CHAPTER clxiv.

An Act for incorporating and conferring powers on the Manchester Bury Rochdale and Oldham Steam Tramways Company. [28th July 1884.]

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WHEREAS by the Bury and District Tramways Order 1881 confirmed by the Tramways Orders Confirmation (No. 3) Act 1881 (and hereinafter referred to as "the Bury Order 1881") and with which was incorporated the Tramways Act 1870 the promoters thereof were authorised to construct certain tramways in the county of Lancaster:

And whereas by the Rochdale Tramways Order 1881 confirmed by the said Tramways Orders Confirmation (No. 3) Act 1881 (and hereinafter referred to as "the Rochdale Order 1881") and with which was incorporated the Tramways Act 1870 the promoters thereof were authorised to construct certain other tramways in the county of Lancaster:

And whereas in the year one thousand eight hundred and eighty-one certain persons formed themselves into a company under the name of the Manchester Bury Rochdale and Oldham Steam Tramways Limited (hereinafter referred to as "the limited company") for the purpose of acquiring constructing and working the tramways authorised by the Bury Order 1881 and the Rochdale Order 1881 and for other purposes and such limited company was duly registered under the Companies Act 1862:

And whereas by the Manchester Bury and Rochdale Tramways Extensions Order 1882 confirmed by the Tramways Orders Confirmation (No. 3) Act 1882 (and hereinafter referred to as "the Manchester Order 1882") and with which was incorporated the Tramways Act 1870 the limited company were authorised to construct certain tramways in the county of Lancaster by way of extensions of the tramways authorised by the Bury Order 1881 and the Rochdale Order 1881 respectively and the tramways

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authorised by those Orders were transferred to and vested in the limited company:

And whereas by the Oldham Borough Tramways (Extensions) Order 1882 confirmed by the Tramways Orders Confirmation (No. 1) Act 1882 and with which was incorporated the Tramways Act 1870 the mayor aldermen and burgesses of the borough of Oldham in the county palatine of Lancaster were authorised to construct certain tramways in the said borough and by an agreement dated the fifteenth day of January one thousand eight hundred and eighty-four and made between the said Corporation of the one part and the limited company of the other part the said Corporation have agreed to lease and the limited company have agreed to take on lease the tramways authorised by the said Order for the term at the rent upon the terms and subject to the conditions specified in such agreement or as near thereto as circumstances will permit and the Board of Trade may approve:

And whereas the present share capital of the limited company consists of five hundred thousand pounds divided into fifty thousand shares of ten pounds each of which three hundred and forty-five thousand four hundred and sixty pounds have been subscribed and three hundred and eight thousand eight hundred and ninety-five pounds paid up:

And whereas certain of the tramways authorised by the Bury Order 1881 and the tramways authorised by the Rochdale Order 1881 have been completed and opened for public traffic and some of the tramways authorised by the Manchester Order 1882 have been completed and opened for public traffic and others are in course of construction and it is expedient that portions of the tramways authorised by the Manchester Order 1882 should be abandoned and that the time limited for the completion of the remainder of the tramways authorised by the Manchester Order 1882 should be extended:

And whereas it is expedient that the limited company should be dissolved and reincorporated with further powers:

And whereas the tramways hereinafter described would be of public and local advantage and the Company so to be reincorporated are willing to construct the same and to raise capital for that purpose on the requisite powers being conferred upon them:

And whereas plans and sections showing the situation lines and levels of the tramways authorised by this Act with a book of reference to the plans have been duly deposited with the clerk of the peace for the county of Lancaster and are hereinafter referred to as the deposited plans sections and book of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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):—

Short title.

1. This Act may be cited for all purposes as the Manchester Bury Rochdale and Oldham Steam Tramways Act 1884.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 Parts I. and II. (relating respectively to cancellation and surrender of shares and additional capital) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 (except the provisions thereof with respect to the purchase of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) section 3 (interpretation of terms) section 19 (local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 so far as the same respectively are applicable to and not varied or excepted by or inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act and shall apply to the undertaking of the Company.

Interpretation clause.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to or inconsistent with such construction or unless herein otherwise provided:

The expression "the Company" means the company incorporated by this Act;

The expression "authorised tramways" means (unless where any particular tramways are referred to by name or number as the case may be) the tramways and works authorised by the Bury Order 1881 the Rochdale Order 1881 and the Manchester Order 1882 respectively;

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

The expressions "the tramways" and "the undertaking" respectively mean the tramways property and undertaking by this Act vested in and authorised to be made maintained and held by the Company;

The word "contingencies" in the Companies Clauses Consolidation Act 1845 section 122 shall with reference to the Company

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be construed to include the contingency of the undertaking being sold to the local authority under section 43 of the Tramways Act 1870 at a sum less than the aggregate amount of the capital and debts of the company;

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand in respect of which the expression is used were a simple contract debt and not a debt or demand created by statute.

Incorporation of Company.

4. From and after the passing of this Act the limited company shall be dissolved and the several persons and corporations who immediately before the passing of this Act were members of that company and all other persons and corporations who have subscribed to or who shall hereafter become proprietors in the undertaking of the Company and their executors administrators successors and assigns respectively shall be and they are hereby united into a company for the purpose hereinafter mentioned and shall be incorporated by the name of the Manchester Bury Rochdale and Oldham Steam Tramways Company and by that name shall be a body corporate with perpetual succession and a common seal with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

General purposes of the Company.

5. The Company shall be established for the purpose of constructing completing working and maintaining the tramways authorised by the Bury Order 1881 the Rochdale Order 1881 the Manchester Order 1882 and this Act subject to the provisions of those Orders and of this Act except where the provisions of the said Orders are expressly varied by this Act and of exercising the powers conferred by those Orders upon the promoters thereof respectively and the powers conferred upon the Company by this Act and taking on lease the tramways hereinafter mentioned and carrying on the business of a tramway company.

Present property of limited company vested in company incorporated by this Act.

6. Subject to the provisions of this Act all the undertaking tramways works lands erections buildings rights powers privileges and easements which immediately before the passing of this Act were vested in the limited company or any person in trust for them or to which the limited company were in anywise entitled and all plant stock effects matters and things which have been by them purchased provided laid down erected or placed and which immediately before the passing of this Act were the property of the limited company and all moneys securities credits effects and

other property whatsoever which immediately before the passing of this Act belonged to the limited company or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the limited company and immediately before the passing of this Act in force shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the limited company or any trustee on their behalf and may according to the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed dealt with and disposed of by the Company as they think fit.

Memorandum and articles of association of the limited company to be void without prejudice to remedies for antecedent breaches thereof.

7. Subject to the provisions of this Act the memorandum and articles of association of the limited company shall as to any prospective operation thereof be wholly void and the Company and the shareholders shall be exempted from all the provisions restrictions and requirements of any Act which applied to the limited company and the members thereof as such but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum or articles of association incurred before the passing of this Act but such liability or obligation in respect of any such breach shall continue and save as in this Act otherwise provided may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the limited company if this Act had not been passed.

Nothing to affect previous rights and liabilities.

