CHAPTER cxxiv.

An Act for confirming certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Barton, Eccles, Winton, and Monton Local Board Tramways, Bristol Tramways (Extensions), Hull Street Tramways (Extension), Manchester Suburban Tramways, Nottingham and District Tramways, Portsea Street Tramways, Rusholme Local Board of Health Tramways, and Wolverhampton Tramways. [23d July 1877.]

A.D. 1877.

WHEREAS under the authority of the Tramways Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed:

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

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

Be it therefore enacted by the 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 Tramways Orders Confirmation Act, 1877."

Confirmation of Orders in schedule.

2. The several Orders set out in the schedule 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 schedule, shall, from and after the passing of this Act, have full force and validity, and the dates of the same respectively shall be the date of the passing of this Act.

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SCHEDULE.

LIST OF ORDERS.

1. Barton, Eccles, Winton, and Monton Local Board Tramways.—Order authorising the Local Board for the district of Barton, Eccles, Winton, and Monton, in the County of Lancaster, to construct Tramways in the district of the said Board.

2. Bristol Tramways (Extensions).—Order authorising the Bristol Tramways Company (Limited) to construct additional Street Tramways in the City and County of Bristol, and to amend the Bristol and Eastern District Tramways Order, 1875, and the Bristol Tramways (Extension) Order, 1876.

3. Hull Street Tramways (Extension).—Order authorising the construction of Tramways in the Borough, Town, and County of the Town of Kingston-upon-Hull, and in the Parishes of North Ferriby, Kirk Ella, and Cottingham, in the East Riding of the County of York.

4. Manchester Suburban Tramways.—Order authorising the construction of Tramways in the suburbs of the City of Manchester.

5. Nottingham and District Tramways.—Order authorising the construction of Tramways in the town of Nottingham and its suburbs, in the County of Nottingham.

6. Portsea Street Tramways.—Order authorising the construction of Tramways in the Parish of Portsea, in the County of Southampton.

7. Rusholme Local Board of Health Tramways.—Order authorising the Local Board of Health for the district of Rusholme, in the County of Lancaster, to construct certain Tramways in the district of the said Local Board.

8. Wolverhampton Tramways.—Order authorising the construction of Tramways in the Townships of Wolverhampton, Wednesfield, Willenhall, and Bilston, all in the Parish of Wolverhampton, in the County of Stafford.

BARTON, ECCLES, WINTON, AND MONTON LOCAL BOARD TRAMWAYS.

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Order authorising the Local Board for the district of Barton, Eccles, Winton, and Monton, in the County of Lancaster, to construct Tramways in the district of the said Board.

Short title.

1. This Order may be cited as "The Barton, Eccles, Winton, and Monton Local Board Tramways Order, 1877."

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 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 undertaking by this Order authorised.

In this Order the expression "the Local Board" shall mean the Local Board for the district of Barton, Eccles, Winton, and Monton, in the county of Lancaster, and the expression "the district" shall mean the district of the Local Board.

The Promoters.

The promoters.

4. The Local Board 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 land as may be necessary for the undertaking, not exceeding in the whole five 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, weighbridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith or for the purpose thereof.

The tramways authorised by this Order are,—

Tramway No. 1.

One mile five furlongs five chains and three yards in length, commencing in the Liverpool Road at Peel Green in the township of Barton upon Irwell, at a point four feet six inches north of the point at which a continuation of the easterly side of Barton Lane would intersect the imaginary

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central line of Liverpool Road, passing thence along Liverpool Road (otherwise Catch Inn Lane), Church Street, Regent Street, and part of the Eccles New Road, and terminating in Eccles New Road at the municipal boundary of the borough of Salford by a junction there with Tramway No. 27, authorised by the Salford Tramways and Improvement Act, 1875.

Tramway No. 2.

Three furlongs nine chains and sixteen and a half yards in length, commencing by a junction with Tramway No. 1 at a point in Church Street opposite the north-easterly corner of the house No. 100 occupied by Samuel Fish in that street, and terminating in Eccles Old Road (otherwise Gilda Brook Road) at the municipal boundary of the borough of Salford by a junction with Tramway No. 12, authorised to be constructed by the Salford Tramways and Improvement Act, 1875.

Tramway or Siding No. 3.

One chain in length, situate wholly in Liverpool Road, commencing at a point nine feet south of the point of commencement of Tramway No. 1, and terminating one chain eastward of its commencement by a junction with Tramway No. 1.

Tramway or Passing Place No. 4.

One chain in length, wholly situate in Liverpool Road, commencing by a junction with Tramway No. 1 at a point eighty-five yards westward of the southerly corner of the Waggon and Horses Inn, and terminating one chain eastward of its commencement by a junction with Tramway No. 1.

Tramway or Passing Place No. 5.

One chain in length, wholly situate in Liverpool Road, commencing by a junction with Tramway No. 1, opposite the south-east corner of Bowden View, and terminating one chain from its commencement by a junction with Tramway No. 1.

Tramway or Passing Place No. 6.

Sixteen and a half yards in length, wholly situate in Liverpool Road, and commencing and terminating by junctions with Tramway No. 1 at points respectively twenty-two yards and five and a half yards westward of the north-westerly corner of the house occupied by Mr. John Thomas Wood.

Tramway or Passing Place No. 7.

Eleven yards in length, situate wholly in Liverpool Road, commencing by a junction with Tramway No. 1 at a point nearly opposite to the middle of Rose Bank, and terminating 11 yards east of its commencement by a junction with Tramway No. 1.

Tramway or Passing Place No. 8.

One chain in length, wholly situate in Liverpool Road, commencing at a point nearly opposite to the north-westerly corner of the Bridgwater Trustees Coal Office, and terminating one chain east of its commencement by a junction with Tramway No. 1.

Tramway or Passing Place No. 9.

One chain in length, situate wholly in Liverpool Road, commencing at a point opposite to the south-easterly corner of the Bridgwater Hotel by a junction with Tramway No. 1, and terminating one chain eastward of its commencement by a junction with Tramway No. 1.

Tramway or Passing Place No. 10.

One chain in length, situate wholly in Liverpool Road, commencing at the junction of that road with the westerly end of Shakespeare Crescent, and terminating one chain eastward of its commencement by a junction with Tramway No. 1.

Tramway or Passing Place No. 11.

One chain in length, situate wholly in Liverpool Road, commencing by a junction with Tramway No. 1 opposite to the westerly side of Milton Street, and terminating one chain eastwards of its commencement by a junction with Tramway No. 1.

Tramway or Passing Place No. 12.

One chain in length, situate wholly in Liverpool Road, commencing at the junction of that road with the easterly end of Shakespeare Crescent, and terminating one chain eastward of its commencement by a junction with Tramway No. 1.

Tramway or Passing Place No. 13.

One chain in length, situate wholly in Liverpool Road, commencing by a junction with Tramway No. 1 at a point oppcsite to the easterly end of Glen Side, and terminating one chain east of its commencement by a junction with Tramway No. 1.

Tramway or Passing Place No. 14.

