CHAPTER lxxxv.

An Act for confirming certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, for the construction of the Common Road Conveyance Tramway, Kew and Richmond Tramway, Southall, Ealing, and Shepherd's Bush Tramway, and Uxbridge and Southall and Ealing and Brentford Tramway. [7th July 1873.] A.D. 1873.

WHEREAS, under the authority of the Tramways Act, 1870, the Board of Trade in the sessions of Parliament held respectively in the years 1871 and 1872 made the several Provisional Orders respectively set out in the first and second schedules to this Act annexed:

And whereas a Provisional Order made by the Board of Trade under the authority of the Tramways Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas the said Orders were not confirmed by Parliament, but provision was made by the Metropolitan Tramways Provisional Orders Suspension Act, 1872, enabling the Promoters of any of the said Orders to proceed with the same in the next session of Parliament; and by the said Act it was enacted, that, on proof to the satisfaction of the Board of Trade that the requirements contained in the Schedule B. to the said Act annexed had been duly complied with in relation to any of the said Orders by the Promoters, the Board of Trade might, as soon as they conveniently could after such proof of compliance as aforesaid, procure a Bill to be introduced into either House of Parliament for an Act to confirm such Provisional Order:

And whereas the Promoters of the several Provisional Orders set out in the first and second schedules to this Act annexed have complied, to the satisfaction of the Board of Trade, with the

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requirements contained in the Schedule B. to the Metropolitan Tramways Provisional Orders Suspension Act, 1872:

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

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

Short title.

1. This Act may be cited as the Metropolitan Tramways Orders Confirmation Act, 1873, No. 2.

Confirmation of Orders in schedules.

2. The several Orders set out in the first and second schedules to this Act annexed shall be and the same are hereby confirmed; and all the provisions thereof, in manner and form as they are set out in the said schedules, shall, from and after the passing of this Act, have full validity and force, and the dates of the same respectively shall be deemed to be the date of the passing of this Act.

Temporary tramways may be made when necessary.

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

If any difference arises between the Promoters 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 thirty-three of the Tramways Act, 1870, for the settlement of differences in the said section mentioned.

The terms "road" and "road authority" in this section shall have the same meanings respectively as the same terms have in the

Tramways Act, 1870: Provided that where any such work affecting the surface or soil of any such road is executed by the Metropolitan Board of Works under the authority of any Act or Acts, then the said Board shall for the purposes of this section be deemed to be the road authority.

List of Orders in Schedule I.

1. Common Road Conveyance Company's Watford Tramway.—Order authorising the construction of a Tramway upon the road from Watford to London.

2. Southall, Ealing, and Shepherds Bush Tramway.—Order authorising the construction of a Tramway on the road from Southall to London, in the county of Middlesex.

List of Orders in Schedule II.

1. Kew and Richmond.—Order authorising the construction of a Tramway from the Northern Side of Kew Bridge to Richmond.

2. Uxbridge and Southall, and Ealing and Brentford.—Order authorising the construction of Tramways on the roads between Uxbridge and Southall, and between Ealing and Brentford. in the county of Middlesex.

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SCHEDULE I.

Common Road Conveyance Co.

COMMON ROAD CONVEYANCE COMPANY'S WATFORD TRAMWAY.

Order authorising the construction of a Tramway upon the road from Watford to London.

Short title.

1. This Order may be cited as "The Common Road Conveyance Company's Tramway Order, 1873."

Incorporation of Acts.

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

Interpretation.

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

Provided that the expression "the tramway" or "the undertaking" shall mean the tramway and works and undertaking by this Order authorised.

Promoters.

The Promoters.

4. The Common Road Conveyance Company, Limited, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Land by agreement.

5. The Undertakers may from time to time purchase and acquire by agreement for the purposes of the undertaking any quantity of land not exceeding in the whole ten acres, and may erect offices, buildings, and other conveniences on any such lands.

Construction of Tramway.

Construction of tramway.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited for the purposes of this Order, the tramway herein-after described, with all proper rails, plates, offices, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramway authorised by this Order is:—

A tramway twelve miles and eight chains in length, commencing in the town of Watford in the county of Herts, at a point near to an inn known as the "Essex Arms," and thence passing along the same road over the bridge known as Watford Bridge, and thence running

into Sparrowherne through the toll-gate of the Sparrowherne trust, thence along the said road to Bushey and Bushey Heath, all in the county of Herts, thence along the same road, through Great and Little Stanmore, to Edgware, and through the toll-gate known as the Edgware Gate, thence to The Hyde and Kingsbury, still along the said road, passing the bridge known as the Brent Bridge, near the Welch Harp, to Cucklewood and the Slade, and through the toll-gate at Shoot-up Hill, and finally terminating in the said road at a point opposite or nearly opposite the Edgware Road Station of the Hampstead Junction Railway, all in the county of Middlesex.

Further provisions as to construction of tramway.

7. In addition to the requirements of section twenty-six of "The Tramways Act, 1870," the Promoters shall, at the same time as they give notice to the road authority in the metropolis of their intention to open or break up any road for the purpose of making, forming, and laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of construction, and a statement of the materials intended to be used therein; and the Promoters shall not in the metropolis commence the construction of any of the tramway or part of the tramway until such plan and statement have been approved by the said Board, 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 twenty-six of the said Act.

Promoters may be required to use improved form of rail.

8. The Board of Trade may from time to time, upon the application of the Metropolitan Board of Works, require the Promoters to adopt and apply such improvements in the tramway in the metropolis, including the rails thereof, as experience may from time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic; and the Promoters shall, with all reasonable despatch, comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Penalty for not maintaining rails and road in good condition.

9. The Promoters shall at all time 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 which the tramway for the time being consists, and the substructure upon which the same rest, and if the Promoters at any time fail to comply with this provision, or with any of the requirements of section twenty-eight of "The Tramways Act, 1870," they shall be subject to a penalty not exceeding five pounds for each day on which such act of omission continues; and such penalty may be recovered in manner provided by section fifty-six of the said Act.