8. Except as is by this Act otherwise expressly provided everything before the passing of this Act done or suffered by or with reference to the limited company or the members thereof as such shall be as valid as if the Company had not been incorporated and the said memorandum and articles of association had not been avoided by this Act and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the Company were not incorporated and the said memorandum and articles of association were not avoided by this Act and this Act were not passed would be incident to or consequent on any and everything so done or suffered and with respect to all such rights liabilities claims and demands the Company and its shareholders and property shall to all intents and purposes represent the limited company and the members thereof as such and the property of the limited company as the case may be and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

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Contracts prior to Act to be binding.

9. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the passing of this Act by to or with the limited company or any trustees or persons acting on behalf of the limited company or by to or with any other person to whose rights and liabilities they have succeeded and now in force shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the limited company or the trustees or persons acting on behalf of the limited company the Company had been a party thereto.

Actions &c. not to abate.

10. Nothing in this Act contained shall release discharge or suspend any action suit or other proceeding at law or in equity which was pending by or against the limited company or any member thereof in relation to the affairs of the limited company or to which the limited company or any member thereof in relation to such affairs were parties immediately before the passing of this Act but such action suit or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the limited company or any member thereof if this Act had not been passed the Company and the shareholders therein being in reference to the matters aforesaid in all respects submitted for the limited company and its members respectively.

Trustees of limited company to be indemnified.

11. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to the limited company were vested immediately before the passing of this Act and who (being authorised so to do) entered into any bond covenant contract or engagement in respect of the same or otherwise on behalf of the limited company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put to by reason of his having entered into such bond covenant contract or engagement.

Company to satisfy liabilities of limited company.

12. From and after the passing of this Act and except as is by this Act otherwise expressly provided the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the limited company immediately before the passing of this Act were subject and shall indemnify the members directors officers and servants of the limited company and their

respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

Recovery of tolls rents &c.

13. All tolls rates rents and sums of money which immediately before the passing of this Act were due or accruing to the limited company shall be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like consideration or services under this Act.

As to payment of debts owing before passing of Act.

14. All persons who immediately before the passing of this Act owed any money to the limited company or to any person on their behalf shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the passing of this Act were due or recoverable from the limited company or for the payment of which the limited company were or but for this Act would be liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

Certificates &c. to remain in force.

15. Notwithstanding the avoidance of the said memorandum and articles of association all certificates (until cancelled under the powers of this Act) sales transfers and dispositions heretofore made or executed under them for and with respect to any shares in the limited company shall remain in full force and continue and be available in all respects as if they had not been avoided.

Books &c. continued evidence.

16. All documents books and writings which if the said dissolution and avoidance had not taken place would have been receivable in evidence shall be admitted as evidence in all courts of law and equity and elsewhere notwithstanding such dissolution and avoidance.

Officers to continue until removed.

17. All officers and servants of the limited company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments together with the salaries and emoluments thereunto annexed until they shall resign the same or be removed therefrom by the Company and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed under this Act.

Present registers of members to be continued.

18. The books kept by the limited company for entering the names and designations of the members thereof with the numbers of their shares and the proper distinguishing number of such shares shall and may continue to be kept for the same purpose by the

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Company and shall until some other register of shareholders shall be provided by the Company be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act 1845.

Capital.

19. The capital of the Company shall be five hundred and ninety thousand pounds whereof three hundred and fifty thousand pounds is in this Act called the original capital and two hundred and forty thousand pounds is in this Act called the additional capital and shall be raised in manner hereinafter mentioned and the original capital shall be divided into thirty-five thousand ordinary shares of ten pounds each which shares are in this Act called "the old shares" and the Company may convert into stock the whole or any part of their original or additional capital when fully paid up.

Vesting of old shares in present shareholders.

20. The old shares shall be vested in and belong to the several persons who immediately before the passing of this Act were the registered members of the limited company share for share in substitution for the existing shares of the limited company and every share so vested shall be subject to the same liability for calls and subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as immediately before the passing of this Act affected the share for which the same is substituted and so as to give effect to and not revoke any testamentary disposition of or affecting the same.

Company shall call in and cancel existing share certificates and issue new certificates in lieu thereof.

21. The Company shall call in and cancel the existing certificates of shares in the limited company and issue in lieu thereof certificates in the form and under the conditions prescribed by the Companies Clauses Consolidation Act 1845 but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the passing of this Act or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

Power to Company to raise additional capital.

22. The Company may from time to time raise additional capital not exceeding in the whole two hundred and forty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share vest in the person or corporation accepting the same unless

and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Calls.

23. One-fifth of the amount of a share in the additional capital shall be the greatest amount of a call and two months at least shall be the interval between successive calls.

Receipts on behalf of incapacitated persons.

24. If any money be payable to or any consent be required from a shareholder being a minor idiot lunatic or person of unsound mind the receipt or consent of his guardian or the committee of his estate shall as to such receipt be a sufficient discharge to the Company and as to such consent be valid and effectual for the purpose for which it is given.

Power to borrow in respect of original capital.

25. The Company may at any time and from time to time after the passing of this Act borrow on mortgage of the undertaking in respect of the original capital of three hundred and fifty thousand pounds any sums not exceeding in the whole eighty-seven thousand five hundred pounds.

Power to borrow.

26. The Company may in addition to the sum of eighty-seven thousand five hundred pounds which the Company are by the last preceding section authorised to borrow from time to time borrow on mortgage of the undertaking in respect of the additional capital of two hundred and forty thousand pounds by this Act authorised to be raised by shares or stock any sums not exceeding in the whole sixty thousand pounds and of that sum they may borrow not exceeding fifteen thousand pounds in respect of each sixty thousand pounds of their share capital but no part of any of such sums of fifteen thousand pounds shall be borrowed until shares for so much of the portion of capital of sixty thousand pounds in respect of which it is to be borrowed as is to be raised by means of shares are issued and accepted and one-half of such portion of capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of capital have been issued and accepted and that one-half of such portion of capital has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of such portion of capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or

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corporations to whom the same were issued or their executors administrators successors or assigns and also as far as the said portion of capital is raised by shares that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

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

Company not to create debenture stock.

28. The Company shall not create debenture stock.

Mortgages to comprise purchase money paid on compulsory sale.

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

Indorsement of notice of power of future purchase by the local authority.

30. Every mortgage deed granted by the Company under this Act shall be indorsed with notice that such mortgage will not be a charge upon the tramways or the tramway undertaking in the event of their being purchased by the local authority under section 43 of the Tramways Act 1870.

Application of moneys.

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

First ordinary meeting.

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

Number of directors.

33. The number of directors shall be five but the Company may from time to time reduce that number provided that it be not less than three.

Qualification of directors.

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

Quorum.

35. The quorum of a meeting of directors shall be two.

First directors.

36. Luke Bishop, William Busby, Henry Fishwick, Arthur Handyside, and Everitt Everitt shall be the first directors of the

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

Election of directors.

37. The Company shall abandon the construction of so much of Tramway No. 5 authorised by the Manchester Order 1882 as was intended to be situated between a point two and a half chains distant from the commencement of that tramway and the termination thereof as described in the said Order and so much of Tramway No. 9 authorised by the same Order as was intended to be situated between a point eight chains distant from the commencement of that tramway and the termination thereof as described in the said Order.

Abandonment of parts of authorised tramways.