One chain in length, situate wholly in Liverpool Road, commencing by a junction with Tramway No. 1, nearly opposite to the north-east corner of the Church Inn, and terminating one chain eastwards of its commencement by a junction with Tramway No. 1.

Tramway or Passing Place No. 15.

One chain eighteen yards in length, situate wholly in Church Street, commencing by a junction with Tramway No. 1 at a point opposite to the Co-operative Stores, and terminating one chain eighteen yards east of its commencement by a junction with Tramway No. 1.

Tramway or Passing Place No. 16.

One chain eleven yards in length, situate wholly in Church Street, commencing by a junction with Tramway No. 1 opposite to the entrance into Barton Lane, and terminating one chain eleven yards east of its commencement by a junction with Tramway No. 1.

Tramway or Passing Place No. 17.

One chain six yards in length, commencing by a junction with Tramway No. 1 at or near the junction of Regent Street with Church Street, and

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opposite the Market Cross, and terminating at a point one chain six yards eastwards from its commencement by a junction with Tramway No. 1.

Tramway or Passing Place No. 18.

One chain in length, situate wholly in Regent Street, directly opposite Hawthorn Cottages, and commencing and terminating by junctions with Tramway No. 1.

Tramway or Passing Place No. 19.

One chain in length, situate wholly in Eccles New Road, commencing by a junction with Tramway No. 1 at a point one chain westward of the termination of Tramway No. 1, and terminating by a junction with Tramway No. 1 at its point of termination.

Tramway or Passing Place No. 20.

One chain eleven yards in length, commencing by a junction with Tramway No. 2 at or near the junction of Church Street and Regent Road, and terminating at a point opposite the Market Cross by a junction with Tramway No. 2.

Tramway or Passing Place No. 21.

One chain in length, situate wholly in Church Street, commencing at a point thirty-three yards south-east of the centre of the London and North Western Railway Bridge by a junction with Tramway No. 2, and terminating at a point one chain north-east from its commencement by a junction with Tramway No. 2.

Tramway or Passing Place No. 22.

One chain eighteen yards in length, situate wholly in Gilda Brook Road, commencing by a junction with Tramway No. 2 nearly opposite to the house No. 4 in that road, and terminating one chain eighteen yards north-eastward of its commencement by a junction with Tramway No. 2.

Tramway or Passing Place No. 23.

Two chains eleven yards in length, situate wholly in Gilda Brook Road, commencing by a junction with Tramway No. 2 at a point thirty-one yards nearly due west of the south-westerly corner of the White Horse Inn, and terminating two chains eleven yards north of its commencement by a junction with Tramway No. 2.

Tramway No. 24.

One chain eighteen yards in length, situate wholly in Gilda Brook Road, commencing by a junction with Tramway No. 2 at a point one chain eighteen yards westward of the municipal boundary of the borough of Salford, and terminating by a junction at the said boundary with Tramway No. 15, authorised by the Salford Tramways and Improvement Act, 1875.

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For protection of London and North Western Railway Company.

7. In constructing the Tramway No. 2 across the Liverpool and Manchester line of the London and North Western Railway Company, the promoters shall not alter or interfere with the structure of the bridge which carries the Eccles Old Road, otherwise Gilda Brook Road, over that railway, or of the approaches thereto, and shall so construct and maintain that tramway in the road over that bridge and the approaches as not to injuriously affect the said bridge and approaches; and in the event of any injury being occasioned to such bridge and approaches, or any part or parts thereof respectively, by the construction of that tramway on or over the same (whether such injury shall occur either during or after construction, or in effecting the maintenance of that tramway), the said Company may restore such bridge and approaches, or the part or parts which may be injured, to as good a state and condition as they were in before such injury was occasioned, at the expense of the promoters, and the promoters shall recoup to and indemnify the said Company against all sums, costs, and expenses which they may pay or be put to in maintaining and repairing so much of the road over the said bridge and approaches as exceeds the portion of the road which the promoters are liable to maintain and repair under the twenty-eighth section of "The Tramways Act, 1870," and the said Company may recover from the promoters all such sums, costs, and expenses, together with full costs and charges, in any court of competent jurisdiction as if the same were a simple contract debt due by the promoters to the said Company.

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 the rails of which any of the tramways shall for the time being consist, 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 every day on which such act of omission continues, and such penalty may be recovered as by clause 56 of the said Act is provided.

Additional crossings, &c. may be made where necessary.

9. The promoters may from time to time hereafter 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 any of them, or for providing access to any stables, or carriage sheds, or works of the promoters or their lessees or licensees: Provided that, in the construction of any such works, no rail shall be so laid that a less space than 9 feet 6 inches shall intervene between the said rail and the outside of the footpath on either side of the road, if any owner or occupier of premises abutting on the place where such rail is proposed to be laid shall by writing under his hand addressed to the promoters express his 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 of the tramways are laid, it shall in the opinion of the promoters be necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof, the promoters may from time to time make or construct in the same or any adjacent road, and may 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,

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Application of road materials excavated in construction of works.

11. Any paving, metalling, material, matters, or substances excavated by the promoters in the construction of their works from any road under their jurisdiction or control shall absolutely vest in and belong to the promoters, and may be dealt with, removed, and disposed of by them in such a manner as they may think fit.

Traffic upon Tramways.

Traffic upon tramways.

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

Heavy traffic.

13. No goods, animals, articles, or things other than passengers, and passengers luggage, not exceeding fifty-six pounds in weight, shall be conveyed on the tramways beween the hours of eight in the morning and eight in the evening without the consent of the Local Board.

Railway carriages not to be used.

14. Carriages or trucks adapted for ordinary use upon railways shall not be used upon the tramways.

Local Board may use tramways for sanitary purposes.

15. The Local Board may at such times and in such manner as they shall think fit (but subject to the reasonable byelaws for the time being in force with respect to the tramways) use the tramways for sanitary purposes, and for the conveyance of scavenging stuff, road metal, and other materials required for the works of the Local Board, free of all tolls and charges in respect of such use.

Tolls.

Tolls and charges.

16. The tolls and charges authorised by this Order to be demanded and taken are as follows, viz.:

For every passenger travelling upon any of the tramways, or any part thereof, any tolls or charges not exceeding one penny per mile, (and for this purpose a fraction of a mile beyond any integral number of miles shall be deemed a mile,) but for any less distance than two miles any sum not exceeding twopence may be charged; and

For all animals, goods, minerals, and parcels conveyed upon the tramways, any tolls not exceeding the rates per mile specified in the schedule to this Order annexed.

Such tolls and charges shall include all charges which may be made for the use of the tramways, carriages, waggons or trucks, and for motive power, and every other incidental expense.

Passengers luggage.

17. 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.

18. Every lease of the tramways granted by the promoters shall imply a condition of re-entry if the lessees at any time during the continuance of the demise do not 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 as the promoters think most convenient for artisans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile (the lessees nevertheless not being required to take any fare less than one penny): Provided always, that in any case of any complaint made to the Board of Trade of the hours appointed by the promoters for the running of suc

carriages the said Board shall have power to fix and regulate the same from time to time.

As to user of tramways and tolls thereon, when left open to be used by the public.

