High Street:

Tramway No. 5—1 mile 0·70 chain in length of which 5 furlongs 8·70 chains shall be laid as a double line and 2 furlongs 2·00 chains as a single line wholly situate in the parish and urban district of Rawmarsh commencing by a junction with Tramway No. 4 at its point of termination passing thence in a northerly direction along High Street easterly along Stock's Lane northerly along Dale Road and easterly along Ryecroft Lane and terminating therein at a point 0·90 chain east of the intersection of the centre lines of Wheatcroft Road and Ryecroft Lane:

Tramway No. 6—2 furlongs 1·70 chains in length of which 9·00 chains shall be laid as a double line and 1 furlong 2·70

chains as a single line wholly situate in the parish and urban district of Rawmarsh commencing in Broad Street by a junction with Tramway No. 3 at a point 0·70 chain south of the intersection of the centre lines of Aldwarke Road and Broad Street passing thence in an easterly direction along Aldwarke Road and terminating therein at a point 12·20 chains south-east of the intersection of the centre lines of Cross Street and Aldwarke Road :

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Tramway No. 7—A single line 1·00 chain in length wholly situate in the parish and urban district of Rawmarsh commencing in Broad Street by a junction with Tramway No. 3 at a point 0·60 chain north of the intersection of the centre lines of Aldwarke Road and Broad Street passing thence in a south-easterly direction into Aldwarke Road and terminating therein by a junction with Tramway No. 6 at a point 0·65 chain east of the intersection of the centre lines of Broad Street and Aldwarke Road.

The tramways by this Act authorised will be situate in the parish and urban district of Rawmarsh and the parish and urban district of Greasbrough both in the West Riding of the county of York.

Tramway No. 2 shall not be permanently constructed until the widenings of the bridges in the parishes of Rotherham and Greasbrough by this Act authorised are respectively effected.

12.—(1) The tramways by this Act authorised 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 Council with the assent of the Board of Trade Provided that when the gauge is less 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 but the extreme width of the carriages trucks or waggons used for the conveyance of passengers shall not exceed six feet six inches and for the conveyance of animals goods minerals or parcels other than parcels conveyed in passenger carriages shall not exceed seven feet or in either case such other width as the Board of Trade may from time to time prescribe.

Gauge.

(2) No carriages or trucks adapted for use upon railways shall be used upon the tramways.

13. If the tramways by this Act authorised shall not be completed within a period of five years from the passing of this Act then on the expiration of that period the powers by this Act

Period for completion of tramways.

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Rails of tramways.

14. The rails of the tramways by this Act authorised shall be such as the Board of Trade may approve.

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

15. No part of the tramways by this Act authorised shall be opened for public traffic until the same shall have been certified to be fit for such traffic by the Board of Trade.

Tramways to be kept on level of surface of road.

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

Provisions as to construction of tramways.

17. In addition to the requirements of section 26 of the Tramways Act 1870 the Council shall before they proceed to open or break up any road for the purpose of constructing and laying down any of the tramways submit to the Board of Trade a plan showing the proposed mode of constructing and laying down such tramways and a statement of the materials intended to be used therein and the Council shall not commence the construction and laying down of any of the tramways or part of any of the tramways respectively until such plan and statement shall 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.

Penalty for not maintaining rails and roads in good condition.

18. The Council 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 by this Act authorised and the substructure upon which the same rest and if the Council at any time make default in complying with this provision or with any of the requirements of section 28 of the Tramways Act 1870 they shall for every such offence be subject to a penalty not exceeding five pounds and in the case of a continuing offence to a further penalty not exceeding five pounds for every day on which non-compliance continues after conviction thereof and such penalty may be recovered as by section 56 of the said Act is provided. In any case in which it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the district that the Council have made any such default as aforesaid the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his

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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 Council to such penalty or penalties in respect thereof as is or are by this section imposed.

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19. Subject to the provisions of this Act the Council may 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 if at any time after the construction of any of the tramways the road in which the same or any part thereof is laid has been or shall be altered or widened the Council may take up and remove such tramway or part thereof and reconstruct the same in such position as they may think fit. Provided that in the exercise of the powers of this section no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if one third of the owners or one third of the occupiers of any houses shops or warehouses abutting on the place where such rail is proposed to be laid by notice in writing under their hands addressed and delivered to the Council within three weeks after receiving from the Council notice in writing of their intention express their objection thereto.

Power to lay double lines in place of single or interlacing lines and vice versâ.