38. The time limited by the Manchester Order 1882 for the completion and opening for public traffic of the tramways authorised by that Order and therein numbered 4 6 7A 10 11 12 13 14 15 16 17 18 19 26 27 28 29 30 and 31 except as to so much of Tramway No. 4 as extends into Rock Street and except as to so much of Tramway No. 10 as extends for a distance of one mile two furlongs and five chains from the commencement of that tramway is hereby extended to the twelfth day of July one thousand eight hundred and eighty-five which shall be deemed to be the time limited by that Order for the completion and opening of the same for public traffic and if the same are not completed and opened for public traffic within such extended time the powers given by the said Order of 1882 and this Act for constructing such tramways and executing the works connected therewith or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Extension of time for completion of certain authorised tramways of 1882.

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Power to erect buildings &c.

39. The Company may from time to time purchase and acquire but only by agreement for the purposes of their undertaking and hold any additional lands they may require not exceeding ten acres and they may on any such lands erect buildings offices or other conveniences required for the purposes of the undertaking.

Company may acquire easements &c. by agreement.

40. Persons empowered by the Lands Clauses Consolidation Acts 1845 1860 and 1869 to sell and convey or release lands may if they think fit subject to the provisions of the said Acts and of this Act grant to the Company any easement right or privilege not being an easement of water 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 rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid.

Power to make new tramways.

41. Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act 1870 the Company may make form lay down work use and maintain the new tramways hereinafter described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections with all proper rails chairs plates sleepers turn-outs crossings junctions passing places weigh-bridges weighing machines hydrants work-shops sheds stables buildings and other works and conveniences connected therewith.

The new tramways hereinbefore referred to and authorised by this Act are :—

9. A tramway (No. 9) 2 furlongs and 1·50 chains in length of which 1 furlong and 2 chains is single line and 9·50 chains is double line commencing in Church Street (Littleborough) by a junction with the existing tramway therein at a point eight yards or thereabouts eastward from the western side of Lodge Street and passing thence along Church Street and Gale Road (otherwise Todmorden Road) and terminating therein at a point two hundred yards or thereabouts northward from Trafford Street;

13. A tramway (No. 13) 1 mile 2 furlongs and 4·40 chains in length of which 1 mile and 3·40 chains is single line and 2 furlongs and 1 chain is double line commencing in the Oldham otherwise Rochdale Road (Royton) by a junction with the authorised tramway therein at a point thirty-five yards or thereabouts southward from the northern side of Shaw Road and passing thence into and along Shaw Road Manchester Road and High Street (Shaw) and terminating

therein at a point forty-six yards or thereabouts north-eastward from Church Street;

14. A tramway (No. 14) 4 furlongs and 7·90 chains in length of which 3 furlongs and 7·65 chains is single line and 1 furlong and ·25 of a chain double line commencing at the termination of Tramway No. 13 passing thence along High Street Market Street and Milnrow Road and terminating therein at a point eleven yards or thereabouts southward from Cyril Street;

15. A tramway (No. 15) 1 mile 3 furlongs and 2·40 chains in length of which 6 furlongs and 3 chains is double line and 4 furlongs and 9·40 chains is single line commencing in High Street (Shaw) by a junction with Tramway No. 13 at a point thirteen yards or thereabouts north-eastward from Church Street and passing thence into and along Oldham Road and Higginshaw Lane (otherwise Shaw Road) and terminating therein at the boundary between the local board district of Royton and the borough of Oldham;

16. A tramway (No. 16) 6 furlongs and 6·80 chains in length of which 4 furlongs and 2·90 chains is double line and 2 furlongs 3·90 chains is single line commencing in Shaw Road (otherwise Higginshaw New Road) at the termination of Tramway No. 15 and passing thence in a southwardly direction along the said road and terminating in Shaw Road at a point in line with the northern side of the street known as Bottom-o'-th'-Moor (otherwise Huddersfield Road) at Mumps (Oldham);

17. A tramway (No. 17) 1 mile and 1·10 chains in length of which five furlongs and five chains is single line and 2 furlongs and 6·10 chains is double line commencing in the Shaw Road at the termination of Tramway No. 16 and passing thence across the street known as Bottom-o'-th'-Moor (otherwise Huddersfield Road) into and along Cross Street and Lees Road and terminating therein at the boundary between the borough of Oldham and the local board district of Lees;

18. A tramway (No. 18) 1 furlong 9·20 chains in length of which 1 furlong and 6·20 chains is single line and three chains is double line commencing in Lees Road at the termination of Tramway No. 17 and passing thence into and along High Street (Lees) and terminating therein at a point three yards or thereabouts westward from Stamford Street;

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19. A tramway (No. 19) 1 furlong and 0·70 chain in length of which 1 furlong and 0·20 chain is double line and 0·50 chain is single line wholly in High Street (Lees) commencing at the termination of Tramway No. 18 and terminating at the boundary between the counties of Lancaster and York.

Gauge of new tramways.

42. The new tramway hereinbefore described and numbered 9 shall be constructed on a gauge of three feet six inches and the new tramways hereinbefore described and numbered 13 14 15 16 17 18 and 19 shall be constructed on a gauge of four feet eight and a half inches or such other gauge not being less than three feet six inches as the Board of Trade may approve Provided always that if the new tramways numbered 13 and 14 shall be constructed on a wider gauge than three feet six inches the Company may lay down and maintain an additional or inner rail to admit of the passage of engines and carriages adapted for a gauge of three feet six inches Provided also that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages or engines used on the new tramways constructed on a gauge of three feet six inches but no such carriage or engine shall exceed five feet six inches in width and no carriage or engine used on the new tramways constructed on a gauge of four feet eight and a half inches shall exceed six feet in width.

Penalty imposed unless the line is opened within the time limited.

43. If the Company fail within the period limited by this Act to complete the new tramways the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the uncompleted tramways are completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of such new tramways as remain uncompleted and the said penalty may be applied for by any road authority landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the Solicitor of Her Majesty's Treasury and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster-General on behalf of the Chancery Division of the High Court of Justice in England in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as hereinafter provided but no penalty shall accrue in respect of any time during which it

shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control Provided also that if the Corporation of Oldham under the powers conferred upon them by this Act intimate to the Company by notice in writing their intention to construct the tramways by this Act authorised to be constructed within the borough of Oldham the Company shall not be liable to any penalty in consequence of the non-completion of those tramways within the period limited by this Act.

Application of penalty.

44. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the new tramways or any portion thereof and for which injury or loss no compensation or inadequate compensation shall have been paid and also in compensating all road authorities for the expense incurred by them in taking up any new tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such new tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

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Release of portion of deposit applicable to tramways abandoned.

45. Notwithstanding anything contained in section 12 of the Tramways Act 1870 the Chancery Division of the High Court of Justice may at any time after the passing of this Act on the application of the Company order the sum of eighty-eight pounds eight shillings and nine pence consolidated three per cent. annuities (being the proportion of the sum of four thousand two hundred and forty-five pounds seven shillings and eleven pence like annuities deposited in pursuance of the said section 12 with the Chancery Division in respect of the tramways authorised by the Manchester Order 1882 which is applicable to so much of Tramways No. 5 and No. 9 authorised by the said Order as is directed by this Act to be abandoned) to be paid or transferred to the Company and thereupon the same shall be paid or transferred to the Company or to any persons or person whom they may appoint on that behalf.

Period for completion of new tramways.

46. The new tramways shall be completed within two years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Further provision as to construction of new tramways.

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

Mode of formation of new tramways.