Saving rights of Metropolitan Board of Works to stop up, &c. streets.

10. Nothing in this Order contained shall extend or be construed to extend to alter, abridge, or take away any of the rights, powers, and privileges conferred upon the Metropolitan Board of Works by "The Metropolis Local Management Act, 1855," or any other Act relating to that board, as to stopping for public traffic any road or street under the jurisdiction of that board, for the purpose of constructing, repairing, and maintaining the sewers along or under any such road or street.

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Tramway to be always kept on level with surface of roads.

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

Additional crossings, passing-places, &c. may be made where necessary.

12. The Promoters may from time to time hereafter, subject to the provisions of this Order, with the consent of the Metropolitan Board of Works, make all such crossings, passing-places, sidings, junctions, and other works in the metropolis, in addition to those particularly specified in and authorised by this Order, as may from time to time be necessary or convenient to the efficient working of the tramway, or for providing access to any stables or carriage sheds, or works by this Order authorised.

Traffic upon Tramway.

Traffic upon tramway.

13. The tramway may be used by the Promoters for the purpose of conveying passengers, animals, goods, materials, and parcels.

Tolls.

Tolls for passengers.

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

Provided always, that if at any time after one year from the opening for public traffic of any portion of the tramway it is represented in writing to the Board of Trade by the local authority of any district in which such portion is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, that the Promoters are charging a greater sum than twopence for distances not exceeding two miles, and that under the circumstances then existing such charge is unreasonable, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of "The Tramways Act, 1870," and if such referee report that the truth of such representation has been proved to his satisfaction, the said Board may make an order in writing limiting the amount of the rates and fares to be thenceforth charged by the Promoters for the conveyance of passengers for distances not exceeding two miles to twopence, and the Promoters shall thenceforth conform to and abide by such order: Provided always, that the Board of Trade may from time to time, after making any such order, revoke or modify the same for good cause shown to them.

Passengers luggage.

15. Every passenger travelling upon the tramway may take with him his personal luggage, not exceeding twenty-eight pounds in weight, without any charge being made for the carriage thereof.

Cheap fares for labouring classes.

16. The Promoters, at all times after the opening of the tramway 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 Promoters think most convenient, for artisans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile (the Promoters, nevertheless, not being required to take any fare less than one penny): Provided that, in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such carriages, the said Board shall have power to fix and regulate the same from time to time.

Tolls for goods.

17. The Promoters may demand and take, in respect of any animals, goods, materials, articles, or things conveyed by them on the tramway, except as is by this Order specially provided, the rates or charges specified in the schedule to this Order annexed.

As to payment of tolls.

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

Miscellaneous.

For facilitating interchange and transmission of throug traffic.

19. If the Metropolitan Board of Works at any time or times hereafter give notice in writing to the Promoters, stating that in their opinion the Promoters have not made or are not carrying out proper arrangements for facilitating in the metropolis the interchange and forwarding of traffic coming from or destined for any tramway which belongs to any other company or person, and forms an authorised junction with any of the tramway authorised by this Order, and the Promoters do not within fourteen days after delivery of such notice to them make arrangements in that behalf to the satisfaction of the said Board, the Board of Trade may and shall from time to time, upon representation of the Metropolitan Board of Works, appoint a referee to inquire into the truth of such representation, in the manner prescribed by section sixty-three of "The Tramways Act, 1870;" and if such referee report that such representation is true, the Board of Trade may make such regulations, including, if that Board so think fit, arrangements for booking through the traffic at any part thereof, and the fixing of through fares and rates, as, having regard to all the circumstances of the case, they may deem expedient for providing for such interchange and forwarding of traffic with as little inconvenience as may be to the public; and after fourteen days from the date of the delivery of a copy of any such regulation to the Promoters the same shall be binding upon the Promoters, and may be enforced in the same manner as regulations made by the local authority under section forty-six of "The Tramways Act, 1870."

Provided always, that if and whenever the Board of Trade fix any through rate or fare under this section, they shall at the same time fix and determine the proportions in which such through rate or fare shall be divided between and

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belong to the Promoters and the other companies or company interested; and in fixing and determining such proportion the said Board shall take into account all the circumstances of the case, including the actual and relative cost of construction and maintenance of the respective tramways and works of the respective companies, and the said Board may from time to time rescind, alter, or vary any order which they may make under this section.

Provisions as to general Acts.

20. Nothing herein contained shall be deemed or construed to exempt the tramway 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.

THE SCHEDULE.

Rates for the Conveyance of Goods, Animals, &c.

Goods.

(*Class* 1.)

For dung, and all sorts of manure, chalk, and all undressed materials for the repair of roads or highways:

For all coals, coke, culm, ironstone, and iron ore:

For all charcoal, limestone, stones for building, pitching, and paving, bricks, tiles, slates, clay, and sand:

For all iron, lead, tin, and tin plates (except nails, utensils, or other articles of merchandise):

Not exceeding for the use of the tramway one penny per ton per mile:

If conveyed in carriages provided by the Promoters, an additional sum per ton per mile not exceeding one eighth of a penny:

If drawn or propelled by power provided by the Promoters, a further sum per ton per mile not exceeding three eighths of a penny.

(*Class* 2.)

For all other goods, wares, merchandise, articles, matters, or things (except carriages, herein-after otherwise provided for), for the use of the tramway, twopence per ton per mile:

If conveyed in carriages provided by the Promoters, a further sum per ton per mile not exceeding one halfpenny:

If drawn or propelled by power provided by the Promoters, a further sum per ton per mile not exceeding one halfpenny.

(*Class* 3.)

For every carriage, of whatever description (not being a carriage adapted and used for travelling on a tramway, and not weighing more than one ton), not exceeding for the use of the tramway sixpence per ton per mile, and the

sum of twopence per mile for every additional quarter of a ton or fractional part of a quarter of a ton above one ton which any such carriage may weigh:

If any such carriage be conveyed on a truck or platform provided by the Promoters, an additional sum per mile of twopence:

If drawn or propelled by power provided by the Promoters, a further sum per mile not exceeding twopence.