20. The Council may subject to the provisions of this Act make maintain alter and remove all such crossings passing-places sidings junctions turnouts and other works in addition to those particularly specified in and authorised by this Act as may be necessary or convenient for the efficient working of the tramways or any of them or for facilitating the traffic of the roads in which the same are laid or for providing access to any warehouses stables carriage-houses sheds or works. Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if one third of the owners or one third of the occupiers of any houses shops or warehouses abutting on the place where such rail is proposed to be laid by writing under their hands addressed and delivered to the Council within three weeks after receiving from the Council notice in writing of their intention express their objection thereto.

Additional passing-places and sidings may be made where necessary.

21. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid it shall in the opinion of the Council be necessary or expedient temporarily to remove or discontinue the use of such tramway or

Temporary tramways may be made where necessary.

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any part thereof the Council may from time to time 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.

Application
of road
material ex-
cavated in
construction
of works.

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

Lands for
generating
station.

23. Subject to the provisions of this Act the Council may appropriate and use the lands described in the First Schedule to this Act for the purpose of constructing thereon a station or stations for generating electrical energy and for providing and working thereon engines dynamos and other electrical plant apparatus and works and may construct and maintain upon such lands a station or stations for generating electrical energy and may provide and work thereon engines dynamos and other electrical plant apparatus and works and may by means thereof produce use and supply such energy for any of the purposes of this Act but nothing in this Act shall authorise the Council to generate electrical energy elsewhere than on the lands so described.

If the Council appropriate for the purposes of this section any lands acquired under the powers of any former Act or Order they shall debit the tramway undertaking with a reasonable sum by way of purchase money for the said lands and shall carry that sum to the credit of the fund out of which the said lands were acquired.

Provisions
as to motive
power.

24. The carriages used on the tramways may be moved by animal power or by mechanical power or partly by animal and partly by mechanical power subject as regards the use of mechanical power to the following provisions (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 Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electrical power :

(3) The Council or any person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case

of a continuing offence, to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof :

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

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

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

may by order either direct the Council 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 Council 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.

25. The Council may for the purpose of working any of the tramways by mechanical power lay down construct erect and maintain on in under or over the surface of any street road or place in which any of the tramways are situate and with the consent of the local authority any other street or road in any district in which the tramways or any of them are or may be situate and may with the consent of the owner and occupier thereof attach to any house or building in any of such streets roads places or districts such posts conductors wires tubes mains plates brackets electric cables and apparatus and may make and maintain such openings and ways in on or under any such surface as may be necessary or convenient either for the working of the tramways or for providing access to or forming connexions with any generating station car shed engine machinery or apparatus of the Council and may for those purposes subject to the restrictions and provisions contained in Part II. of the Tramways Act 1870 open and break up any such street or road and raise alter remove and interfere with any sewers drains water or gas pipes tubes conductors telegraphic telephonic and electric wires posts and apparatus therein or thereunder.

Construction
of electric
works.

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

Special
provisions
as to use of
electrical
power.

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

(2) The Council shall take all reasonable precautions in constructing placing and maintaining their electric lines and

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circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

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

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(7) The expression "Council" in this section shall include lessees
licenceses and any person owning working or running carriages
over any tramway of the Council. A.D. 1900.

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

(B) In the event of any of the tramways of the Council being
worked by electricity or electrical energy being supplied by the
Council for any purpose under this Act the following provisions
shall have effect:—

- (1) The Council shall construct their electric lines and other
works of all descriptions and shall work their undertaking in
all respects with due regard to the telegraphic lines from time
to time used or intended to be used by Her Majesty's Post-
master-General and the currents in such telegraphic lines and
shall use every reasonable means in the construction of their
electric lines and other works of all descriptions and the working
of their undertaking to prevent injurious affection whether by
induction or otherwise to such telegraphic lines or the currents
therein. If any question arises as to whether the Council
have constructed their electric lines or other works or work
their undertaking in contravention of this subsection such
question shall be determined by arbitration and the Council
shall be bound to make any alterations in or additions to their
system which may be directed by the arbitrator:
- (2) If any telegraphic line of the Postmaster-General is injuriously
affected by the construction by the Council of their electric
lines and works or by the working of the undertaking of the
Council the Council shall pay the expense of all such alterations
in the telegraphic lines of the Postmaster-General as may be
necessary to remedy such injurious affection:
- (3)—(A) Before any electric line is laid down or any act or work
for working the tramways by electricity or otherwise for the
supply of electricity is done within ten yards of any part of a
telegraphic line of the Postmaster-General (other than repairs
or the laying of lines crossing the line of the Postmaster-
General at right angles at the point of shortest distance and so
continuing for a distance of six feet on each side of such point)
the Council or their agents not more than twenty-eight nor less
than fourteen days before commencing the work shall give

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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 Council and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work:

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

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

shall apply in like manner as if the Council or their agents were a company within the meaning of that Act: A.D. 1900.