48. Subject to the provisions of this Act every new tramway to be made or laid down under this Act shall be constructed with rails to be approved by the Board of Trade and shall be laid and maintained in such a manner that the uppermost surface of the rail shall be on a level with the surface of the street or road.

Company may be required to use improved form of rail.

49. The Board of Trade may from time to time upon the application of the local authority or road authority require the Company to adopt and apply such improvements in the new tramways including the rails thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Company shall with all reasonable dispatch comply with any order made by the Board of Trade for the purpose of carrying into effect any such improvements.

Inspection by Board of Trade.

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

For the protection of the Lancashire and Yorkshire Railway Company.

51. In constructing forming laying down working using and maintaining the new tramways numbered 13 15 and 16 the following provisions for the protection of the Lancashire and Yorkshire Railway Company (hereinafter referred to as "the railway company") shall be observed by the Company and their assigns and shall have effect :—

(A) The Company shall so construct and maintain Tramway No. 13 in the Shaw Road (Royton) where such road is carried by means of a bridge over the Royton branch of the Lancashire and Yorkshire Railway and Tramway No. 15 in Higginshaw Lane otherwise Shaw Road where such road is carried by means of a bridge over the same branch of the said railway and Tramway No. 16 in the Shaw Road (Oldham) where such road is carried by means of a bridge over the Oldham Rochdale and Royton branch of the said railway as not to alter or interfere with the construction of the said bridges respectively or of the approaches thereto unless such alteration of or interference with the construction of either of the said bridges be absolutely necessary for the purpose of constructing the said tramways and in the event of any such alteration of or interference with any of the said bridges the Company shall together with the notice required in such cases by section twenty-six of the Tramways Act 1870 submit to the railway company detailed drawings and specifications showing the proposed work as affecting such bridge. If any dispute or

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difference arises between the Company and the railway company as to such alteration or interference the same shall be left to the decision of the Board of Trade and the Company shall so construct and maintain the said tramways as not to injuriously affect the stability of the said bridges respectively and the approaches thereto;

(b) In the event of any injury being occasioned to any of the said bridges or the approaches thereto or any part or parts thereof respectively by the construction of the said tramways over the same (whether such injury shall occur either during or after the construction of or in maintaining the said tramways or in or by the working or user thereof) the railway company may at the expense of the Company restore such bridges and approaches or the part or parts which may be injured to as good a state and condition as they were in immediately before such injury was occasioned and the Company shall recoup to and indemnify the railway company against all sums costs and expenses which they may pay or be put to in restoring such bridges and approaches in manner aforesaid and in maintaining and repairing (in case of default by the Company) of so much of the roads over the said bridges and approaches as the Company are liable to maintain and repair under the twenty-eighth section of the Tramways Act 1870 and the railway company may recover from the Company all such sums costs and expenses together with full costs and charges in like manner as any simple contract debt;

(c) In case it shall become necessary to strengthen the fabric of any or either of the said bridges the railway company may execute such works as their engineer may deem necessary but in all things at the expense of the Company and the railway company may recover from the Company in manner aforesaid all moneys expended by them in the execution of such works as aforesaid together with full costs;

(d) If it shall become necessary for effecting such strengthening that the working and use of any of the said tramways shall be wholly or in part stopped or delayed and the railway company shall give the Company three clear days' notice in writing requiring such stoppage or delay the working or user of such tramways or tramway shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the railway company shall not be liable for any compensation claim demand damages costs or expenses for or in respect of such stoppage or delay;

(E) If any dispute or difference shall arise between the railway company and the Company respecting the necessity for the exercise of or in anyway relating to the powers or provisions of this section or otherwise such dispute or difference shall be settled in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of differences in the said section mentioned;

(F) The sleepers and other materials forming the substructure of the said tramways where the same respectively cross the railway company's railways bridges works or property shall subject to the provisions of this section be such as shall be reasonably approved of by them.

For the protection of London and North-western Railway Company.

52. In constructing and maintaining Tramway No. 17 by this Act authorised where such tramway crosses the Oldham branch railway of the London and North Western Railway Company (hereinafter called "the railway company"), on the bridge carrying Lees Road over the said branch railway the following provisions shall have full force and effect and be binding upon the Company and their assigns:—

(A) The Company shall not in anyway alter or interfere with the structure of such bridge or of the approaches thereto and they shall so construct and maintain such tramway over such bridge and the approaches thereto as not injuriously to affect the same;

(B) In the event of any injury being caused to such bridge or approaches by the construction maintenance repairing user or the removal of such tramway the railway company may at the expense of the promoters restore such bridge and approaches or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Company shall indemnify the railway company against all sums costs and expenses which they may pay or be put to in repairing and maintaining (in case of default by the Company) so much of the road over such bridge and approaches as the Company are liable to maintain and repair under the twenty-eighth section of the Tramways Act 1870 and the railway company may recover from the Company all such sums costs and expenses with full costs by all and the same means as any simple contract debt may be recovered;

(c) Whenever and so often as the railway company shall require to widen lengthen strengthen reconstruct alter or repair such bridge or approaches or to widen or alter the said branch

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railway or to lift or support such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been worked or gotten and they shall find it necessary for effecting any such purposes that the working and user of the tramway over such bridge or approaches shall be wholly or partially stopped or delayed or that such tramway shall be temporarily diverted or be wholly or in part taken up or removed and shall except in cases of emergency give to the promoters seven clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramway shall be stopped or delayed or the tramway shall be diverted or taken up or removed accordingly at the expense of the Company and under the superintendence of their engineer if such engineer gives such superintendence but only for so long as the railway company may find to be absolutely necessary for effecting such purposes and without their being liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage or delay or in anyway relating thereto And in case the principal engineer of the railway company shall be of opinion that any such strengthening is desirable or necessary owing to the carriages or vehicles on such tramway being or being intended to be moved by steam or any mechanical power such strengthening shall be effected in all things at the expense of the Company who shall also pay to the railway company all additional expense which they may incur or be put to in effecting any such widening lengthening strengthening reconstruction alterations repairs lifting or supporting by reason of the existence of the tramway so passing or any of the works connected therewith the amounts of such expenditure to be recoverable as aforesaid by the railway company from the Company with full costs and charges by all and the same means as any simple contract debt may be recovered;

(d) All works which may be necessary in constructing and maintaining the said tramway over such bridge works or property of the railway company shall be constructed and maintained in all things at the expense of the Company and to the reasonable satisfaction of the principal engineer of the railway company;

(e) Nothing contained in this Act shall prejudice lessen take away or interfere with the lands property rights powers and privileges of the railway company otherwise than is hereby expressly provided;

(f) If any dispute or difference arises between the railway company and the Company under the provisions of this section such dispute or difference shall be settled in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

For the protection of the Royton Local Board.

53. For the protection of the local board for the district of Royton in the county palatine of Lancaster (in this Act referred to as "the Royton Board") the following provisions (in addition to the provisions of this Act in which the Royton Board are referred to as the local or road authority or are mentioned by name) shall have effect with respect to the construction and maintenance of such of the new tramways as are authorised to be constructed within the district of the Royton Board (and hereinafter referred to as "the Royton tramways"):—

Company to pave portion of road repairable by them with setts of specified size and material.