ANIMALS.

(*Class* 4.)

For every horse, mule, ass, or other beast of draught or burden, ox, cow, bull, or head of neat cattle, conveyed in or upon any carriage, not exceeding for the use of the tramway threepence per mile:

If conveyed in or upon any carriage provided by the Promoters, an additional sum per mile not exceeding one penny:

If such carriage be drawn or propelled by power provided by the Promoters, an additional sum per mile not exceeding twopence.

(*Class* 5.)

For every calf, pig, sheep, lamb, or other small animal conveyed in or upon any carriage, not exceeding for the use of the tramway one penny per mile:

If conveyed in any carriage provided by the Promoters, an additional sum per mile not exceeding one farthing:

If such carriage be drawn or propelled by power provided by the Promoters, an additional sum per mile not exceeding twopence.

The maximum rate of charge to be made by the Promoters for the conveyance of animals, articles, matters, or things respectively included in the classes before mentioned, including the tolls for the use of the tramway, and of carriages, and cost of moving power, and every other expense connected with such conveyance, shall not exceed the amounts following:

For the matters mentioned in Class 1., not exceeding one penny halfpenny per ton per mile:

For the matters mentioned in Class 2., not exceeding threepence per ton per mile:

For any carriage mentioned in Class 3., not weighing more than one ton, not exceeding tenpence per mile, and if weighing more than one ton, not exceeding twopence per mile for every quarter of a ton or fractional part of a quarter of a ton additional:

For everything mentioned in Class 4., not exceeding sixpence per mile:

For everything mentioned in Class 5., not exceeding threepence farthing per mile:

Provided always, that it shall be lawful for the Promoters to demand and take, in addition to the tolls and rates of charge herein-before authorised, a reasonable sum for the delivery and collection of goods and other services incidental to the business of a carrier where such services respectively shall be performed by the Promoters otherwise than on the premises of the tramway.

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The following provisions and regulations shall be applicable to the calculation of the tolls:

For passengers, animals, or things conveyed on the tramway for a less distance than four miles the Promoters may demand tolls as for four miles:

For a fraction of a mile beyond four miles or beyond any greater number of miles the Promoters may demand tolls on merchandise for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile; and in respect of passengers every 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 toll according to the number of quarters of a ton in the fraction, and if there be a fraction of a ton the fraction shall be deemed a quarter of a ton:

With respect to all things, 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 in proportion for any smaller quantity.

Rates for the Conveyance of Small Parcels.

For any parcel not exceeding seven pounds in weight, sixpence:

For any parcel exceeding seven pounds in weight but not exceeding fourteen pounds in weight, ninepence:

For any parcel exceeding fourteen pounds in weight but not exceeding twenty-eight pounds in weight, one shilling:

For any parcel exceeding twenty-eight pounds in weight but not exceeding fifty-six pounds in weight, one shilling and sixpence:

For parcels exceeding fifty-six pounds in weight but not exceeding five hundred pounds in weight, such reasonable sum as the Promoters may think fit:

Provided always, that articles sent in large aggregate quantities, although made up of 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.

Rates for the Conveyance of Single Articles of great Weight.

For the carriage of any one boiler or cylinder, or any one piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed three tons, the Promoters may demand such sum as they think fit.

Nothing herein contained shall be held to prevent the Promoters from taking any increased charge, over and above the charges herein-before limited, for the conveyance of goods of any description, by agreement with the owners of and persons in charge of such goods, either in respect of the conveyance of such goods, except small parcels, by passenger or other trains, or by reason of any other special service performed by the Promoters in relation to such goods.

SOUTHALL, EALING, AND SHEPHERDS BUSH TRAMWAY.

Southall, Ealing, and Shepherds Bush.

Order authorising the construction of a Tramway on the road from Southall to London, in the county of Middlesex.

Short title.

1. This Order may be cited as "The Southall Tramway Order, 1873."

Incorporation of Acts.

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

Interpretation.

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

Provided that the expression "the tramway" or "the undertaking" shall mean the tramway and works and undertaking by this Order authorised.

The Promoters.

Promoters.

4. The Southall and Shepherds Bush Tram-Railway Company, Limited, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Land by agreement.

5. The Promoters may, by agreement, from time to time purchase and acquire such lands as may be necessary for the undertaking, not exceeding in the whole ten acres, and may erect offices, buildings, and other conveniences on any such land.

Construction of Tramway.

Construction of tramway.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited for the purposes of this Order, the tramway herein-after described, with all proper rails, plates, offices, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramway authorised by this Order is:—

A tramway six miles seven furlongs four chains in length, commencing in the Uxbridge Road, in the parish of Norwood, in the county of Middlesex, at a point near to an inn known as the "Red Lion," and thence passing along the same road over the bridge known as the "Brent Bridge," and thence running into the High Street, Hanwell, then along the same road into Ealing, and through the "Old Hat" toll-gate and the Broadway, and subsequently through the Ealing Common, and thence continuing still along the same road through the High Street, Acton, and through the toll-gate

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at Acton Vale or Bottom, thence running into Shepherds Bush in the parish of Hammersmith, passing along by the Shepherds Bush Common, and finally terminating in the said Uxbridge Road at a point opposite or nearly opposite the Uxbridge Road Station of the West London Railway.

Further provisions as to construction of tramway.

7. In addition to the requirements of section twenty-six of "The Tramways Act, 1870," the Promoters shall, at the same time as they give notice to the road authority in the metropolis of their intention to open or break up any road for the purpose of making, forming, and laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of construction, and a statement of the materials intended to be used therein; and the Promoters shall not in the metropolis commence the construction of the tramway or part of the tramway until such plan and statement have been approved by the said Board, 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 twenty-six of the said Act.

Promoters may be required to use improved form of rail.

8. The Board of Trade may from time to time, upon the application of the Metropolitan Board of Works, require the Promoters to adopt and apply such improvements in the tramway in the metropolis, including the rails thereof, as experience may from time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic; and the Promoters shall, with all reasonable despatch, comply with any order made by the Board of Trade for the purpose of carrying out such improvements.