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

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

28. All works to be executed by the Council in any street or road for working the tramways by mechanical power in pursuance of the powers of this Act shall be deemed to be works of a tramway subject in all respects to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned. Mechanical power works to be subject to section 30 of Tramways Act 1870.

29. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways for all or any of the following purposes (that is to say):— Byelaws.

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

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

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

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

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

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

30. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by the Board of Trade Amendment of Tramways Act 1870 as to byelaws by local authority.

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A.D. 1900. regulations at which carriages are to be driven or propelled on the tramways under the authority of this Act but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

Additional byelaws.

31. In addition to the powers conferred by section 46 of the Tramways Act 1870 the Council may make byelaws and regulations for regulating the conduct of the drivers and conductors of the carriages and for preventing any nuisance or misconduct by passengers and others in or upon the cars or in the waiting-rooms of the Council.

Traffic upon tramways.

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

Council not bound to carry animals goods &c.

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

Provision as to carriage of animals goods &c.

34. No animals goods minerals parcels or things other than passengers and passengers' luggage and parcels not exceeding twenty-eight pounds in weight shall be conveyed on the tramways between the hours of eight in the morning and eight in the evening without the consent of the Council and such animals goods minerals parcels and things shall when required by the Council be carried in separate carriages or separate parts of carriages set apart for that purpose.

Rates for passengers.

35. The Council may demand and take for every passenger travelling upon the tramways or any part thereof including the use of the tramways and of the carriages and for motive power and every other expense incidental to such conveyance any rates or charges not exceeding one penny per mile and in computing the said rates and charges a fraction of a mile beyond one mile or an integral number of miles shall be deemed a mile but for any less distance than two miles any tolls or charges not exceeding twopence may be charged.

Passengers' luggage.

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

Rates for goods.

37. The Council may demand and take in respect of animals goods and parcels conveyed by them on the tramways including

every expense incidental to the conveyance any rates or charges not exceeding those specified in the Second Schedule to this Act subject to the regulations in that behalf therein contained.

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38. The Council at all times after the opening of the tramways or any part or parts thereof for public traffic shall run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day Good Friday and public holidays always excepted) at such hours not being later than seven in the morning or earlier (except on Saturdays) than six in the evening respectively as the Council think most convenient for artizans mechanics and daily labourers at fares not exceeding one halfpenny per mile (the Council nevertheless not being required to take any fare less than one penny) The Council on Saturdays in lieu of running such carriages after six o'clock in the evening shall run the same at such hours between one and three o'clock in the afternoon as they deem most convenient to the said persons Provided that in case of any complaint made to the Board of Trade as to the number of such carriages run or as to the hours appointed by the Council for running such carriages the said Board shall have power to fix and regulate the same from time to time.

Cheap fares for labouring classes

39. The rates and charges by this Act 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 Council may by notice to be annexed to the list of rates and charges appoint.

Payment of tolls.

40. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by the Council or by twenty inhabitant ratepayers of the district that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such rates and 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 such tramways or on such portion of such tramways in such manner as they think fit and thenceforth such order shall be observed until the same is

Periodical revision of tolls.

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A.D. 1900. 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 Act authorised but nothing herein contained shall prevent the Council from revising the rates from time to time as they think fit so long as the maximum rates prescribed by this Act are not exceeded.

As to fares
on Sundays
and holidays.

41. It shall not be lawful for the Council to take or demand on Sunday or any bank or other public holiday any higher rates or charges than those levied by them on ordinary week days.

Power to
Council to
work tram-
ways.

42. Notwithstanding anything in the Tramways Act 1870 to the contrary the Council may place and run carriages on and may work any tramways for the time being belonging or in lease to the Council or on which they may have any powers to place or run carriages and whether within or beyond the district and may demand and take tolls rates and charges in respect of such tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks motor cars harness engines dynamos machinery apparatus horses steam cable electric and other plant poles posts appliances and conveniences as may be requisite or expedient for the convenient working or user of such tramways by animal or mechanical power and may sell exchange or dispose of such of the before-mentioned articles and things as from time to time may no longer be required.

Regulations.

43. The byelaws and 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 or worked by the Council be made by the Council alone.

Power to
lease tram-
ways.

44. The Council may from time to time lease to any local authority company body or person and such local authority company body or person may take a lease of the whole or any part of the tramways by this Act authorised and the right of user of the same and the right of levying tolls rates fares and charges in respect thereof for such period and upon such terms and conditions as may be mutually agreed and the provisions of section 19 of the Tramways Act 1870 (except so far as it prohibits or restricts the placing or running of carriages by a local authority upon such tramways) shall extend and apply to such lease.