(a) Where any portion of the Royton tramways shall be laid in any road within the district of the Royton Board the portion of the road required by section twenty-eight of the Tramways Act 1870 or by this Act to be maintained and kept in good repair by the Company shall not be deemed to be so maintained and kept in repair unless it is paved by the Company with best Lonkey paving setts to be approved by the surveyor for the time being of the Royton Board and the same shall be laid in such manner as such surveyor shall approve;

As to entire widths of portions of roadway being maintained by Company in certain cases.

(b) Where a less distance than three feet intervenes between the nearest rail of any of the Royton tramways and the edge of the footpath the Company shall maintain and keep in repair the whole width of the roadway with the paving setts and in the manner and subject to the approval in the preceding subsection provided for Provided always that the Company shall not be required to maintain and keep in repair the whole width of the roadway as aforesaid if such less distance is caused through any deviation of the Royton tramways from the centre of the road by direction of the Royton Board or to meet the requirements of the Royton Board;

Extending certain provisions of the Manchester Order 1882.

(c) The several provisions which are contained in the subsections hereinafter mentioned of section twelve of the Manchester Order 1882 (that is to say) subsections (13) (17) (18) (19) (21) (22) (23) (24) (25) (26) (28) (32) (33) (36) (39) (48) (49) (51) and (59) respectively shall mutatis mutandis extend and be applicable to the Royton Board and the Royton tramways as if the Royton Board and the Royton tramways were therein expressly mentioned by name instead of the Rochdale Corporation and the Rochdale tramways;

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Royton Board may use tramways for certain purposes during certain hours.

(D) The Royton Board at such times between the hours of eleven at night and five in the morning as they shall think fit may use the Royton tramways for the conveyance of night-soil dung manure ashes rubbish filth and other refuse scavenging stuff and road metal required for their works free of all tolls and charges whatsoever and for this object may if authorised to do so without payment to the Company therefor connect branch lines with the lines of the Company at such points as the Royton Board may from time to time deem expedient and may for such purposes subject to the provisions of this Act use steam or any mechanical power on the Royton tramways;

Royton Board may make additional regulations and byelaws.

(E) The Royton Board may subject to the provisions of this Act from time to time make under and according to the provisions of section forty-six of the Tramways Act 1870 regulations and bye-laws for preventing the overcrowding of any carriages used on the Royton tramways in addition to the purposes in the said section mentioned.

For the protection of the Littleborough Local Board.

54. For the protection of the local board for the district of Littleborough in the county palatine of Lancaster (in this Act referred to as "the Littleborough Board") the following provisions (in addition to the provisions of this Act in which the Littleborough Board are referred to as the local or road authority or are mentioned by name) shall have effect with respect to the construction and maintenance of such of the new tramways as are authorised to be constructed within the district of the Littleborough Board (and hereinafter referred to as "the Littleborough tramways"):—

Company to pave portion of road repairable by them with setts of specified size and material.

(A) Where any portion of the Littleborough tramways shall be laid in any road within the district of the Littleborough Board the portion of the road required by section twenty-eight of the Tramways Act 1870 to be maintained and kept in good repair by the Company shall not be deemed to be so maintained and kept unless (subject to the approval of the Board of Trade) it is paved by the Company with best local setts of such depth (not exceeding six inches) as the Littleborough Board may reasonably direct and approve;

Company to pave with wood cubes opposite parish church if required.

(B) The Company shall if required by the Littleborough Board pave with wood cubes or setts to the satisfaction of their surveyor for the time being so much of the road repairable by the Company as lies in front of the Littleborough parish church;

Extending certain provisions of the Manchester Order 1882.

(C) The several provisions which are contained in the subsections hereinafter mentioned of section twelve of the Manchester Order 1882 (that is to say) subsections (13) (17) (18) (19) (21) (22)

(23) (24) (25) (26) (28) (36) (39) (48) and (49) respectively shall mutatis mutandis extend and be applicable to the Littleborough Board and the Littleborough tramways as if the Littleborough Board and the Littleborough tramways were therein expressly mentioned by name instead of the Rochdale Corporation and the Rochdale tramways;

Littleborough Board may use tramways for certain purposes during certain hours.

(d) The Littleborough Board at such times between the hours of eleven at night and five in the morning as they shall think fit may use the Littleborough tramways for the conveyance of night-soil dung manure ashes rubbish filth and other refuse scavenging stuff and road metal required for their works free of all tolls and charges whatsoever and for this object may if authorised to do so without payment to the Company therefor connect branch lines with the lines of the Company at such points as the Littleborough Board may from time to time deem expedient and may for such purposes subject to the provisions of this Act use steam or any mechanical power on the Littleborough tramways.

Provisions with respect to construction of authorised tramways on Heap Bridge.

55. The following provisions relating to Tramways Nos. 3 and 20 duly authorised by the Manchester Order 1882 shall notwithstanding anything in the said Order contained have effect that is to say:—

(a) So much of section six of the said Order as authorises the laying down of portions of Tramways No. 3 and No. 20 respectively on Heap Bridge and on the approaches thereto so far as the said bridge and approaches are repairable by the justices of the peace for the county of Lancaster (hereinafter referred to as "the justices") is hereby repealed;

(b) The said Tramways No. 3 and No. 20 shall be laid as a single line over Heap Bridge and the approaches thereto on the lines of and otherwise in strict accordance with the plan signed by Joseph Alfred Hardcastle Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and deposited in the Private Bill Office of the House of Commons and not otherwise;

(c) A copy of the said plan shall be deposited with the Board of Trade and another copy with the clerk of the peace for the county palatine of Lancaster;

(d) The justices may purchase by agreement any lands which they may require for widening Heap Bridge or the approaches thereto and for the purpose of this enactment the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act shall (except the provisions with respect to the purchase

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and taking of lands otherwise than by agreement and with respect to access to the special Act) be incorporated with this Act and in the construction of those provisions for the purposes of this enactment the justices shall be deemed to be the promoters of the undertaking.

For the protection of Lees bridge.

56. Before the Company construct or commence to construct Tramway No. 18 over Lees county bridge they shall comply with the following provisions (that is to say):—

(A) They shall take down so much of the said bridge as is necessary to enable them to widen the same and they shall widen the same so as to provide a carriageway of twenty-four feet in width and footways of not less than the respective widths of those now existing and when such bridge is so widened the tramway proposed to be laid thereon shall be constructed as a single line and shall be laid along the centre of the carriageway;

(B) The justices of the peace for the county palatine of Lancaster shall if requested by and at the expense of the Company provide the land necessary for executing the widening of the said bridge;

(C) The widening of the said bridge shall be made and completed in accordance with a plan section and specification to be approved by the said justices and under the superintendence and to the satisfaction of the bridge surveyor of the said county and such specification shall provide that in executing any of the works by this section provided for the Company shall be entitled to use all the old materials moved by them in taking down so much of the said bridge as aforesaid so far as such materials are suitable for the purpose;

(D) The Company shall pave with five-inch granite setts upon five and a-half inches of cement concrete and asphalte the joints of the setts the whole of the carriageway upon the said bridge now maintained by the justices and shall provide and lay the kerbstone and flagged footway on each side of the said bridge;

(E) All expenses incurred in the execution of the foregoing provisions of this section shall be borne and paid by the Company;

(F) Except as to such parts thereof as the Company are by the Tramways Act 1870 liable to maintain and repair the carriageway over the said bridge shall be repaired and maintained by the said justices.

For protection of the justices of the county of Lancaster.