Penalty for not maintaining rails and road in good condition.

9. The Promoters shall at all time 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 which the tramway for the time being consists, and the substructure upon which the same rest, and if the Promoters at any time fail to comply with this provision, or with any of the requirements of section twenty-eight of "The Tramways Act, 1870," they shall be subject to a penalty not exceeding five pounds for each day on which such act of omission continues; and such penalty may be recovered in manner provided by section fifty-six of the said Act.

Saving rights of Metropolitan Board of Works to stop up, &c. streets.

10. Nothing in this Order contained shall extend or be construed to extend to alter, abridge, or take away any of the rights, powers, and privileges conferred upon the Metropolitan Board of Works by "The Metropolis Local Management Act, 1855," or any other Act relating to that Board, as to stopping for public traffic any road or street under the jurisdiction of that Board, for the purpose of constructing, repairing, and maintaining the sewers along or under any such road or street.

Tramway to be always kept on level with surface of roads.

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

Southall, Ealing, and Shepherds Bush.

12. The Promoters may, from time to time hereafter, subject to the provisions of this Order, with the consent of the Metropolitan Board of Works, make all such crossings, passing-places, sidings, junctions, and other works in the metropolis, in addition to those particularly specified in and authorised by this Order, as may from time to time be necessary or convenient to the efficient working of the tramway, or for providing access to any stables or carriage sheds, or works by this Order authorised.

Additional crossings, passing-places, &c. may be made where necessary.

Traffic upon Tramway.

13. The tramway may be used for the purpose of conveying passengers, animals, goods, materials, and parcels.

Traffic upon tramway.

Tolls.

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

Tolls for passengers.

Provided always, that if at any time after one year from the opening for public traffic of any portion of the tramway it is represented in writing to the Board of Trade by the local authority of any district in which such portion is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, that the Promoters are charging a greater sum than twopence for distances not exceeding two miles, and that under the circumstances then existing such charge is unreasonable, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of "The Tramways Act, 1870," and if such referee report that the truth of such representation has been proved to his satisfaction, the said Board may make an order in writing limiting the amount of the rates and fares to be thenceforth charged by the Promoters for the conveyance of passengers for distances not exceeding two miles to twopence, and the Promoters shall thenceforth conform to and abide by such order: Provided always, that the Board of Trade may from time to time, after making any such order, revoke or modify the same for good cause shown to them.

15. Every passenger travelling upon the tramway may take with him his personal luggage, not exceeding twenty-eight pounds in weight, without any charge being made for the carriage thereof.

Passengers luggage.

16. The Promoters, at all times after the opening of the tramway 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 Promoters think most convenient, for artisans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile (the Promoters, nevertheless, not

Cheap fares for labouring classes.

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being required to take any fare less than one penny): Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such carriages, the said Board shall have power to fix and regulate the same from time to time.

Tolls for goods.

17. The Promoters may demand and take in respect of any animals, goods, materials, articles, or things conveyed by them on the tramway, except as is by this Order specially provided, including the tolls for the use of the tramways, and for waggons or trucks and motive power, any rates specified in the schedule to this Order annexed.

As to payment of tolls.

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

Miscellaneous.

For facilitating interchange and transmission of through traffic.

19. If the Metropolitan Board of Works at any time or times hereafter give notice in writing to the Promoters, stating that in their opinion the Promoters have not made or are not carrying out proper arrangements for facilitating in the metropolis the interchange and forwarding of traffic coming from or destined for any tramway which belongs to any other company or person, and forms an authorised junction with the tramway authorised by this Order, and the Promoters do not within fourteen days after delivery of such notice to them make arrangements in that behalf to the satisfaction of the said board, the Board of Trade may and shall, from time to time, upon representation by the Metropolitan Board of Works, appoint a referee to inquire into the truth of such representation in the manner prescribed by section 63 of "The Tramways Act, 1870," and if such referee report that such representation is true, the Board of Trade may make such regulations, including, if that Board so think fit, arrangements for booking through the traffic or any part thereof, and the fixing of through fares and rates, as, having regard to all the circumstances of the case, they may deem expedient for providing for such interchange and forwarding of traffic with as little inconvenience as may be to the public; and after fourteen days from the date of the delivery of a copy of any such regulation to the Promoters the same shall be binding upon the Promoters, and may be enforced in the same manner as regulations made by the local authority under section 46 of "The Tramways Act, 1870:" Provided always, that if and whenever the Board of Trade fix any through rate or fare under this section, they shall at the same time fix and determine the proportions in which such through rate or fare shall be divided between and belong to the Promoters and the other companies or company interested, and in fixing and determining such proportions the said Board shall take into account all the circumstances of the case, including the actual and relative cost of construction and maintenance of the respective tramways and works of the respective companies; and the said Board may from time to time rescind, alter, or vary any order which they may make under this section.

Provisions as to general Acts.

20. Nothing herein contained shall be deemed or construed to exempt the tramway 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.

THE SCHEDULE.

Rates for the Conveyance of Goods, Animals, &c.

GOODS.

(*Class* 1.)

For dung, and all sorts of manure, chalk, and all undressed materials for the repair of roads or highways:

For all coals, coke, culm, ironstone, and iron ore:

For all charcoal, limestone, stones for building, pitching, and paving, bricks, tiles, slates, clay, and sand:

For all iron, lead, tin, and tin plates (except nails, utensils, or other articles of merchandise):

Not exceeding for the use of the tramway one penny per ton per mile:

If conveyed in carriages provided by the Promoters, an additional sum per ton per mile not exceeding one eighth of a penny:

If drawn or propelled by power provided by the Promoters, a further sum per ton per mile not exceeding three eighths of a penny.

(*Class* 2.)

For all other goods, wares, merchandise, articles, matters, or things (except carriages, herein-after otherwise provided for), for the use of the tramway, twopence per ton per mile:

If conveyed in carriages provided by the Promoters, a further sum per ton per mile not exceeding one halfpenny:

If drawn or propelled by power provided by the Promoters, a further sum per ton per mile not exceeding one halfpenny.