Council and
local autho-
rities &c. may
contract to

45. The Council may with respect to any tramways in any neighbouring district which can be worked with the Council's tramways enter into and carry into effect contracts and agreements

with the local authority of such district or with the consent of such local authority with any body or company with respect to all or any of the following matters (that is to say):—

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—
lease &c.
tramways in
neighbouring
districts.

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

The making of all necessary junctions;

The supply and maintenance under any agreement for all or any of the respective tramways of the contracting parties being worked and used by any one or more of them of rolling stock plant machinery and electrical energy necessary for the purposes of and during the continuance of such agreement;

The appointment and removal of officers and servants;

The payments to be made and the conditions to be performed in respect of such working use management and maintenance;

The interchange accommodation conveyance transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties;

The division and apportionment of the revenue arising from such traffic and the payment of any fixed or contingent rent; and

The giving and taking of guarantees against any loss arising by reason of any such agreement and the paying out of their respective rates any loss arising by reason of such guarantees.

46. The Council may form junctions between the tramways of the Council and any tramways within or without the district which can be worked in connexion therewith but only with the consent of the owners and lessees of such tramways and as to such of them as may be without the district with the consent of the local and road authority within whose jurisdiction such junctions would be formed.

Junctions with tramways which can be worked in connexion with Council's tramways.

47. The Council on the one hand and any local authority company body or person authorised to produce or supply electric energy on the other hand may with the approval of the Board of Trade enter into and carry into effect agreements for the supply of electric energy to and by the Council by and to such local authority company body or person Provided that any supply of electric energy by any such local authority company body or person to the Council shall be subject to the provisions of the respective Acts or Order under which such local authority company body or person may be empowered to supply electric energy.

Powers as to supply of electric energy.

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For pro-
tection of
Great Central
Railway
Company.

48. For the protection of the Great Central Railway Company (in this section referred to as "the company") the following provisions shall apply and have effect:—

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

(2) Before commencing any such works the Council shall give at least fourteen days' notice in writing to the company of their intention to execute the same and such notice shall be accompanied by a plan and specification showing the nature and extent of the intended works:

(3) The Council 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 company or of the approaches thereto and they shall so construct maintain and use the tramways on over or under such bridge and the approaches thereto as not injuriously to affect the same. Provided that whenever any of the said 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:

(4) In the event of any injury being caused to any such bridge or approaches by the construction maintenance repairing user or removal of any of the tramways the company may at the expense of the Council restore such bridge or 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 Council shall indemnify the company against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge and approaches as the Council are liable to maintain and repair under section 28 of the *Tramways Act 1870*:

(5) Whenever and so often as the company 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 to remove or interfere with the working of any of the tramways of the Council or any part of such tramways the company shall at their own expense to the reasonable satisfaction of the engineer of the Council provide and maintain as long as occasion may require a temporary tramway or temporary tramways in lieu of the tramways or part of a tramway so removed or the working of which has been so interfered with so that at all times during the progress of such works the carriages of the Council may pass and repass along the roads in which such tramways may be situate with as little interruption as is practicable and the company shall during the progress of and until the completion of such works provide such lighting and watching as may be necessary to prevent accident to all persons animals and vehicles using the existing or temporary tramways or the roads in which the same are laid and on the completion of such works the company shall restore the said tramways and so much of the said roads as may be disturbed by the Company to as good a state and condition as the same were in before the commencement of such works and the company shall be responsible for the failure of any of the said works or any act or omission of the company or any of the persons in their employ or their contractors :

Before the commencement of any such removal of or interference with the working of any of the said tramways or any part thereof the company shall give to the Council seven days' previous notice in writing :

- (6) In case it shall be found that any such strengthening is reasonably necessary owing to the carriages or other vehicles on any of the tramways being or being intended to be moved by mechanical power the company shall before commencing any such works give at least fourteen days' notice in writing to the Council of their intention to execute the same and such notice shall be accompanied by a plan and specification showing the nature and extent of the intended works Such strengthening shall be effected in all things at the expense of the Council :
- (7) In the event of the tramways being worked by electricity on the overhead system no stays posts wires or other apparatus shall without the previous consent in writing of the company be attached to any bridge or other work of the company :

A.D. 1900.

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

STREET IMPROVEMENTS.