57. For the protection of the justices of the peace for the county palatine of Lancaster (in this section referred to as "the justices")

the following provisions shall apply and have effect (that is to say):—

(A) The Company shall at their own expense pave so much of any road whereon any of the new tramways is laid upon over or adjoining any bridge or length of roadway adjacent thereto repairable by the inhabitants of the said county or of any hundred therein as lies between the rails and as extends eighteen inches beyond the rails of and on each side of such tramway with granite cubes or setts to the satisfaction of the justices or with such other paving as the justices may approve;

(B) In constructing any of the new tramways upon or over any bridge or any parts of the road at either end of any bridge in the said county the Company shall not alter or interfere with the structure of such bridge or of the approaches thereto unless such alteration or interference with the construction of such bridge be absolutely necessary for the purpose of constructing such tramway and in the event of any such alteration or interference the Company shall together with the notice required in such cases by section twenty-six of the Tramways Act 1870 submit to the justices detailed drawings and specifications showing the proposed work as affecting such bridge or approaches and if any difference arise between the Company and the justices as to such alteration or interference or the necessity therefor the same shall be left for the decision of the Board of Trade and the Company shall so construct and maintain such new tramway in the road over such bridge and the approaches thereto as not to injuriously affect such bridge or approaches and in the event of any injury being occasioned to such bridge or approaches or any part or parts thereof respectively by the construction of any of the new tramways on or over the same (whether such injury shall occur either during or after construction or in effecting the maintenance of the new tramways) the justices may restore such bridge and approaches or the part or parts which may be injured to as good a state as they were in before such injury was occasioned at the expense of the Company and the Company shall recoup to and indemnify the justices against all sums costs and expenses which they may pay or be put to in restoring such bridge and in maintaining and repairing so much of the road over such bridge and approaches as the Company are liable to maintain and keep in good condition and repair under the twenty-eighth section of the Tramways Act 1870 and the

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justices may recover from the Company all such sums costs and expenses together with full costs and charges in like manner as any simple contract debt of the like amount may be recovered;

(c) In case steam or any mechanical power is used on any of the new tramways laid on any bridge or length of roadway adjacent thereto repairable by the inhabitants of the said county or of any hundred therein the justices may execute such works as may in the opinion of their engineer and of the engineer of the Company (or in case of difference between them of an engineer to be appointed by the Board of Trade) be necessary for strengthening the fabric of such bridge and the justices may execute all such works in all things at the expense of the Company and the justices may recover from the Company in manner aforesaid all moneys expended by them in the execution of such works as aforesaid together with full costs and charges in like manner as any simple contract debt of like amount may be recovered If it become necessary for effecting such strengthening that the working and use of any such tramways be wholly or in part stopped or delayed and the justices give the Company three clear days' notice in writing requiring such stoppage or delay the working and user of such new tramways or tramway shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the justices shall not be liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage or delay;

(d) Nothing herein contained shall tend to lessen or control any right power or authority now vested in the justices for altering or rebuilding any bridge and the approaches thereto repairable by the inhabitants of the said county or any hundred therein which may be crossed or affected by the works of the Company but all such rights powers and authorities shall remain in as full force as if this Act had not been passed and the justices shall not be liable to make any compensation whatever for any damage or injury to the new tramways by the altering or rebuilding of any such bridge and lengths of roadway adjacent thereto Provided that in altering or rebuilding any such bridge or the approaches thereto nothing shall be done to impede or interfere with the new tramways for any greater length of time or in any other manner than may be necessary for the execution of the works and before commencing such alteration or rebuilding fourteen days notice thereof shall be

given by the justices to the Company and the justices shall afford to the Company all necessary and reasonable temporary facilities for enabling them to continue the traffic on their new tramways during such alteration or rebuilding;

(E) If any bridge repairable by the inhabitants of the said county or of any hundred therein upon or along which any of the new tramways are laid be altered widened or rebuilt by the justices the justices may require the Company to alter any such tramways in such manner as the circumstances of the case may reasonably require Provided that in case of any difference between the justices and the Company as to such alteration widening or rebuilding the same shall be settled in manner hereinafter mentioned And provided also that it shall and may be lawful for the Company to contribute such sum as may be mutually agreed upon between the Company and the justices towards the expense of altering widening or rebuilding any of such bridges as in this section mentioned;

(F) If any dispute or difference shall arise between the justices and the Company respecting the necessity for the exercise of or in anyway relating to the powers or provisions of this section or otherwise such dispute or difference shall except where otherwise expressly provided be settled in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

For protection of the Crompton Local Board.

58. For the protection of the local board for the district of Crompton in the county palatine of Lancaster (in this Act referred to as "the Crompton Board") the following provisions (in addition to the provisions of this Act in which the Crompton Board are referred to as the local or road authority or are mentioned by name) shall have effect with respect to the construction and maintenance of such of the new tramways as are authorised to be constructed within the district of the Crompton Board (and hereinafter referred to as "the Crompton tramways"):—

Company to pave portion of road repairable by them with setts of specified size and material.

(A) Where any portion of the Crompton tramways shall be laid in any road within the district of the Crompton Board the portion of the road required by section twenty-eight of the Tramways Act 1870 or by this Act to be maintained and kept in good repair by the Company shall not be deemed to be so maintained and kept in repair unless it is paved by the Company with best Lonkey paving setts to be approved by the surveyor for the time being of the Crompton Board and

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the same shall be laid in such manner as such surveyor shall approve;

Company may contribute to cost of street improvement.

(B) The Company may contribute to the cost of any street improvements made by the Crompton Board;

Extending certain provisions of the Manchester Order 1882.

(C) The several provisions which are contained in the subsections hereinafter mentioned of section twelve of the Manchester Order 1882 (that is to say) subsections (13) (17) (18) (19) (21) (22) (23) (24) (25) (26) (28) (32) (33) (36) (39) (48) (49) (51) and (59) respectively shall mutatis mutandis extend and be applicable to the Crompton Board and the Crompton tramways as if the Crompton Board and the Crompton tramways were therein expressly mentioned by name instead of the Rochdale Corporation and the Rochdale tramways;

Crompton Board may use tramways for certain purposes during certain hours.

(D) The Crompton Board at such times between the hours of eleven at night and five in the morning as they shall think fit may use the Crompton tramways for the conveyance of night-soil dung manure ashes rubbish filth and other refuse scavenging stuff and road metal required for their works free of all tolls and charges whatsoever and for this object may if authorised to do so without payment to the Company therefor connect branch lines with the lines of the Company at such points as the Crompton Board may from time to time deem expedient and may for such purposes subject to the provisions of this Act use steam or any mechanical power on the Crompton tramways.

Crompton Board may make additional regulations and bye-laws.

(E) The Crompton Board may subject to the provisions of this Act from time to time make under and according to the provisions of section forty-six of the Tramways Act 1870 regulations and bye-laws for preventing the overcrowding of any carriages used on the Crompton tramways in addition to the purposes in the said section mentioned.

As to construction of new Tramway No. 14.

(F) Notwithstanding anything in this Act contained so much of the new Tramway No. 14 as is within the district of the Crompton Board shall be constructed and maintained in the lines and otherwise in accordance with a plan signed by Joseph Alfred Hardcastle Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and deposited in the Private Bill Office of the House of Commons.

New tramways to be kept on a level with surface of roads.