19. The promoters may from time to time by resolution declare the tramways or any part thereof to be open to be used by the public, and for such periods as the promoters think fit, and such user may be either concurrently with the lessees or otherwise; and so soon as the promoters shall have passed such resolution, any person or persons may use the tramways or any part thereof with carriages having flange wheels or other wheels suitable only to run on the rail of the tramways, and may demand and take for the like purposes for which tolls are authorised to be taken by this Order any tolls not exceeding the tolls by this Order authorised to be taken for such purposes.

Tolls if tram ways left open to be used by the public.

20. If the tramways or any part thereof be left open to be used by the public, the promoters may demand and take from the person or persons so using the tramways, or any part thereof, the following tolls and charges in respect of such user; namely,

For every passenger travelling in or upon any of the carriages of such person or persons, any sum not exceeding one halfpenny nor less than one farthing per mile;

For any goods, minerals, and parcels conveyed in or upon the carriages of such person or persons, any sum or sums not exceeding one half of the tolls or charges mentioned in the schedule in respect of such goods, minerals, and parcels so conveyed;

and the promoters may, if they think fit, so commute such tolls or charges, so that the commuted sum may be as near as possible an equivalent of such tolls and charges.

Persons using the tramways to permit servants of the promoters to ride in each carriage, &c. free of charge.

21. The person or persons so using the tramways or any part thereof left open to be used by the public, and their officers and servants, shall permit the person duly authorised for that purpose by the promoters to ride free of charge for the whole or any part of the journey in or upon each carriage, waggon, truck, or vehicle in or upon which any passengers or goods shall be conveyed by such person or persons upon the tramways or such part thereof.

Certain provisions of the Tramways Act, 1870, as to licenses extended to persons using the tramways when left open to be used by the public.

22. The provisions contained in the following sections of the Tramways Act, 1870; namely,

Section 36. (In default of payment of tolls, licensees carriages may be detained and sold);

Section 37. (Licensees to give account of passengers carried by them);

Section 38. (Licensees not giving account of passengers carried liable to a penalty);

Section 39. (Disputes as to amount of tolls to be settled by justices); and

Section 40. (Owners of carriages liable for damages done by their servants);

shall, so far as the same are applicable in this behalf, extend and apply, mutatis mutandis, to the person or persons so using the tramways or any part thereof left open to be used by the public; and in construing those sections for the purposes aforesaid—

The expression the "licensee," and "licensees," shall mean the person or persons so using the tramways or any part thereof;

The expression "passengers" shall include goods, minerals, and parcels;

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The expression "number of passengers" shall include the number or quantity (as the case may require) of the goods, minerals, or parcels conveyed; and

The expression "carriage" shall include any waggon, truck, or vehicle in or upon which such goods, minerals, or parcels shall be conveyed.

Lessees not to be bound to carry goods, &c. unless as provided in Order.

23. The lessees shall not, except as by this Order otherwise provided, be bound to carry, unless they think fit, any goods, minerals, or parcels other than passengers luggage not exceeding twenty-eight pounds in weight.

Provisions as to carriage of goods, &c.

24. The lessees may and when required by the Local Board shall carry goods, minerals, and parcels in separate carriages or separate parts of carriages, set apart for that purpose, provided that this shall not apply to the carriage of passengers luggage.

As to payment of tolls.

25. 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 persons authorised to demand and take such tolls respectively may by notice to be annexed to the list of tolls appoint.

MISCELLANEOUS.

Provisions as to arbitration.

26. Where, under the provisions of the Tramways Act, 1870, in this Order any matter in difference is referred to the arbitration of any 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 the arbitrator shall be final and conclusive and binding on all parties.

Power to make working agreements.

27. The promoters may (subject to the provisions of this Order and of any leases or licenses granted by the promoters) enter into agreements with the Mayor, Aldermen, and Citizens of the city of Manchester, and the Mayor, Aldermen, and Burgesses of the borough of Salford, or either of them, with respect to the following purposes or any of them, that is to say:

The maintenance, repair, and management of any tramways for the time being belonging to any of the contracting parties, or of any part thereof:

The working of the same tramways, or of any part thereof, and the conveyance of traffic thereon, by their lessees or licensees respectively:

The fixing, collecting, and apportionment of the tolls, rents, or other receipts arising from the tramways.

Local Board may borrow seventeen thousand pounds to be repaid in thirty years.

28. The Local Board may, under and according to the provisions contained in section 20 of the Tramways Act, 1870, borrow for the purpose of this Order any sum or sums of money, not exceeding in the whole the sum of seventeen thousand pounds, in addition to any sum or sums of money they are already authorised to borrow, and the time for which such sum of seventeen thousand pounds may be borrowed shall be thirty years; and for the purpose of such borrowing, the Local Board may include in any mortgage of the general district rate the rents reserved under any lease, and the tolls, charges, and sums authorised to be taken or received by them under the provisions of this Order.

Provision as to general Act.

29. Except as is herein expressly provided, nothing in this Order 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 be passed during this or any future session of Parliament.

SCHEDULE.

List of Tolls.

Animals.

	per mile. s.	d.
For every horse, mule, or other beast of draught or burden -	0	3
For every ox, cow, bull, or head of cattle - - -	0	3
For calves, pigs, sheep, and small animals - - -	0	2

Goods and Minerals.

		s.	d.
For all coal, culm, cannel, limestone, chalk, lime, slate, clay, ironstone, undressed or scabbled stones for building, pitching, and paving, slag, stone, salt, sand, cinders, and all undressed materials for the repair of public roads - - -	per ton	0	3
For all iron, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, wrought iron not otherwise specifically classed herein, and for heavy iron castings (including railway chairs), tiles, bricks, coke, charcoal, dung, manure, and compost - - - -	per ton	0	4
For all timber or wood - - - -	per ton	0	3
For all sugar, grain, corn, flour, hides, dye woods, earthenware, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings - - -	per ton	0	5
For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters, or things,	per ton	0	6
For every carriage of whatever description - - -		1	0

Small Parcels.

	any distance. s.	d.
For any parcel not exceeding in weight seven pounds - -	0	3
For any parcel exceeding seven and not exceeding fourteen pounds in weight - - - - -	0	5
For any parcel exceeding fourteen but not exceeding twenty-eight pounds in weight - - - -	0	7
For any parcel exceeding twenty-eight but not exceeding fifty-six pounds in weight - - -	0	9
For any parcel exceeding fifty-six but not exceeding five hundred pounds in weight the promoters may demand any sum they think proper.		

Regulations as to Tolls.

In respect of tolls for animals and goods, the promoters may demand and take for any less distance than three miles tolls and charges as for three miles.

For a fraction of a mile beyond three miles, or beyond any greater number of miles, the promoters may demand tolls and charges on animals and goods for

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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.

For a fraction of a ton the promoters may demand tolls according to the number of quarters of a ton in such fraction; and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

With respect to all articles except stone and timber, the weight shall be determined according to 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: 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 such term shall apply only to single parcels in separate packages.

BRISTOL TRAMWAYS (EXTENSIONS).