49. For the protection of the Sheffield and South Yorkshire Navigation Company (in this section called "the Navigation Company") the following provisions shall have effect (that is to say):—

- (1) In this section "the canal" means the River Dun Navigation and the towing path and banks thereof;

"The present Rawmarsh Bridge" means and includes the bridge carrying the road leading from Rotherham to Rawmarsh over the canal situate partly in the parish of Greasbrough and partly in the borough of Rotherham;

"The new bridge" means and includes the new bridge by which the said road leading from Rotherham to Rawmarsh is to be carried over the canal:

- (2) Before constructing any tramway upon or over the present Rawmarsh Bridge the Council and the corporation of Rotherham in lieu of the said bridge shall erect a girder bridge of one span and having throughout a clear headway of not less than fourteen feet six inches above the ordinary water level of the canal and a clear width between the abutments thereof which shall be parallel to each other and to the centre line of the canal of not less than forty feet measured on the square and a width of thirty-six feet between the parapets and the Council and the corporation of Rotherham shall contribute such sums towards the cost of such bridge in proportion to the extent which such bridge is situated in the parish of Greasbrough and the borough of Rotherham respectively the amount payable by the Council and the corporation of Rotherham to be settled in case of difference by an arbitrator who failing agreement shall be appointed by the Board of Trade on the application of either party and the Council and the corporation of Rotherham and the urban district council of Greasbrough respectively may enter into and carry into effect such agreements as they may think fit with regard to the maintenance of the new bridge and roadway over the same and the approaches thereto:

And the Council and the corporation of Rotherham may in the erection of the foundations and abutments of the new bridge occupy and use so much of the land of the Company as may be

For protection of
Sheffield
and South
Yorkshire
Navigation
Company.

required for this purpose without any charge therefor by the Navigation Company : A.D. 1900.

- (3) The foundations of the abutments of the new bridge shall be carried down to such depth below the ordinary water level of the canal and shall be in such positions as shall be reasonably fixed by the principal engineer of the Navigation Company The Council as well during the removal of the present Rawmarsh Bridge and the construction of the new bridge as during any repairs of the said bridge shall leave the navigable waterway and towing path free and uninterrupted except so far as may be reasonably agreed between the Navigation Company and the Council :
- (4) All works connected with the removal of the present Rawmarsh Bridge and the erection of the new bridge and all other works crossing or affecting the canal shall be executed in accordance with plans sections and specifications to be previously submitted to and reasonably approved in writing by the said engineer and no work shall be commenced or the present Rawmarsh Bridge in any way interfered with until the said engineer shall have signified his approval of such plans sections and specifications and his consent has been obtained in writing to the commencement of such work Provided that if such engineer do not signify his approval or disapproval of the same within one month after their submission to him he shall be deemed to have approved them :
- (5) All works connected with the removal of the present Rawmarsh Bridge and the erection of the new bridge and all other works crossing or affecting the canal shall be carried on uninterruptedly when commenced and shall be completed with all reasonable despatch and all scaffolding piling and materials affecting the waterway or towing path shall be removed as soon as the work for which they are required has been completed and in the meantime shall be kept in proper repair :
- (6) All the works by this Act authorised crossing or in any way affecting the canal shall be constructed and maintained so that the traffic on the canal shall not except as herein expressly provided 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 Navigation Company but in all things at the expense of the Council :
- (7) The Council shall bear and on demand pay to the Navigation Company the reasonable expense of the employment by the Navigation Company of a sufficient number of inspectors and

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watchmen to watch the canal during the execution of the works by this Act authorised crossing or in any way affecting the canal and for preventing except as aforesaid any such obstruction or interference or any danger or accident from the acts or defaults of the Council or their contractors or the servants workmen or other persons in their respective employ :

- (8) The Council shall at all times maintain the new bridge and the roadways and footpaths thereon and the approaches to the same and other works for such crossing of the canal in good and substantial repair and condition to the reasonable satisfaction of the Navigation Company and so as not to cause any obstruction to the canal and in default thereof the Navigation Company may as well on the lands of the Council as on their own land do all such works and things as they may think reasonably requisite in that behalf and the reasonable costs thereof shall on demand be paid by the Council to the Navigation Company :
- (9) If by reason of the execution or maintenance of any of the works or any proceedings of the Council or any act or omission of the Council or their contractors or of any officer servant or workman or other person employed by the Council or such contractors the canal or any of the works thereof be injured or damaged such injury or damage shall forthwith be made good by the Council at their own cost and in default thereof the Navigation Company may make good the same and recover the reasonable costs thereof from the Council :
- (10) The Council shall indemnify the Navigation Company for any loss or damage they may suffer and for any compensation they may be required to pay for any such obstruction (except as aforesaid) interruption or interference with the traffic of the canal or any accident which shall have been occasioned by any such act or default as in this section is mentioned :
- (11) Nothing in this section shall extend to prevent the Navigation Company or any owner of vessels boats keels or barges using the canal from recovering from the Council any special damage that shall be sustained by them or him for or in consequence of any such act or default as in this section is specified :
- (12) No stays posts wires or other appliances or apparatus to be used in connexion with electric traction on the Tramway No. 2 authorised by this Act or otherwise belonging to the Council shall be attached or fastened to any bridge crossing the canal or to any other works or property of the Navigation Company

without the previous consent in writing of the Navigation Company: A.D. 1900.