59. 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 new tramways is laid or authorised to be laid the Company may and shall from time to time alter or (as the case may

be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Penalty for not maintaining rails and road in good condition.

60. The Company shall at all times (and with respect to all the new tramways in the district of the Royton Local Board or the district of the Crompton Local Board or the district of the Littleborough Local Board with such materials and in such manner as the said Boards respectively direct and to their satisfaction) 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 new tramways and the substructure on which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act. In case it is represented in writing to the Board of Trade by the road authority of any district in which the new tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

Sanitary authority to have access to sewers.

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

Power to make additional crossings &c.

62. The Company may subject to the provisions of this Act with the consent of the local authority and road authority from time to time make maintain alter and remove such crossings passing places sidings junctions and other works in addition to those particularly

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specified in and authorised by this Act as they find necessary or convenient for the efficient working of the new tramways or for providing access to any warehouses stables carriage-houses engine-houses or works of the Company: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall by writing under their hand addressed to the Company express their objection thereto Provided also that if any crossing passing-place siding junction or other work so made with the approval of the Royton Local Board or the Crompton Local Board as the case may be or any part thereof is subsequently objected to by the Royton Local Board or the Crompton Local Board as the case may be the Royton Local Board or the Crompton Local Board as the case may be may by written notice to the Company require them to remove the same and if the Royton Local Board or the Crompton Local Board as the case may be so think fit to remake or relay the same in some other position to be specified in the notice and the Company shall from time to time comply with such requirements.

Application of road materials excavated in construction of works.

63. Any paving metalling or material excavated by the Company in the construction of the new tramways from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of any of the new tramways within the district of such road authority of so much of the roadway on either side of such new tramways as the Company are by section 28 of the Tramways Act 1870 required to maintain and the Company shall deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority or to such person or persons as he may appoint to receive the same Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such a manner as they may think fit. Any difference between the Company and any road authority or surveyor or other person with reference to

any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the promoters and any road authority.

Temporary tramways.

64. Where by reason of the execution of any work affecting the surface or soil of the road along which any new tramway is laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such new tramway or any part thereof the Company shall within fourteen days of receiving an order in writing from any road authority under the hand of their clerk or secretary discontinue or take up such new tramway for such term as may be necessary for the execution of the said work Provided that the Company may with the sanction of the road authority and subject to such conditions and in accordance in all respects with such regulations as they the said road authority may from time to time make or prescribe construct on the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain a temporary tramway or temporary tramways in lieu of the new tramway or part of a new tramway so removed or discontinued to be used. If any difference arise between the Company and any road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway or tramways under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of the differences in that section mentioned.

Carriages may be moved by animal steam or mechanical power.

65. The carriages used on the authorised tramways and the carriages used on the new tramways may subject to the provisions of this Act be moved by animal power and during a period of seven years after the opening of the same for public traffic and with the consent of the Board of Trade during such further periods of seven years as that Board may from time to time specify in any order to be signed by a secretary or assistant-secretary to that Board the carriages used on the said tramways (except Tramways Nos. 12 and 14 authorised by the Bury Order 1881) may be moved by steam power or any mechanical power Provided always that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the Schedule (A) to this Act and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all

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reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of steam or any mechanical power on the tramways.

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

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

Bye-laws.

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

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

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

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

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

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

Penalty for breach of bye-laws.

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

Recovery of penalties.

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

Amendment of the Tramways Act 1870 as to bye-laws by local authority.

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

Orders and bye-laws.

71. All orders and bye-laws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant-secretary of that Board.

Where steam or mechanical power is used contracts with road authority not to be for longer than two years at a time.

72. Where steam or any mechanical power is used by the Company or any other company or person on the new tramways or any part thereof no contract agreement or arrangement made before or after the commencement of the use of steam or any mechanical power as aforesaid with respect to the user by the Company or such other company or person as aforesaid or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of any road authority upon which the new tramways or part of the new tramways are or is laid or with respect to the payment by the Company or such other company or person as aforesaid to the road authority of any annual or other sum in relation to the

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user paving and keeping in repair of the road shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or mechanical power as aforesaid or the making of the contract agreement or arrangement: Provided always that any contract agreement or arrangement may from time to time be renewed with or without modification or a new contract agreement or arrangement may be made instead thereof.

As to contracts with road authorities where steam or mechanical power is to be used.

73. Where the Company or any other company or person intend to use steam or any mechanical power under the authority of this Act on the new tramways or any part thereof they or he shall give two months previous notice of their or his intention to every road authority within whose district the new tramways or any part thereof upon which they or he intend to use such power are or is situated.

Where at the time of the giving of the notice any contract agreement or arrangement is in force with respect to the user by the Company or other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of the road authority upon which the new tramways or part of them are or is laid or with respect to the payment by the Company or other company or person to the road authority of any annual or other sum in relation to the user paving and keeping in repair of the road then and in every such case with the consent of the Board of Trade it shall be lawful for the Company or other company or person by notice or for the road authority by notice to be served upon the Company or other company or person not later than forty days after the receipt by the road authority of the first-mentioned notice to determine the contract agreement or arrangement and thereupon the contract agreement or arrangement shall from and after the commencement of the use of steam or any mechanical power upon the new tramways or any part thereof be determined and of no effect.

Before using steam or any mechanical power on the new tramways or any part thereof and thereafter from time to time the Company or such other company or person as aforesaid and the road authority may enter into or renew with or without modification any contract agreement or arrangement with respect to the user by the Company or other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of the road authority upon which the new tramways or part thereof are or is laid or with respect to the payment by the Company or other company or person to the road authority of any annual or other sum in relation to the user paving and keeping in repair

of the road which they may think fit and the Board of Trade may approve.

In case any difference arise between any road authority and the Company or such other company or person as aforesaid as to the determination of any contract agreement or arrangement or in case the road authority after request in writing by the Company or other company or person or the Company or other company or person after request in writing by any road authority during a period of one month after that request refuse or fail to enter into any contract agreement or arrangement or to renew the same with or without modification or to make a new contract instead thereof or in case of any difference as to the terms of any contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof then and in every case the difference with respect to the determination or the reasonableness of the refusal or failure or the terms of the contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof shall from time to time on the appeal of either of the parties to the Board of Trade be determined in manner provided by the Tramways Act 1870 with respect to all differences between the Company and any road authority and thereupon the parties shall in all respects conform to that determination and make and observe any contract agreement or arrangement thereby prescribed Provided always that while any appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the new tramways to which the appeal relates.

No steam or mechanical power shall be used on the new tramways or any portion thereof unless there is in force in relation to the new tramways or portion thereof a contract agreement or arrangement in accordance with the provisions of this section.

Any moneys which may from time to time be received by the road authority under any contract agreement or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing improving and maintaining the highways within their district having regard in the first instance to the requirements of the roads upon which the new tramways are laid.

Traffic upon new tramways.

74. The new tramways subject and in accordance with the provisions of this Act may be used for the purpose of conveying passengers animals goods minerals and parcels.

Company not bound to carry animals goods &c.

75. The Company shall not be bound to carry unless they think fit (and then only subject and in accordance with the provisions

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of this Act) any animals goods minerals or parcels other than passengers' luggage not exceeding twenty-eight pounds in weight.

Tolls.