(*Class* 3.)

For every carriage, of whatever description (not being a carriage adapted and used for travelling on a tramway, and not weighing more than one ton), not exceeding for the use of the tramway sixpence per ton per mile, and the sum of twopence per mile for every additional quarter of a ton or fractional part of a quarter of a ton above one ton which any such carriage may weigh:

If any such carriage be conveyed on a truck or platform provided by the Promoters, an additional sum per mile of twopence:

If drawn or propelled by power provided by the Promoters, a further sum per mile not exceeding twopence.

ANIMALS.

(*Class* 4.)

For every horse, mule, ass, or other beast of draught or burden, ox, cow, bull, or head of neat cattle, conveyed in or upon any carriage, not exceeding for the use of the tramway threepence per mile:

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If conveyed in or upon any carriage provided by the Promoters, an additional sum per mile not exceeding one penny:

If such carriage be drawn or propelled by power provided by the Promoters, an additional sum per mile not exceeding twopence.

(*Class* 5.)

For every calf, pig, sheep, lamb, or other small animal conveyed in or upon any carriage, not exceeding for the use of the tramway one penny per mile:

If conveyed in any carriage provided by the Promoters, an additional sum per mile not exceeding one farthing:

If such carriage be drawn or propelled by power provided by the Promoters, an additional sum per mile not exceeding twopence.

The maximum rate of charge to be made by the Promoters for the conveyance of animals, articles, matters, or things respectively included in the classes before mentioned, including the tolls for the use of the tramway, and of carriages, and cost of moving power, and every other expense connected with such conveyance, shall not exceed the amounts following:

For the matters mentioned in Class 1., not exceeding one penny halfpenny per ton per mile:

For the matters mentioned in Class 2., not exceeding threepence per ton per mile:

For any carriage mentioned in Class 3., not weighing more than one ton, not exceeding tenpence per mile, and if weighing more than one ton, not exceeding twopence per mile for every quarter of a ton or fractional part of a quarter of a ton additional:

For everything mentioned in Class 4., not exceeding sixpence per mile:

For everything mentioned in Class 5., not exceeding threepence farthing per mile:

Provided always, that it shall be lawful for the Promoters to demand and take, in addition to the tolls and rates of charge herein-before authorised, a reasonable sum for the delivery and collection of goods and other services incidental to the business of a carrier where such services respectively shall be performed by the Promoters otherwise than on the premises of the tramway.

The following provisions and regulations shall be applicable to the calculation of the tolls:

For passengers, animals, or things conveyed on the tramway for a less distance than four miles the Promoters may demand tolls as for four miles:

For a fraction of a mile beyond four miles or beyond any greater number of miles the Promoters may demand tolls on merchandise for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile; and in respect of passengers every 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 toll according to the number of quarters of a ton in the fraction, and if there be a fraction of a ton the fraction shall be deemed a quarter of a ton :

With respect to all things, 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 in proportion for any smaller quantity.

Rates for the Conveyance of Small Parcels.

For any parcel not exceeding seven pounds in weight, sixpence :

For any parcel exceeding seven pounds in weight but not exceeding fourteen pounds in weight, ninepence :

For any parcel exceeding fourteen pounds in weight but not exceeding twenty-eight pounds in weight, one shilling :

For any parcel exceeding twenty-eight pounds in weight but not exceeding fifty-six pounds in weight, one shilling and sixpence :

For parcels exceeding fifty-six pounds in weight but not exceeding five hundred pounds in weight, such reasonable sum as the Promoters may think fit :

Provided always, that articles sent in large aggregate quantities, although made up of 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.

Rates for the Conveyance of Single Articles of great Weight.

For the carriage of any one boiler or cylinder, or any one piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed three tons, the Promoters may demand such sum as they think fit.

Nothing herein contained shall be held to prevent the Promoters from taking any increased charge, over and above the charges herein-before limited, for the conveyance of goods of any description, by agreement with the owners of and persons in charge of such goods, either in respect of the conveyance of such goods, except small parcels, by passenger or other trains, or by reason of any other special service performed by the Promoters in relation to such goods.

SCHEDULE II.

Kew and Richmond.

KEW AND RICHMOND TRAMWAY.

Order authorising the construction of a Tramway from the Northern Side of Kew Bridge to Richmond.

Short title.

1. This Order may be cited as "The Kew and Richmond Tramway Order, 1873."

Incorporation of Acts.

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

Interpretation.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings: Provided that the expression "the tramway" or "the undertaking" shall mean the tramway and works and undertaking by this Order authorised.

The Promoters.

Promoters.

4. The Kew, Richmond, and Kingston Tramway Company, Limited, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may, by agreement, from time to time purchase and acquire such lands as may be necessary for the undertaking, not exceeding in the whole five acres, and may erect offices, buildings, and other conveniences on any such land.

Construction of Tramway.

Construction of tramway.

6. The Promoters may construct and maintain, subject to the provisions of this Order and in accordance with the plans and sections deposited for the purposes of this Order, the tramway herein-after described, with all proper rails, plates, offices, stables, carriage-houses, warehouses, works, and conveniences connected therewith or for the purposes thereof, and may work and use the same.

The tramway authorised by this Order is a tramway one mile seven furlongs and seven and a quarter chains in length, commencing in the parish of Ealing in the county of Middlesex, at a point on the northern

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approach road to Kew Bridge, opposite the principal entrance to the Star and Garter Hotel, Brentford, passing over Kew Bridge, along the Kew and Richmond Road, through the parishes of Kew and Richmond in the county of Surrey, and terminating in the said Kew and Richmond Road in the parish of Richmond, opposite the carriage entrance to the station yard on the northern side of the Richmond station on the Windsor line of the London and South-western Railway Company. Unless the road authority otherwise require, the tramway shall, from the point marked on the deposited plans one mile and seven furlongs to its termination, be constructed on the western side of the said Kew and Richmond Road, and so that the westernmost rail shall not be at a further distance from the edge of the footpath on the western side of the road than ten feet and six inches, measured at right angles with such rail: Provided always, that a space of not less than nine feet six inches shall at all times intervene between the outside edge of the said westernmost rail and the edge of the said footpath.