(13) With respect to any lands belonging to the Navigation Company which the Council are by this Act authorised to enter upon take use or interfere with the Council shall not except by agreement with the Navigation Company purchase and take the same but the Council may purchase and take and the Navigation Company may and shall sell and grant to the Council accordingly an easement or right of using the same so far as may be necessary for the purpose of erecting the said new bridge and other works hereby authorised for crossing or in any way affecting the canal:

(14) If any difference arise between the Council and the Navigation Company as to anything to be done or not to be done under this section or any money to be paid thereunder (except by way of compensation as in this section provided or for any such easement as aforesaid) such difference shall be determined by an engineer to be appointed (unless otherwise agreed on) on the application of either party by the president for the time being of the Institution of Civil Engineers and the costs of and incident to the reference shall be borne as he shall direct but nothing in this Act shall be deemed to enable the said arbitrator to direct that any work shall be made of less dimensions than by this section is prescribed in that behalf:

(15) The Council and the Navigation Company may agree for any variation or alteration of the works in this section provided for or of the manner in which the same shall be executed.

50. The Council before constructing any tramway over the bridge in the parish of Greasbrough carrying the Rotherham Road over the canal belonging or reputed to belong to Earl Fitzwilliam shall at their own cost remove the existing bridge and erect a new girder bridge in lieu thereof so as to give the width of thirty-six feet between the parapets and the Council and the urban district council of Greasbrough and Earl Fitzwilliam respectively may enter into and carry into effect such agreements as they may think fit with regard to such removal and erection and the maintenance of the new bridge and of the roadway over the same and the approaches thereto.

For protec-
tion of Earl
Fitzwilliam.

51. For the purposes of the street improvements mentioned in the sections the marginal notes whereof are "For protection of Sheffield and South Yorkshire Navigation Company" and "For protection of Earl Fitzwilliam" the Council may take the

Lands for
street im-
provements.

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Period for completion of street improvements.

52. If the street improvements authorised by this Act are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Council for executing those works or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed.

Deviation.

53. In the construction of the street improvements by this Act authorised the Council may deviate vertically from the levels shown on the deposited sections to any extent not exceeding two feet upwards and two feet downwards and they may deviate laterally within the limits of deviation shown on the deposited plans.

Subsidiary works.

54. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the Council in connexion with the street improvements authorised by this Act and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the street improvements or any of them and may make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the street improvements or any of them or of crossing under or over the same or otherwise and may alter divert or stop up all or any part of any drain sewer channel or gas or water main or pipe or electric or telegraphic wire line or apparatus within the said limits the Council providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of the current in any wire or line and making compensation for any damage done by them in the execution of the powers of this section:

Provided that the Council shall not alter or interfere with any electric or telegraphic line or apparatus of the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878:

Provided also that nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

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55.—(1) The Council may from time to time in addition to and independently of any other borrowing power borrow at interest any sum or sums of money for the purposes hereinafter mentioned not exceeding the respective amounts following (that is to say):—

Power to borrow.

(A) For the construction and equipment of the tramways and works and the construction and erection of works for working the tramways and for electrical purposes in connexion therewith the sum of fifty-four thousand one hundred and eleven pounds:

(B) For the purchase of lands for and the construction of the street improvements authorised by this Act the sum of four thousand pounds:

(C) For the purposes of their gas undertaking the sum of twenty thousand pounds:

(D) For the payment of the costs charges and expenses of this Act as hereinafter provided the sum requisite for that purpose.

(2) The Council may with the approval of the Board of Trade borrow such further moneys as they may require for the purposes of the tramway undertaking of the Council and with the consent of the Local Government Board such further moneys as may be necessary for any of the other purposes of this Act.

(3) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the district fund and general district rate of the district and in addition as regards moneys borrowed for the purposes of the tramway undertaking of the Council the revenue of that undertaking and as regards moneys borrowed for the purposes of the gas undertaking the revenue of that undertaking.

56. The Council shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed period") following (that is to say):—

Periods for discharge of loans.

As to moneys borrowed for the purpose (A) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within thirty years from the date or dates of the borrowing of the same:

As to moneys borrowed for the purpose (B) in the said section mentioned within forty years from the date or dates of the borrowing of the same:

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As to moneys borrowed for the purpose (c) in the said section mentioned within thirty years from the date or dates of the borrowing of the same :

As to moneys borrowed for the purpose (d) in the said section mentioned within five years from the date or dates of the borrowing of the same :

As to moneys borrowed with the approval of the Board of Trade or the Local Government Board within such period as the respective Boards may think fit to sanction.