76. The Company may demand and take for every passenger travelling upon any of the authorised tramways or any part thereof or upon any of the new tramways or any part thereof including tolls and charges for the use of the tramways and of carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding one penny per mile or the Company may fix stages of one mile in length and may demand and take for every passenger travelling as aforesaid any sum not exceeding one penny per stage and for the purpose of this section a fraction of a mile or a fraction of a stage shall be deemed a mile or a stage as the case may be Provided always that except upon the tramways within the borough of Heywood the Company may in respect of first-class passengers demand and take in addition to the sum of one penny per mile or one penny per stage as the case may be any sum not exceeding one penny for the whole distance travelled Provided also that before the Company fix stages as aforesaid they shall submit a list of such stages for the approval of the local authority affected thereby and such list shall be deemed to be approved if not disapproved within fourteen days from the delivery thereof. Any difference between the Company and any local authority as to the position of any such stages shall be settled in the manner provided by section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

Passengers' luggage.

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

Cheap fares for labouring classes.

78. The Company at all times after the opening of the new tramways or any part or parts thereof for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as the Company think most convenient for artizans mechanics and daily labourers at tolls or charges not exceeding one halfpenny per mile (the Company nevertheless not being required to take any fare less than one penny) Provided

also that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Tolls for animals goods &c.

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

Payment of tolls.

80. The tolls and charges by this Act authorised shall be paid to such persons and at such places upon or near to the tramways in respect of which the same shall be payable and in such manner and under such regulations as the Company may by notice to be annexed to the list of tolls and charges appoint.

Periodical revision of tolls.

81. If at any time after three years from the opening for public traffic of the new tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the new tramways or any portion thereof it is represented in writing to the Board of Trade by the local authority of any district in which the new tramways or any portion thereof are or is wholly or partially situate or by twenty inhabitant ratepayers of any district or by the Company that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the new tramways or portions thereof should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee report that it has been proved to his satisfaction that all or any of the tolls and charges should be revised that Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the new tramways or portion thereof in such manner as they think fit and thenceforth that order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the tolls and charges prescribed by any order shall not exceed in amount the tolls and charges by this Act authorised.

Company to carry mails.

82. The Company if required by the Postmaster-General shall perform with respect to the tramways by this Act or any of the

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recited Orders authorised all such reasonable services in regard to the conveyance of mails including parcels as the Postmaster-General may from time to time require by notice under the hand of one of the secretaries or assistant-secretaries of the Post Office or the Inspector-General of Mails for the time being the remuneration for such services being determined by agreement or failing agreement by a referee to be appointed by the Board of Trade at the request of either party.

Provided that except by agreement no mails shall be tendered for conveyance to the Company unless such mails are in charge of an officer of the Post Office And provided that (except as aforesaid) the aggregate weight of mails in charge of any one officer shall not exceed the maximum weight of luggage for the time being allowed to an ordinary passenger and shall not be carried on the seat or so as to inconvenience passengers.

In this section the expressions "mails" and "parcels" have the same meaning as in the Regulation of Railways Act 1873 and the Post Office (Parcels) Act 1882 respectively.

Form and delivery of notices.

83. With respect to the notices to be given by or to the Company and to the delivery thereof by or to the Company the following provisions shall have effect (namely):—

(1) Every notice shall be in writing or print or partly in writing and partly in print including lithograph and if given by any local authority or any road authority shall be sufficiently authenticated by being signed by their clerk or secretary;

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

Power for Corporation of Oldham to construct new tramways within the borough of Oldham.

84. The powers in this Act contained for the construction and maintenance by the Company of such of the new tramways as are situate within the borough of Oldham (hereinafter in this Act called the Oldham tramways) shall be suspended for the period of six months from the passing of this Act and the Corporation of Oldham if they so decide by a resolution may within that period intimate to the Company by notice in writing under the hand of their town clerk for the time being their intention to construct the Oldham tramways and thereupon all the rights powers authorities and obligations conferred by this Act upon the Company as to the construction maintenance and use of the Oldham tramways and the

works connected therewith or incidental thereto shall absolutely cease and determine and the said Corporation may construct maintain use work and deal with the said tramways in like manner as if the same had been authorised by the Oldham Borough Tramways (Extensions) Order 1882 and formed part of the tramways authorised by that Order and the provisions of that Order shall extend and apply accordingly so far as applicable to the Oldham tramways and the said Corporation may pay all expenses properly incurred by them in relation to the said Oldham tramways out of the borough fund or borough rate and the sum or sums which the said Corporation are by section 33 of that Order authorised to borrow for the purposes of that Order shall be increased by such sum as may be necessary for defraying the expenses incurred in relation to the said Oldham tramways.

Corporation of Oldham to lease certain tramways to the Company.

85. If and when the Oldham tramways have been completed by the Corporation of Oldham the said Corporation shall at the cost of the Company cause to be prepared and execute a lease of the said tramways to the Company for the period at the rent upon the terms and subject to the conditions specified in an agreement dated the fifteenth day of January one thousand eight hundred and eighty-four and made between the said Corporation of the one part and the limited company of the other part or as near thereto as circumstances will permit subject to the approval of the Board of Trade and subject to such approval the Company shall accept such lease and execute a counterpart thereof.

Company may accept lease of certain tramways.

86. If and when the tramways authorised by the Oldham Borough Tramways (Extensions) Order 1882 have been completed by the Corporation of Oldham the Company may accept a lease of the said tramways for the period at the rent upon the terms and subject to the conditions specified in the agreement referred to in the preceding section or as near thereto as circumstances will permit subject to the approval of the Board of Trade.

Interest not to be paid on calls paid up.

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

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

88. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any

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standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other tramways or to execute any other work or undertaking.

Tramways not exempt from provisions of present and future general Acts.

89. Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by this Act.

Expenses of Act.

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

The SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

Break Power of Engines.

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

As to Fittings of Engines, &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

As to Carriages.

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

Inspection of Engines and Carriages.

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

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As to Speed.

The speed at which engines and carriages may be driven or propelled along the new tramways shall not exceed the rate of eight miles an hour.

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

SCHEDULE B.

Tolls and Charges for Animals, Goods, &c.

		Per mile. s.	d.
Animals.	For every horse mule or other beast of draught or burden - per head	0	6
	For every ox cow bull or head of cattle - - - ,,	0	6
	For every calf pig sheep or other small animal - - ,,	0	3
Goods and minerals.	For all coals coke culm charcoal cannel limestone chalk lime salt sand fire-clay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways - per ton	0	3
	For all iron iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fire-clay) and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway chairs - - per ton	0	4
	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	6
	For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things - per ton	0	6
	For every carriage of whatever description - - each	1	0
Small parcels.	For every parcel not exceeding seven pounds in weight - each	0	3
	For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - - - - each	0	5
	For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - - each	0	7
	For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - - - - each	0	9
	For any parcel exceeding fifty-six pounds in weight such sums as the Company may think fit.		
	Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages,		
For the carriage of single articles of great weight.	For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the promoters may think fit not exceeding - - - - - - per ton	2	0

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

Regulation of tolls.

A fraction of a mile beyond an integral number of miles shall be deemed a mile. For a fraction of a ton the promoters may demand and take tolls and charges according to the number of the quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed to be a quarter of a ton.

With respect to all articles except stone and timber the weight shall be determined according to the usual 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 on in proportion for any smaller quantity.

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