Order authorising the Bristol Tramways Company (Limited) to construct additional Street Tramways in the City and County of Bristol, and to amend The Bristol and Eastern District Tramways Order, 1875, *and The Bristol Tramways (Extension) Order*, 1876.

Short title.

1. This Order may be cited as "The Bristol Tramways (Extensions) Order, 1877."

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 undertaking by this Order authorised.

In this Order the expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the city of Bristol.

Promoters.

The Promoters.

4. The Bristol Tramways 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 land as may be necessary for 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, weigh-bridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are,—

Tramways No. 2 and No. 3. A tramway No. 2 and a tramway No. 3, each respectively six furlongs one chain sixty links in length, commencing respectively in the parish of Saint Thomas in Victoria Street, at a point thirty-one yards or thereabouts from the junction therewith of Bath Street, passing along Victoria Street, Bath Parade, Bath Bridge, and Bath Road, and terminating respectively in the parish of Bedminster and in the parish of Saint Mary Redcliffe, or one of them, at the junction of the Bath and Wells Roads at Totterdown, eight feet or thereabouts from and to the north-west of the lamp-post at such junction:

Tramway No. 4. A tramway, one furlong ten links in length, wholly situate in the parish of Temple, commencing by a junction with the said tramway No. 2 in Bath Parade, at or near the junction therewith of the principal approach to the Bristol Joint Station, and at a point twenty-two yards or thereabouts from and to the westward of the lamp-post at such junction, and terminating in the centre of the said approach at a point twenty-seven yards or thereabouts from the principal entrance into the said station:

Tramway No. 5. A tramway, one furlong twenty links in length, wholly situate in the parish of Temple, commencing by a junction with the said tramway No. 3 in Bath Parade, at or near the junction therewith of the principal approach to the Bristol Joint Station, and at a point nineteen yards or thereabouts from and to the westward of the lamp-post at such junction, and terminating in the centre of the said approach at a point twenty-seven yards or thereabouts from the principal entrance into the said station:

All which tramways will be wholly made or situate in the parishes or places following; namely, Temple, Saint Thomas, Saint Mary Redcliffe, and Bedminster, in the city and county of Bristol.

Provided always, that it shall not be lawful for the Promoters to construct tramways Nos. 4 and 5 without the consent in writing of the Great Western Railway Company, the Midland Railway Company, and the Bristol Joint Station Committee, under their respective common seals.

For protection of works of Bristol Waterworks Company and Bristol United Gaslight Company.

7. If the Promoters desire, under the authority of this Order, to do any act which shall or may render necessary the removal or displacement of any of the mains or pipes, valves, syphons, plugs, or apparatus, or other works belonging to or controlled by the Bristol Waterworks Company or the Bristol United Gaslight Company, the Promoters shall give to the said Waterworks Company or to the said Gaslight Company, as the case may be, fourteen days notice in writing of such desire, and the said Waterworks Company or the said Gaslight Company, as the case may be, shall forthwith (without prejudice nevertheless

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to the protection afforded them by "The Tramways Act, 1870,") make such removal or displacement as may be necessary, and do all works incident thereto, and all expenses to be thereby incurred shall be defrayed by the Promoters. Nothing contained in this Order shall interfere with the exercise by the said Waterworks Company or the said Gaslight Company of the powers and privileges conferred upon them respectively by any Acts or Act of Parliament of laying down and maintaining, and as occasion may require of repairing and altering, any mains or pipes in and under any of the roads or thoroughfares upon which the tramways may be laid under the authority of this Order; and the provisions of "The Tramways Act, 1870," in favour of the local authority or the road authority, shall be extended to and include the said Waterworks Company and the said Gaslight Company.

Time for commencement of works.

8. The prescribed time within which the tramways are to be substantially commenced in accordance with section 18 of "The Tramways Act, 1870," shall be six months from the passing of the Act confirming this Order.

Promoters may be required to use improved form of rail.

9. The Board of Trade may from time to time, upon the application of the road authority of the district, require the Promoters to adopt and apply such improvements in the 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 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.

10. The Promoters shall at all times maintain and keep in good condition and repair the rails of which any of the tramways shall for the time being consist; 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 every day on which such act of omission continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Passing places to be constructed where less than a certain width left between footway and tramway.

11. 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 street or road and the nearest rail of the tramway than nine feet six inches, the Promoters shall and they are hereby required to 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.

Tramways to be kept on a level with surface of road.

12. If the road authority shall hereafter alter the level of any road along or across which any of the tramways are 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, &c. may be made where necessary.

13. The Promoters may from time to time hereafter 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 any of them, or for providing access to any stables or carriage sheds or works of the

Promoters, subject to the approval of the road authority: 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 any owner or occupier of premises abutting on the place where such rail is proposed to be laid shall, by writing under his hand addressed to the Promoters, express his objection thereto.

Temporary tramways may be made when necessary.

14. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid, it 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 arise between the Promoters and the 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 the differences in the said section mentioned.

Application of road materials excavated in construction of Promoters works.

15. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of the road authority may be applied by the Promoters, so far as may be necessary, in or towards the reinstating of the same road; and the Promoters shall deliver the surplus paving, metalling, or material not used for the purpose 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 delivery of any such paving, metalling, or material, the same 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 the 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 all differences between the Promoters and any road authority.

Traffic upon Tramways.

Traffic upon tramways.

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

As to traffic on tramways on Sundays.

17. It shall not be lawful to run or to permit or suffer to run upon any of the tramways any car or carriage on a Sunday, between the hours of eleven a.m. and one p.m., and between the hours of half-past six and eight p.m.

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Tolls.

Tolls for passengers, animals, goods, &c.

18. The tramways and works executed under the authority of this Order shall for the purposes of tolls and charges be deemed to form part of the undertaking of the Promoters authorised by the Bristol and Eastern District Tramways Order, 1875, and it shall be lawful for the Promoters to demand and receive such tolls and charges in respect of each and every description of traffic upon the tramways as they would have been entitled to demand and receive if the same had originally formed part of the said undertaking of the Promoters: Provided always, that if at any time after three years 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 partly situate, or by twenty inhabitant ratepayers of any such district, that the Promoters are charging for passengers 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 the 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 such order revoke or modify the same for good cause shown to them.

Passengers luggage.

19. 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.

20. The Promoters at all times after the opening of the tramways or any part or parts thereof 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 tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fares 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.

Payment of tolls.

21. 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.

Promoters not bound to carry goods.

22. The Promoters shall not be bound to carry, unless they think fit, any animals, goods, minerals, or parcels other than passengers luggage not exceeding twenty-eight pounds in weight.

Miscellaneous.

Power for Promoters and railway companies, &c. to enter into agreements.

23. The Promoters on the one hand and the Great Western Railway Company, the Midland Railway Company, and the Bristol Joint Station Committee, or any or either of them, on the other hand, may from time to time, subject to the provisions of this Order, enter into and carry into effect agreements with respect to the constructing, maintaining, working, using, and managing by the Promoters or the said companies or committee or any or either of them of tramways Nos. 4 and 5 by this Order authorised, and all matters incidental thereto.