For protection of the owners of Kew Bridge.

7. Notwithstanding anything in this Order contained, the Promoters shall not construct any tramway or other works connected therewith upon or along Kew Bridge or any part thereof, or upon or along the approaches or any part of the approaches to the said bridge under the jurisdiction of the trustees or owners for the time being of Kew Bridge, nor shall the Promoters enter upon, take, use, or interfere with any land or property of the said trustees or owners, without in every case the previous consent in writing of the said trustees or owners.

Penalty for not maintaining rails and road in good condition.

8. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which the tramway for the time being consists, and the substructure upon which the same rest; and if the Promoters at any time fail to comply with this provision, or with any of the requirements of section 28 of "The Tramways Act, 1870," they shall be subject to a penalty not exceeding five pounds for each day on which such act of omission continues, and such penalty may be recovered by the road authority only, in manner provided by section 56 of the said Act.

Temporary tramways may be made when necessary.

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

If any difference arises between the Promoters and any road authority with respect to the reasonableness of any regulations, or with respect to the mode of

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constructing any temporary tramway or tramways under the authority of this section, the same 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.

Passing-places to be constructed in certain places.

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

Tramway to be kept on level with surface of roads.

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

Additional crossings, passing-places, &c. may be made where necessary.

12. The Promoters may from time to time hereafter, subject to the provisions of this Order, with the consent of the road authority, make all such crossings, passing-places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Order, as may from time to time be necessary or convenient to the efficient working of the tramway, or for providing access to any stables or carriage sheds or works by this Order authorised: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if 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 Promoters, express their objection thereto.

Application of road materials excavated in construction of works.

13. Any paving, metalling, or material excavated by the Promoters in the construction of the undertaking from any road under the jurisdiction or control of any road authority may be applied by the Promoters, so far as may be necessary, in or towards the reinstating of the road, and the maintenance for six months after completion of the tramway within the district of such road authority of so much of the roadway on either side of the tramway as the Promoters are required to maintain by this Order; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of 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 excavation of any such paving, metalling, or material, the surplus thereof as aforesaid is not removed by the said surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by "The Tramways Act, 1870," with respect to differences between the Promoters and any road authority.

Traffic upon Tramway.

Kew and Richmond.

Traffic upon tramway.

14. The tramway shall be used for the purpose of conveying passengers and parcels only, but the Promoters shall not be bound to carry, unless they think fit, any parcel exceeding fifty-six pounds in weight.

Tolls.

Tolls for passengers.

15. The Promoters may demand and take for every passenger travelling upon the tramway, or any part thereof, including tolls for the use of the tramway and the carriages, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per mile (and for this purpose the fraction of a mile beyond an integral number of miles shall be deemed a mile), but the Promoters may charge for any less distance than three miles any sum not exceeding threepence: Provided always, that if at any time after one year from the opening for public traffic of any portion of the tramway it is represented in writing to the Board of Trade by the local authority of any district in which such portion is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, that the Promoters are charging a greater sum than twopence for distances not exceeding two miles, and that under the circumstances then existing such charge is unreasonable, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of "The Tramways Act, 1870," and if such referee report that the truth of such representation has been proved to his satisfaction the said Board may make an order in writing limiting the amount of the rates and fares to be thenceforth charged by the Promoters for the conveyance of passengers for distances not exceeding two miles to twopence, and the Promoters shall thenceforth conform to and abide by such order: Provided always, that the Board of Trade may from time to time, after making any such order, revoke or modify the same for good cause shown to them.

Passengers luggage.

16. Every passenger travelling upon the tramway may take with him his personal luggage, not exceeding twenty-eight pounds in weight, without any charge being made for the carriage thereof.

Cheap fares for labouring classes.

17. The Promoters at all times after the opening of the tramway for public traffic shall and they are hereby required to run 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 Promoters think most convenient, for artisans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny), exclusive of any toll payable for crossing Kew Bridge: Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

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Tolls for parcels.

18. The Promoters may demand and take in respect of parcels conveyed by them on the tramway, including the tolls for the use of the tramway and for waggons or trucks and motive power, any rates not exceeding the rates following; that is to say, for any parcel not exceeding seven pounds in weight sixpence, for any parcel exceeding seven pounds but not exceeding fourteen pounds ninepence, for any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds one shilling, for any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds one shilling and sixpence, and for any parcel exceeding fifty-six pounds in weight such reasonable sum as the Promoters think fit.

As to payment of tolls.

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

Miscellaneous.

Form and delivery of notices.

20. With respect to notices and to the delivery thereof by or to the Promoters the following provisions shall have effect; (namely,)

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

(2.) Any notice to be delivered by or to the Promoters to or by any local authority or 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 Promoters, 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.

Provisions as to general Acts.

21. Nothing herein contained shall be deemed or construed to exempt the tramway 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.

UXBRIDGE AND SOUTHALL, AND EALING AND BRENTFORD.

Uxbridge and Southall, and Ealing and Brentford.

Order authorising the construction of Tramways on the roads between Uxbridge and Southall, and between Ealing and Brentford, in the county of Middlesex.

Short title. 1. This Order may be cited as "The Uxbridge and Southall, and Ealing and Brentford Tramway Order, 1873."

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

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

Provided that the expression "the tramways" or "the undertaking" shall mean the tramways and works and undertakings by this Order authorised.

Promoters.

Promoters. 4. The London and County Tramway Company, Limited, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Land by agreement. 5. The Promoters may, by agreement, from time to time purchase and acquire such lands as may be necessary for the purposes of the undertaking, not exceeding in the whole ten acres.

Construction of Tramways.