Mode of raising money.

57. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or by the issue of stock if and when they shall be authorised to issue stock or partly in one way and partly in another or others.

Certain regulations of Public Health Act not to apply.

58. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Application of provisions of Public Health Act as to mortgages.

59. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

Section 236. Form of mortgage.

Section 237. Register of mortgages.

Section 238. Transfer of mortgages.

Mode of repayment of money borrowed on mortgage.

60. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of these methods and partly by another or others of them.

Regulations as to sinking fund.

61. The following provisions shall apply to the repayment by means of a sinking fund of any moneys borrowed by virtue of this Act :—

(1) The sinking fund shall be formed and maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a non-accumulating sinking fund; or

(B) By payment to the fund throughout the prescribed period of such annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an accumulating sinking fund :

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock 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 Council the Council being at liberty from time to time to vary and transpose such investments :

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund :

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or the part of such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based :

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council out of the district fund or general district rate ;

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments :

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Saving for
existing
charges.

Council not
to regard
trusts.

Appointment
of receiver.

Power to
re-borrow.

(6) The provisions of section 15 of the Local Loans Act 1875 shall not apply to the creation of any sinking fund for the repayment of moneys borrowed by virtue of this Act.

62. Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and property of the Council subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenue rate and property.

63. The Council shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages debentures annuity certificates or stock of the Council shall from time to time be sufficient discharge to the Council in respect thereof notwithstanding any trust to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or the transfer of such loan or security or any part thereof or interest thereon not entered in their register.

64. The mortgagees of the Council by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole. The application for the appointment of a receiver shall be made to the High Court.

65. If the Council pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Council with respect to the repayment of the loan and to the

provision to be made for such repayment shall not be diminished by reason of such re-borrowing. A.D. 1900.

66.—(1) The clerk of the council shall within twenty-one days after the 31st day of March in each year during which any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment of the sum accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

Annual re-
turn to Local
Government
Board.

(2) If it appear to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required by this Act for any sinking fund or have applied any portion of the sinking fund or any interest thereon to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

67. All moneys borrowed by the Council under the powers of this Act shall be applied only to the purposes of this Act for which they are authorised to be borrowed and to which capital is properly applicable.

Application
of money
borrowed.

68. A person lending money to the Council under this Act shall not be bound to inquire as to the observance by the Council of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Protection of
lender from
inquiry.

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(*Tramways*) Act, 1900.

A.D. 1900.
Inquiries
by Local
Government
Board.

69.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Expenses of
execution of
Act.

70. Any expenses of the execution by the Council of this Act with respect to which no other provision is made may be defrayed by the Council out of the district fund and general district rate.

Audit of
accounts.

71. Section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and of their committees and officers under this Act.

Application
of revenue of
tramway un-
dertaking and
deficiency of
receipts.

72.—(1) The Council shall apply all money received by them on account of revenue in respect of their tramway undertaking in 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 of so much of the roads in which the tramways are laid as is required to be maintained and kept in good repair and condition by the promoters of tramways by section 28 of the Tramways Act 1870):

Secondly In payment of the interest or dividend on any mortgages stock or other securities granted or issued by the Council in respect of moneys borrowed by the Council for the purposes of the undertaking:

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking:

Fourthly In extending and improving (if the Council think fit) any works for the purposes of the undertaking:

Fifthly In providing a reserve fund (if the Council think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in securities in which

the Council are authorised to invest sinking funds and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council not exceeding a sum equal to one fifth of the aggregate capital expenditure for the time being by the Council upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Council from the undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing any part of the tramways of the Council or of the works connected therewith 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 :

A.D. 1900.
—

And the Council shall carry to the district fund so much of any balance remaining in any year of the income of their tramway undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Council not be required for carrying on the undertaking and paying the current expenses connected therewith.

(2) Any deficiency in the revenue of the tramway undertaking of the Council shall be forthwith made good out of the district fund or if that fund is insufficient out of the general district rate made next after such deficiency is ascertained.

73. The Council may provide sell let for hire and fix set up alter repair and remove but shall not manufacture lamps meters electric lines fittings apparatus and things for lighting and motive power and for all other purposes for which electric energy can or may be used or otherwise necessary or proper for the supply distribution consumption or use of electric energy and may provide all materials and do all works necessary or proper in that behalf and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale letting fixing setting up altering repairing or removing of such lamps meters electric lines fittings apparatus and things as aforesaid and for securing their safety and return to the Council as the Council may think fit or as may be agreed upon between them and the person to or for whom the same are sold supplied let fixed set up altered repaired or removed.