Abandonment of portion of tramway authorised by Bristol and Eastern District Tramways Order, 1875.

24. The Promoters may and shall abandon and relinquish the construction of so much of their tramway No. 5, authorised by the Bristol and Eastern District Tramways Order, 1875, as is situate between a point one hundred and sixty yards from and to the east of the junction of the Stapleton Road with the highway leading from Stapleton Road through Ridgway to Fishponds and the termination of that tramway, and also the tramways or passing places 5*f*, 5*g*, 5*h*, 5*i*, and 5*j* connected therewith.

Portion of deposit made in respect of the Bristol and Eastern District Tramways Order, 1875, to be deemed deposit for this Order.

25. Whereas by section twenty-four of the Bristol and Eastern District Tramways Order, 1875, it was provided that the sum of one thousand five hundred and thirty-three pounds eight shillings and fivepence Three per Centum Consolidated Bank Annuities and of seventeen shillings and sevenpence in cash therein mentioned (in this Order referred to as the "deposit fund") should be deemed to have been transferred and paid to the account of the Paymaster-General ex parte the Bristol Tramways Company, Limited, in pursuance of the provisions of section twelve of the Tramways Act, 1870, with respect to the undertaking by that Order authorised, subject as therein mentioned; and whereas the said undertaking has, with the exception of the tramways by this Order required to be abandoned, been from time to time completed and opened for public traffic, and so much of the said deposit fund as was applicable to such undertaking so completed has been repaid to the Promoters, and there now remains in the Chancery Division of the High Court of Justice four hundred and twenty pounds ten shillings and fivepence of the said Three per Centum Consolidated Bank Annuities, and the said sum of seventeen shillings and sevenpence in cash (being the balance of the said deposit fund, and which together are equal in value to the sum of three hundred and ninety-five pounds); and whereas the amended estimate of expense for the construction of the tramways by this Order authorised amounts to seven thousand three hundred pounds, five pounds per centum upon which is three hundred and sixty-five pounds; and it is expedient that the said sum of four hundred and twenty pounds ten shillings and fivepence Three Pounds per Centum Consolidated Bank Annuities and the said sum of seventeen shillings and sevenpence in cash should be made applicable to the undertaking by this Order authorised: Therefore the said last-mentioned sums shall be deemed to have been transferred and deposited in pursuance of the provisions of section twelve of the Tramways Act, 1870, with respect to the undertaking by this Order authorised, and the same shall be subject to the prescribed conditions as to interest, repayment, or forfeiture in the same manner in every respect as if the same had been

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actually transferred and paid by way of deposit with respect to the undertaking by this Order authorised.

Provisions as to arbitration.

26. Where under the provisions of "The Tramways Act, 1870," in this Order any matter in difference is referred to the arbitration of any 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 the arbitrator shall be final and conclusive and binding on all parties.

Form and delivery of notices.

27. With respect to notices and 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 Corporation shall be sufficiently authenticated by being signed by the town clerk:

(2.) Any notice to be delivered by or to the Promoters to or by the Corporation or any other body or any company may be delivered by being left at the Town Hall or at the principal office of such body or company or of the Promoters, as the case may be, or by being sent by post in a registered letter addressed to the town clerk at the Town Hall, or to the clerk or secretary of such body or company, or to the Promoters at their principal office.

Order to be subject to general Acts.

28. Nothing in this Order 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.

HULL STREET TRAMWAYS (EXTENSION).

Order authorising the Construction of Tramways in the Borough Town and County of the Town of Kingston-upon-Hull, and in the Parishes of North Ferriby, Kirk Ella, and Cottingham, in the East Riding of the County of York.

Short title.

1. This Order may be cited as "The Hull Street Tramways (Extension) Order, 1877."

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 undertaking by this Order authorised.

In this Order—

The expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Kingston-upon-Hull;

The expression "the Borough" shall mean the borough town and county of the town of Kingston-upon-Hull. A.D. 1877.

Promoters.

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

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

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, weighbridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same. Construction of tramways.

The tramways authorised by this Order are:—

No. 1. A tramway, herein referred to as Tramway (No. 1), five furlongs twenty-one yards or thereabouts in length, commencing in the Hessle Road, in the township of Willerby, and parish of North Ferriby, at a point ninety feet or thereabouts east of the north-east corner of the North-eastern Railway Company's Hessle Road Junction signal box, passing thence in an easterly direction along the Hessle Road into the townships of Willerby, Swanland, and West Ella, and parishes of North Ferriby and Kirk Ella, and into the united parishes of Holy Trinity and Saint Mary, and terminating in the last-named parish in the borough, at the point of commencement of and by a junction with the existing Tramway No. 4, authorised by the Hull Street Tramways Act, 1875, (herein-after referred to as the Act of 1875);

The centre line of Tramway (No. 1) will, along its entire length, be laid along the imaginary centre line of the Hessle Road:

No. 1A. A short tramway, herein referred to as Tramway (No. 1A), situate wholly in the Hessle Road, in the township of Willerby, and parish of North Ferriby, commencing at a point eight feet from and south of the point of commencement of Tramway (No. 1), and passing in an easterly direction, and terminating by a junction with Tramway (No. 1) at a point three chains or thereabouts from its commencement;

The centre line of Tramway (No. 1A) will, throughout its entire length, be laid eight feet from and south of the imaginary centre line of the Hessle Road, except for a length of half a chain from its termination, in which length it will gradually approach until it reaches the centre of the road:

No. 1B. A short junction tramway, herein referred to as Tramway (No. 1B), situate wholly in the Hessle Road, and in the united parishes of Holy Trinity and Saint Mary in the borough, commencing at the point of commencement of and by a junction with the existing Tramway No. 4A authorised by the Act of 1875, passing in a westerly direction, and

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terminating by a junction with Tramway (No. 1) at a point one chain or thereabouts from its commencement;

The centre line of Tramway (No. 1B) will, throughout its entire length, be laid eight feet from and south of the imaginary centre line of the Hessle Road, except for a length of half a chain from its termination, in which length it will gradually approach until it reaches the centre of the road:

No. 2. A tramway, herein referred to as Tramway (No. 2), six furlongs eighty-seven yards or thereabouts in length, commencing in the Anlaby Road in the township of Swanland, and parish of North Ferriby, at a point one hundred and twenty feet or thereabouts north-east of the north-east corner of the gate-keeper's house, at the level crossing of the North-eastern Railway in the same parish, and passing thence in an easterly direction along the Anlaby Road, crossing the level crossing of the main line of the North-eastern Railway into the townships of Swanland and West Ella and parishes of North Ferriby and Kirk Ella, and into the united parishes of Holy Trinity and Saint Mary in the borough, and terminating in that road in the said united parishes at the point of commencement of and by a junction with Tramway No. 3, authorised by the Act of 1875;

The centre line of Tramway (No. 2) will, throughout its entire length, be laid along the imaginary centre line of the Anlaby Road, except for the length of one chain or thereabouts from its termination, in which length it will gradually diverge northwards from such centre line to its termination, at which point it will be at a distance of four feet from such imaginary centre line:

No. 2A. A short tramway, herein referred to as Tramway (No. 2A), situated wholly in the Anlaby Road, in the township of Swanland and parish of North Ferriby, and commencing at a point eight feet from and south of the point of commencement of Tramway (No. 2), and passing thence in an easterly direction, and terminating by a junction with Tramway (No. 2) at a point three chains or thereabouts from its commencement;

The centre line of Tramway (No. 2A) will, throughout its entire length, be laid eight feet from and south of the imaginary centre line of the Anlaby Road, except for a length of half a chain from its termination, in which length it will gradually approach until it reaches the centre of the road:

No. 2B. A short junction tramway, herein referred to as Tramway (No. 2B), wholly situated in the Anlaby Road, in the united parishes of Holy Trinity and Saint Mary in the borough, commencing at the point of commencement of and by a junction with Tramway No. 3A, authorised by the Act of 1875, passing in a westerly direction, and terminating by a junction with Tramway (No. 2) at a point one chain or thereabouts from its commencement;

The centre line of Tramway (No. 2B) will, throughout its entire length, be laid four feet from the south of the imaginary centre line of the Anlaby Road, except for a length of half a chain from its termination, in which

length it will gradually approach until it reaches the centre of the road :

No. 3. A tramway, herein referred to as Tramway (No. 3), four furlongs five yards or thereabouts in length, commencing in the Beverley Road, in the parish of Cottingham, at a point opposite the south-east corner of the Cottingham Road, and passing thence in a southerly direction along the Beverley Road into the parish of Cottingham and into the parish of Sculcoates in the borough, and terminating in that road at the point of commencement of and by a junction with the existing Tramway No. 1, authorised by the Hull Tramways Order, 1872, situate in the said parish of Sculcoates in the borough ;

The centre line of Tramway (No. 3) will, throughout its entire length, be laid along the imaginary centre line of the Beverley Road :

No. 3A. A short tramway, herein referred to as Tramway (No. 3A), situated wholly in the Beverley Road, in the parish of Cottingham, commencing at a point eight feet from and west of the commencement of Tramway (No. 3), and terminating by a junction with Tramway (No. 3) at a point three chains or thereabouts from its commencement ;

The centre line of Tramway (No. 3A) will, throughout its entire length, be laid eight feet from and west of the imaginary centre line of the Beverley Road, except for a length of half a chain from its termination, in which it will gradually approach until it reaches the centre of the road :

No. 3B. A short junction tramway, herein referred to as Tramway (No. 3B), wholly situated in the Beverley Road, in the parish of Sculcoates in the borough, commencing at the point of commencement of and by a junction with Tramway No. 1A, authorised by the Hull Tramways Order, 1872 proceeding in a northerly direction, and terminating by a junction with Tramway (No. 3) at a point one chain or thereabouts from its commencement ;

The centre line of Tramway (No. 3B) will, throughout its entire length, be laid eight feet from and west of the imaginary centre line of the Beverley Road, except for a length of half a chain from its termination, in which it will gradually approach until it reaches the centre of the road.

As to crossing the North-eastern Railway on the level.

7. In the construction of Tramway (No. 2) across the rails of the North-eastern Railway Company, now laid upon the level of the road known as the Anlaby Road, the same shall be constructed and maintained in accordance with a plan to be agreed upon by the engineers for the time being of the said Company, and of the Promoters, and under the superintendence and to the reasonable satisfaction of the engineer for the time being of the said Company, at the cost of the Promoters, unless, after seven days notice given by the Promoters of their intention to commence such works, such superintendence is refused or withheld ; and the said tramway at the said level crossing shall be maintained and kept in constant and efficient repair to the reasonable satisfaction of the said Company's engineer for the time being.

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Not to interfere with traffic of North-eastern Railway Company at level crossing.

8. The Promoters shall not stop on or otherwise interfere with or obstruct the traffic of the North-eastern Railway Company on the level crossing of the railway of the said Company over the Anlaby Road, and the traffic of the said Company shall at all times have precedence of the traffic of the Promoters, who shall be subject to such rules, byelaws, and regulations relating thereto as shall be agreed upon between the Promoters and the said Company.

For protection of North-eastern Railway Company from injury by tramways.

9. If by reason of the execution of any of the works, or any proceedings of the Promoters, or the failure of any such works, or any act or omission of the Promoters or of their servants, the railway of the North-eastern Railway Company, or any of the works of the said Company, shall be injured or damaged, such injury or damage shall be forthwith made good by the Promoters at their own expense, or in the event of their failure so to do, then the said Company may make good the same and recover the expense thereof, with full costs against the Promoters, by all and the same means as any simple contract debt.

Differences to be settled by arbitration.

10. In the event of any difference between the North-eastern Railway Company or their engineer and the Promoters, the same shall be settled by a referee to be appointed by the Board of Trade in the manner provided by section thirty-three of "The Tramways Act, 1870."

Promoters may be required to use improved form of rail.

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

Penalty for not maintaining rails and road in good condition.

12. The Promoters shall at all times maintain and keep in good condition and repair the rails of which any of the tramways shall for the time being consist, 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 every day on which such act of omission continues after twenty-four hours notice has been given by the clerk or engineer of the road authority; and such penalty may be recovered as by section fifty-six of the said Act is provided. Provided always, that no such penalty shall be recoverable except by the road authority, and then only if the promoters do not proceed at or before the expiration of the said twenty-four hours to do and perform the several works, matters, and things aforesaid.

Passing places to be constructed where less than a certain width left between footway and tramway.

13. 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 street or road and the nearest rail of the tramway than nine feet six inches, the Promoters shall and they are hereby required to 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.

Tramways to be kept on a level with surface of road.

14. If any road authority hereafter alter the level of any road along or across which any 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, &c. may be made where necessary.

15. The Promoters may, subject to the provisions of this Order, from time to time hereafter 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 for the efficient working of the tramways or any of them, or for providing access to any stables or carriage-sheds or works of the Promoters, subject to the approval of the road authority. 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 any owner or occupier of premises abutting on the place where such rail is proposed to be laid shall, by writing under their hand addressed to the promoters, express his objection thereto. Provided that if after any crossing, passing place, siding, junction, or other works, shall have been made, the same crossing, passing place, siding, junction, or other works, or any of them, or any part thereof, shall be found to be objectionable to the road authority, then and in every such case the road authority may by notice to the Promoters require them to remove the same, and if the road authority so think fit to remake or relay the same in some other position to be specified in the notice, and the Promoters shall comply with every such requirement. Provided further, that any crossing, passing place, siding, junction, or other works, when once made with the consent of the road authority, shall not be removed, except by and at the expense of the road authority. Provided also, that the number and situation of such crossings, passing places, sidings, junctions, and other works, shall be determined by the road authority, and if any difference arises between the Promoters and any road authority with respect to the number and situation of the said crossings, passing places, sidings, junctions, and other works, the same shall be settled by arbitration in the manner specified in section thirty-three of the "Tramways Act, 1870," for the settlement of differences in the said section mentioned.

Temporary tramways may be made when necessary.

16. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways 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 shall within seven days of receiving an order in writing from any road authority, under the hand of their clerk or secretary, discontinue or take up such tramway for such term as may be necessary for the execution of the said works: Provided 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 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 so long as occasion may require a temporary tramway or temporary tramways, in lieu of the tramway or part of the tramway so removed or discontinued. 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

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section thirty-three of the Tramways Act, 1870, for the settlement of differences in the said section mentioned.

Promoters to be solely responsible for maintaining the tramways free from damage or accident.

17. The sole responsibility of maintaining the tramways free from damage or accident shall rest with the Promoters, and they shall have no claim whatever for any damage which may arise from any works executed or to be executed by the Corporation or any road authority, or from the use of any implements or materials they may use in the maintenance thereof.

Cleansing of roads.

18. The control over the surface of every road in which any tramway is laid shall continue in the road authority of the district in which such road is situate, who may cleanse the same without reference to the tramways, but whatever cleansing, owing to snow or other matters impeding the traffic, shall be requisite for the proper working of the tramways shall be executed by the Promoters, who shall, in performing the same, remove the snow or other matter from off the road forthwith, and without first placing it on any other part of the road.

Application of road materials excavated in construction of Promoters works.

19. Any paving, or metalling, or material approved by the road authority of any district, or their engineer, and any material excavated by the Promoters in the construction of their works from any road, 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 at the expiration of such period of six months for the purposes aforesaid to such yard or depôt of the road authority as the road authority or their engineer shall appoint. 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.

20. The tramways shall be used exclusively for the purpose of conveying passengers and parcels.

Construction and propelling carriages, &c.

21. Every carriage used upon the tramways shall be constructed with sufficient break power, and shall be used singly, and not in connexion with or attached to any other carriage, and shall be propelled by horse power only.

Tolls.

Tolls for passengers.

22. The Promoters may demand and take for every passenger travelling upon the tramways, or any of them, or any part or parts thereof respectively, including tolls for the use of the tramway and of carriages, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding threepence inside and twopence outside for the entire journey or any part thereof on the tramways, or any of them: Provided that so soon as the undertaking shall have earned a dividend or bonus on the capital expended thereon equal to ten pounds per centum per annum, the said tolls or charges shall not thereafter exceed twopence for the said journey so long as such dividend or bonus shall be not less than ten pounds per centum.

Passengers luggage.

23. 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.

24. The Promoters at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run at least one carriage or more, if required, 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 half-past five in the evening respectively, as the Promoters think most convenient for artisans, mechanics, and daily labourers, at fares not exceeding one penny for the journey: 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 or the number of passengers carried, the said Board shall have power to fix and regulate the same from time to time.

Tolls for parcels, &c.

25. The Promoters may demand and take in respect of any articles or things in small parcels conveyed by them upon the tramways, or any of them, including tolls for the use of the tramways, and for waggons and motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding the rates specified in the Schedule to this Order annexed; and the word "journey" wherever used in this Order or the said Schedule, shall mean the distance traversed in the same direction upon the tramways, or any of them, or any part thereof, at any one time.

As to payment of tolls.

26. 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 as to delivery of notices.

27. 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 engineer:

(2.) Any notice to be delivered by or to the Promoters 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 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.

Power to enter into traffic arrangements with the Hull Street Tramways Company.

28. The Promoters may, subject to the provisions of this Order, and with the consent of the Board of Trade, from time to time enter into and carry into effect, alter, vary, and rescind contracts or arrangements with the Hull Street Tramways Company (herein-after referred to as "the Company") with respect to the following purposes or any of them; that is to say,

The user, working, maintenance, and management of the tramways or any of them:

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The providing of rolling and working stock necessary for such working:

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 company respectively:

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

And all incidental matters and things.

Power to transfer the tramways to the Hull Street Tramways Company.

29. The Promoters on the one hand, and the Company on the other hand, may, with the consent of the Board of Trade, from time to time enter into agreements for the purchase by the Company of all or any of the tramways, and of the property, estate, and effects belonging thereto or connected therewith, or any part thereof, and of all the rights, powers, privileges, and authorities relating to the same, for such consideration and on such terms and conditions as may be agreed upon between the parties, and the sale shall be carried into effect by a deed duly stamped and truly stating the consideration, and thereupon by virtue of the deed and of this Order the tramways or tramway and property sold shall be transferred to and vest in the Company for such estate and interest therein as is comprised in the deed.

After sale, powers of Promoters to be exercised by the Company.

30. When any sale of the tramways, or any of them, to the Company has been made under the preceding section, all the rights, powers, authorities, obligations, and liabilities in respect of the undertaking sold shall be transferred to, vested in, and may be exercised by and shall attach to the Company in like manner as if such tramways were constructed by the Company under the powers conferred upon them by special Act, and in reference to the same they shall be deemed to be the Promoters.

Saving rights of the mayor, aldermen, and burgesses of the borough of Kingston-upon-Hull.

31. Except as is by this Order otherwise expressly provided, nothing in this Order contained shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, or authorities of or belonging to the Corporation, but the Corporation shall have, use, exercise, and enjoy the same as fully, freely, and effectually in all respects as they could or might have done if this Order had not been made and confirmed.

Saving rights of the North-eastern Railway Company.

32. Except as is by this Order otherwise expressly provided, nothing in this Order contained shall take away, lessen, prejudice, or alter any of the rights, interests, powers, or authorities of the North-eastern Railway Company.

Provision for general Acts.

33. Nothing in this Order 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.

SCHEDULE.

Rates for the Conveyance of Parcels.

Small Parcels.

For any parcel not exceeding seven pounds in weight, threepence per journey:

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

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

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight, ninepence per journey.

MANCHESTER SUBURBAN TRAMWAYS.

Order authorising the construction of Tramways in the Suburbs of the City of Manchester.

Short title.

1. This Order may be cited as "The Manchester Suburban Tramways Order, 1877."

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 undertaking by this Order authorised.

Promoters.

The Promoters.

4. Daniel Busby and William Turton and the survivor of them, and the executors or administrators of such survivor, or their or his assigns, 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 land as may be necessary for the undertaking, not exceeding in the whole five acres.

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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, weigh-bridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are—

Old Trafford and Stretford Lines.

Tramway No. 1, commencing in Stretford New Road by a junction with tramway No. 9A, authorised by the Manchester Corporation Tramways Order, 1875, at its termination at the city boundary at a point twenty-one yards or thereabouts west of the westerly side of Erskine Street, Hulme, and passing thence in a south-westerly direction along the Stretford New Road, and terminating at a point in that road fifteen yards or thereabouts west of the westerly corner of the Old Toll-bar House at Old Trafford. The length of tramway No. 1 will be five furlongs three chains and twelve yards.

Tramway No. 1A, commencing in Stretford New Road by a junction with tramway No. 9, authorised by the Manchester Corporation Tramways Order, 1875, at its termination at the city boundary at a point twenty-one yards or thereabouts west of the westerly side of Erskine Street, and passing thence along the Stretford New Road in a direction parallel with tramway No. 1, and terminating by a junction with that tramway at a point sixteen yards or thereabouts north-east of the termination thereof as herein-before described. The length of tramway No. 1A will be five furlongs two chains and eighteen yards.