Construction of tramways. 6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited for the purposes of this Order, the tramways herein-after described, with all proper rails, plates, offices, stables, carriage-houses, warehouses, works, and conveniences connected therewith respectively, or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are:—

Tramway No. 1, situate in the parishes of Norwood, Hayes, Hillingdon, and Uxbridge, all in the county of Middlesex, and being 6 miles and 3 chains in length, commencing at a point in the Uxbridge Road

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opposite the Red Lion Inn at Southall, by forming a junction there with the line of the Southall, Ealing, and Shepherd's Bush Tram-Railway Company, Limited, and proceeding along the said road, through the High Street of Southall, and passing over the bridge which carries the said road over the Grand Junction Canal, and subsequently over the Yedding Brook Bridge into the parish of Hayes, and continuing thence still along the said Uxbridge Road into the parish of Hillingdon, and thence along the High Road into the town of Uxbridge, passing by the market place, through the High Street of Uxbridge, and thence still along the said road, passing over the bridge there which carries the said road over the Grand Junction Canal, and terminating in the said Uxbridge Road at a point about 50 feet east of the bridge which carries the said road over the River Colne:

Tramway No. 2, situate wholly in the parish of Ealing, in the county of Middlesex, and being 1 mile 6 furlongs and 6 chains in length, commencing in the Broadway there, by forming a junction with the line of the Southall, Ealing, and Shepherd's Bush Tram-Railway Company, Limited, thence proceeding along the high road through Great Ealing, passing Ealing Green on the right hand, continuing along the said road to a point opposite Church-house School, and then turning to the left into Ealing Lane, and proceeding along the said lane into Drum Lane, and terminating there at a point 9 chains or thereabouts south of the bridge which carries the road there over the South-western Railway.

Provided always, that so much of any road whereon Tramway No. 1 will be laid as is situate within the parish of Hillingdon shall, to the extent defined by section twenty-eight of the Tramways Act, 1870, be paved with such materials as the local authority of that parish shall direct, and the same shall be renewed, maintained, and kept in repair with the like materials by the Promoters. Provided also, that a single line of rails or trams only shall be laid along the several roads through which the tramways will respectively pass, except where turnouts or passing-places may be required to be constructed for the satisfactory working of the tramways.

Penalty for not maintaining rails and road in good condition.

7. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time fail to comply with this provision, or with any of the requirements of section twenty-eight of "The Tramways Act, 1870," they shall be subject to a penalty not exceeding five pounds for each day on which such act of omission continues; and such penalty may be recovered in manner provided by section fifty-six of the said Act.

Tramways to be always kept on level with surface of roads.

8. If any road authority hereafter alter the level of any road along or across which any part of the tramways is laid or authorised to be laid, the Promoters may and shall, from time to time, alter or (as the case may be) lay their rails

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

Additional crossings, passing-places, &c. may be made where necessary.

9. The Promoters may from time to time hereafter, subject to the provisions of this Order, make all such crossings, passing-places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Order, as may from time to time be necessary or convenient to the efficient working of the tramways, or for providing access to any stables or carriage sheds, or works of the Promoters, subject to the approval of the road authority; and the Promoters shall also construct all such passing-places and sidings within the said parish of Hillingdon as the local authority shall direct: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if 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 Promoters, express their objection thereto.

Temporary tramways may be made when necessary.

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

If any difference arises between the Promoters 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 thirty-three of "The Tramways Act, 1870," for the settlement of differences in the said section mentioned.

Application of road materials excavated in construction of Promoters works.

11. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters, so far as may be necessary, in or towards the reinstating of the road, and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Promoters are required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of 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 excavation of any such paving, metalling, or material, the surplus thereof as aforesaid is not removed by the

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said surveyor or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by "The Tramways Act, 1870," with respect to differences between the Promoters and any road authority.

Traffic upon Tramways.

Traffic upon tramways.

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

Tolls.

Tolls for passengers.

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

Provided always, that if at any time after one year from the opening for public traffic of any portion of the tramways it is represented in writing to the Board of Trade by the local authority of any district in which such portion is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, that the Promoters are charging a greater sum than twopence for distances not exceeding two miles, and that under the circumstances then existing such charge is unreasonable, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of "The Tramways Act, 1870;" and if such referee report that the truth of such representation has been proved to his satisfaction, the said Board may make an order in writing limiting the amount of the rates and fares to be thenceforth charged by the Promoters for the conveyance of passengers for distances not exceeding two miles to twopence, and the Promoters shall thenceforth conform to and abide by such order: Provided always, that the Board of Trade may from time to time, after making any such order, revoke or modify the same for good cause shown to them.

Passengers luggage.

14. Every passenger travelling upon the tramways may take with him his personal luggage, not exceeding twenty-eight pounds in weight, without any charge being made for the carriage thereof.

Cheap fares for labouring classes.

15. The Promoters, at all times after the opening of the tramways 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 (Sunday, 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 Promoters think most convenient, for artisans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile (the Promoters, nevertheless, not being required to take any fare less than one penny): Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such carriages, the said Board shall have power to fix and regulate the same from time to time.

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Tolls for animals and goods.

16. The Promoters may demand and take in respect of any animals, goods, minerals, or things conveyed by them on the tramways, except as is by this Order specially provided, any rates not exceeding the rates specified in the schedule to this Order annexed, and such rates shall include the tolls for the use of the tramways, and for waggons or trucks and motive power.

As to payment of tolls.

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

Miscellaneous.

Power to enter into traffic arrangements with the Southall, &c., Tram-Railway Company, Limited.

18. The Promoters and the Southall, Ealing, and Shepherd's Bush Tram-Railway Company, Limited, may from time to time enter into and carry into effect contracts or arrangements with respect to the following purposes, or any of them; that is to say,

The user, working, maintenance, and management of their respective undertakings, or some part or parts thereof respectively:

The providing of rolling and working stock:

The appointment, removal, and payment of officers and servants:

The interchange, transmission, collection, and delivery of traffic coming from or destined for the undertakings of the Promoters and the said Company respectively:

The fixing, collection, division, apportionment, and appropriation by and between the Promoters and the said Company of the rates, tolls, and charges upon their respective undertakings:

And all incidental matters:

Provided always, that no contract or arrangement under this section shall have any effect until the same has been approved by the Board of Trade.