Power to
supply elec-
tric fittings.

[Ch. cxxxv.] *Rawmarsh Urban District Council* [63 & 64 Vict.]
(*Tramways*) Act, 1900.

A.D. 1900.

Byelaws
with respect
to electric
fittings.

74.—(1) Any wires apparatus and fittings in any building or premises supplied with electric energy by the Council shall be subject to such byelaws for securing the safety of the inhabitants and for the prevention of fire as the Council may reasonably require.

(2) The provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 (except so much thereof as relates exclusively to byelaws of a rural sanitary authority) shall apply to byelaws made by the Council under this section. Provided that in the application of such provisions the Board of Trade shall be substituted for the Local Government Board.

Altering
date for
filling up
annual
accounts for
electric
lighting.

75. Notwithstanding anything in section 9 of the Electric Lighting Act 1882 contained the annual statement of accounts of the electric lighting undertaking of the Council shall after the passing of this Act be filled up on or before the twenty-fourth day of June in every year and shall be made up to the thirty-first day of March next preceding and section 9 of the Electric Lighting Act 1882 shall as from the passing of this Act be read and have effect as regards the undertaking of the Council as if the twenty-fourth day of June and the thirty-first day of March were therein mentioned instead of the twenty-fifth day of March and the thirty-first day of December.

Extension of time
for completion of
works under
Rawmarsh Elec-
tric Lighting
Order 1898.

76. Notwithstanding anything contained in the Rawmarsh Electric Lighting Order 1898 the expression "the commencement of this Order" contained therein shall be deemed to mean the date of the passing of this Act.

Authentica-
tion and
service of
notices.

77. Where any notice summons or other document (except a conveyance contract or security) under this Act requires authentication by the Council the signature thereof by their clerk shall be a sufficient authentication and any notices summonses and other documents required or authorised to be served under this Act may be served in manner prescribed by section 267 of the Public Health Act 1875.

Orders &c.
of Board of
Trade.

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

Recovery of
penalties.

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

Incorporation
of section 265
of Public
Health Act
1875.

80. Section 265 ("Protection of local authority and their officers from personal liability") of the Public Health Act 1875 is hereby incorporated with and shall form part of this Act.

81. All the costs charges and expenses preliminary to and of A.D. 1900.
 and incidental to the preparing applying for obtaining and passing Costs of Act.
 of this Act as taxed by the taxing officer of the House of Lords or
 of the House of Commons shall be paid by the Council out of the
 district fund or out of moneys to be borrowed under this Act.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

LANDS TO BE USED FOR STATION FOR GENERATING ELECTRIC ENERGY.

A plot of land belonging or reputed to belong to the Council situate on the east and south sides of and adjacent to the offices of the Council in Rawmarsh Hill in the urban district of Rawmarsh containing in area 2000 square yards or thereabouts.

THE SECOND SCHEDULE.

RATES FOR ANIMALS AND GOODS.

| ANIMALS. | Per mile. |
|---|-----------|
| | s. d. |
| For every horse mule or other beast of draught or burden - - - - - | 0 4 |
| For every ox cow bull or head of cattle - - - - - | 0 3 |
| For every calf pig sheep or small animal - - - - - | 0 1½ |
| GOODS. | |
| For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways - - - - - per ton | 0 2 |
| For all iron ironstone 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 specially classed herein and for heavy iron castings including railway chairs - - - - - per ton | 0 2½ |
| For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - - per ton | 0 3 |
| For cotton wools drugs 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 |

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| PARCELS. | Any distance. | |
|---|---------------|----|
| | s. | d. |
| 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 |
| For any parcel exceeding 28 lbs. and not exceeding 56 lbs. in weight | 0 | 9 |
| For any parcel exceeding 56 lbs. such sum as the Council may think fit: | | |

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

| FOR THE CARRIAGE OF SINGLE ARTICLES OF GREAT WEIGHT. | Per mile. | |
|--|-----------|----|
| | s. | d. |
| For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage shall exceed four tons but shall not exceed eight tons such sum as the Council may think fit not exceeding | 2 | 0 |
| For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage shall exceed eight tons such sum as the Council may think fit. | | |

REGULATIONS AS TO RATES.

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

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

For the fraction of a ton the Council may demand rates according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton:

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

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

In addition to the foregoing rates the Council may demand such charges as are reasonable for loading and unloading the animals and goods and if any difference shall arise as to the reasonableness of any such charge the matter in difference shall be settled by the Board of Trade.

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