During the continuance of any such agreement the tramways authorised by this Order and the tramways of the said Company shall, for the purposes of tolls and charges, be considered as one tramway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the tramways authorised by this Order and partly on the tramways of the said Company for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and no other short-distance charge shall be made for the conveyance of passengers partly on the

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tramways authorised by this Order and partly on the tramways of the said Company.

Provisions as to arbitration.

19. Where under the provisions of "The Tramways Act, 1870," any matter in difference is referred to the arbitration of an engineer or other fit person nominated by the Board of Trade, the provisions of "The Common Law Procedure Act, 1854," shall apply to every such arbitration, and the decision of such engineer or person shall be final and conclusive and binding on all parties.

Form and delivery of notices.

20. With respect to notices and to the delivery thereof by or to the Promoters the following provisions shall have effect; (namely,)

(1.) Every notice shall be in writing or print, or partly in writing and partly in print, and if given by the 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 Promoters to or by the 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 Promoters, 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.

Provisions as to general Acts.

21. Nothing herein contained shall be deemed or construed to exempt 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.

THE SCHEDULE.

List of Tolls.

GOODS.

(*Class* 1.)

For dung, and all sorts of manure, chalk, and all undressed materials for the repair of roads or highways:

For all coals, coke, culm, ironstone, and iron ore:

For all charcoal, limestone, stones for building, pitching, and paving, bricks, tiles, slates, clay, and sand:

For all iron, lead, tin, and tin plates (except nails, utensils, or other articles of merchandise):

Not exceeding for the use of the tramway one penny per ton per mile:

If conveyed in carriages provided by the Promoters, an additional sum per ton per mile not exceeding one eighth of a penny:

If drawn or propelled by power provided by the Promoters, a further sum per ton per mile not exceeding three eighths of a penny.

(*Class* 2.)

For all other goods, wares, merchandise, articles, matters, or things (except carriages, herein-after otherwise provided for), for the use of the tramway, twopence per ton per mile:

If conveyed in carriages provided by the Promoters, a further sum per ton per mile not exceeding one halfpenny:

If drawn or propelled by power provided by the Promoters, a further sum per ton per mile not exceeding one halfpenny.

(*Class* 3.)

For every carriage, of whatever description (not being a carriage adapted and used for travelling on a tramway, and not weighing more than one ton), not exceeding for the use of the tramway sixpence per mile, and the sum of twopence per mile for every additional quarter of a ton or fractional part of a quarter of a ton above one ton which any such carriage may weigh:

If any such carriage be conveyed on a truck or platform provided by the Promoters, an additional sum per mile of twopence:

If drawn or propelled by power provided by the Promoters, a further sum per mile not exceeding twopence.

ANIMALS.

(*Class* 4.)

For every horse, mule, ass, or other beast of draught or burden, ox, cow, bull, or head of neat cattle, conveyed in or upon any carriage, not exceeding for the use of the tramway, threepence per mile:

If conveyed in or upon any carriage provided by the Promoters, an additional sum per mile not exceeding one penny:

If such carriage be drawn or propelled by power provided by the Promoters, an additional sum per mile not exceeding twopence.

(*Class* 5.)

For every calf, pig, sheep, lamb, or other small animal conveyed in or upon any carriage, not exceeding for the use of the tramway one penny per mile:

If conveyed in any carriage provided by the Promoters, an additional sum per mile not exceeding one farthing:

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If such carriage be drawn or propelled by power provided by the Promoters, an additional sum per mile not exceeding twopence.

The maximum rate of charge to be made by the Promoters for the conveyance of animals, articles, matters, or things respectively included in the classes before mentioned, including the tolls for the use of the tramway, and of carriages, and cost of moving power, and every other expense connected with such conveyance, shall not exceed the amounts following:

For the matters mentioned in Class 1, not exceeding one penny halfpenny per ton per mile:

For the matters mentioned in Class 2, not exceeding threepence per ton per mile:

For any carriage mentioned in Class 3, not weighing more than one ton, not exceeding tenpence per mile, and if weighing more than one ton, not exceeding twopence per mile for every quarter of a ton or fractional part of a quarter of a ton additional:

For everything mentioned in Class 4, not exceeding sixpence per mile:

For everything mentioned in Class 5, not exceeding threepence farthing per mile:

Provided always, that it shall be lawful for the Promoters to demand and take, in addition to the tolls and rates of charges herein-before authorised, a reasonable sum for the delivery and collection of goods and other services incidental to the business of a carrier, where such services respectively shall be performed by the Promoters otherwise than on the premises of the tramway.

The following provisions and regulations shall be applicable to the calculation of the tolls:

For a fraction of a mile the Promoters may demand tolls on merchandise for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile; and in respect of passengers every 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 toll according to the number of quarters of a ton in the fraction, and if there be a fraction of a quarter of a ton the fraction shall be deemed a quarter of a ton:

With respect to all things, 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 in proportion for any smaller quantity.

Rates for the Conveyance of Small Parcels.

For any parcel not exceeding seven pounds in weight, sixpence:

For any parcel exceeding seven pounds in weight but not exceeding fourteen pounds in weight, ninepence:

For any parcel exceeding fourteen pounds in weight but not exceeding twenty-eight pounds in weight, one shilling:

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For any parcel exceeding twenty-eight pounds in weight but not exceeding fifty-six pounds in weight, one shilling and sixpence:

For parcels exceeding fifty-six pounds in weight but not exceeding five hundred pounds in weight, such reasonable sum as the Promoters may think fit:

Provided always, that articles sent in large aggregate quantities, although made up of 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.

Rates for the Conveyance of Single Articles of great Weight.

For the carriage of any one boiler or cylinder, or any one piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed three tons, the Promoters may demand such sum as they think fit.

Nothing herein contained shall be held to prevent the Promoters from taking any increased charge, over and above the charges herein-before limited, for the conveyance of goods of any description, by agreement with the owners of and persons in charge of such goods, either in respect of the conveyance of such goods, except small parcels, by passenger and other trains, or by reason of any other special service performed by the Promoters in relation to such goods.

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