Tramway No. 2, commencing by a junction with tramway No. 1, at a point one hundred and three yards or thereabouts in a north-easterly direction from the termination of that tramway as herein-before described, and passing thence by a curve in a westerly direction towards, into, and along Chester Road, and terminating in that road at a point forty-four yards or thereabouts south-west of the mile-post in the same road four and one third miles from Saint Ann's Square, Manchester. The length of tramway No. 2 will be two miles two furlongs eight chains and twelve yards.

Tramway No. 2A, commencing by a junction with tramway No. 1A, at a point in a line with and opposite the junction of tramways No. 1 and No. 2 as herein-before described, and passing thence by a curve in a direction parallel with tramway No. 2 into and passing along Chester Road, and terminating in that road by a junction with tramway No. 2, at a point fifty-six yards or thereabouts in a north-easterly direction from the centre of the bridge called "Longford Bridge," carrying that road over the Bridgewater Canal. The length of tramway No. 2A will be one mile three furlongs three chains and sixteen yards.

Tramway No. 2B, commencing by a junction with tramway No. 2, at a point thirty-six yards or thereabouts in a south-westerly direction from the centre of the said bridge called "Longford Bridge," and passing thence in a south-westerly direction along Chester Road aforesaid, and terminating in that road by another junction with tramway No. 2, at a point eleven yards or thereabouts in a south-westerly direction from the south-westerly side of Pool Lane. The length of tramway No. 2B will be four furlongs two chains and six yards.

Tramway No. 2C, forty-four yards in length, commencing and terminating by junctions with tramway No. 2, at points respectively thirty-two yards or thereabouts in a north-easterly direction from the southerly corner of Brunswick Street, and twelve yards or thereabouts in a south-westerly direction from the same point.

Tramway No. 2D, a passing-place commencing by a junction with tramway No. 2, at a point thirty-six yards or thereabouts in a south-westerly direction from the southerly corner of Green Street, and extending thence in a south-westerly direction for a distance of one hundred and fifty-seven yards along and terminating in Chester Road aforesaid by another junction with tramway No. 2, at a point thirteen yards or thereabouts in a north-westerly direction from the termination thereof as herein-before described.

Tramway No. 3 and tramway No. 3A respectively, commencing by junctions with tramways No. 1 and No. 1A, at points thereon ninety-eight yards or thereabouts east of the westerly corner of the Old Toll-bar House at Old Trafford, and passing thence in a north-easterly direction along and terminating in Chester Road aforesaid at the boundary of the township of Stretford, at a point sixty-two yards or thereabouts in a southerly direction from the southerly corner of Princes Street. The length of tramways Nos. 3 and 3A respectively will be four furlongs seven chains seventeen yards.

Tramway No. 4, commencing in Chester Road by a junction with tramway No. 3, at a point thereon twelve yards or thereabouts northwards from the westerly corner of the Northumberland Arms Inn, and passing thence into and along and terminating in the City Road at the boundary of the township of Stretford at a point nine yards or thereabouts south-westward from the end of Brook Street. The length of tramway No. 4 will be one furlong eight chains four yards.

Tramway No. 4A, being a short junction thirty yards or thereabouts in length between tramway No. 3A and tramway No. 4, at or near the westerly end of the City Road.

Tramway No. 4B, fifty yards or thereabouts in length, commencing and terminating by junctions with tramway No. 4, at points respectively forty yards westward and ten yards eastward from the easterly side of Cornbrook Park Road.

All the said Old Trafford and Stretford lines will be situate in the township of Stretford in the parish of Manchester in the county of Lancaster.

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Moss Side Lines.

Tramway No. 5, commencing in Chorlton Road at the city boundary at or near the end of Clayton Street, and passing thence in a southerly direction along Chorlton Road, and terminating in the same road at the boundary of the township of Stretford at or near the north end of Withington Road. The length of tramway No. 5 will be two furlongs two chains and sixteen yards.

Tramway No. 5A, a passing-place in Chorlton Road, forty-five yards in length, commencing and terminating by junctions with tramway No. 5, at points respectively twenty-five yards northward and twenty yards southward from the intersection of Cornbrook Street and Chorlton Road.

Tramway No. 5B, a passing-place in Chorlton Road, sixty-five yards in length, commencing and terminating by junctions with tramway No. 5, at points respectively thirty-two yards north and thirty-three yards south of the southerly corner of Augustus Street.

Tramway No. 5C, in Chorlton Road, thirty yards in length, commencing by a junction with tramway No. 5, at a point twenty-three yards north of the intersection of Chorlton Road, Withington Road, and Upper Chorlton Road, and terminating at the boundary of the township of Stretford at the junction of Chorlton Road and Upper Chorlton Road.

All the said Moss Side lines will be situate in the township of Stretford in the parish of Manchester in the county of Lancaster.

Gorton Lines.

Tramway No. 9 and tramway No. 9A, wholly situate in the township of Gorton in the parish of Manchester in the county of Lancaster respectively, commencing in the Manchester, Hyde, and Mottram turnpike road, at the city boundary at or near the Toll-bar House on that road, and passing thence in a south-easterly direction along and terminating in the same road at points as regards tramway No. 9, sixty-three yards, and as regards tramway No. 9A, thirty-one yards respectively eastward from the easterly corner of the Waggon and Horses Inn. The length of tramway No. 9 will be one mile six furlongs seven yards. The length of tramway No. 9A will be one mile five furlongs eight chains nineteen yards.

Provided that none of the tramways shall be laid so that for a distance of thirty feet or upwards a less space than nine feet six inches will intervene between the outside of the footpath on either side of the street and the nearest rail of the tramway, except in the following instances:

Tramway No. 5B may be so laid that such less space will intervene between the outside of the footpath on the easterly side of the street and the nearest rail of the tramway:

Tramway No. 9 may be so laid that such less space will intervene between the outside of the footpath on the northerly side of the street and the nearest rail of the tramway for a length of forty yards from its commencement:

Tramway No. 9A may be so laid that such less distance will intervene between the outside of the footpath on the southerly side of the street and the nearest rail of the tramway for a similar length.

For protection of Manchester South Junction and Altrincham Railway Company.

7. In constructing the tramways Nos. 2 and 2A respectively across the Manchester South Junction and Altrincham Railway, the Promoters shall not alter or interfere with the structure of the bridge which carries the Chester Road over the said railway, or of the approaches thereto, and shall so construct and maintain the said tramways in the road over the said bridge and the approaches as not to injuriously affect the said bridge and approaches, and in the event of any injury being occasioned to the said bridge and approaches, or any part or parts thereof respectively, by the construction of the said tramways on or over the same (whether such injury shall occur either during or after construction, or in effecting the maintenance of the said tramways), the said company may restore the said bridge and approaches, or the part or parts which may be injured, to as good a state and condition as they were in before such injury was occasioned at the expense of the Promoters, and the Promoters shall recoup to and indemnify the said company against all sums, costs, and expenses which they may pay or be put to in maintaining and repairing so much of the road over the said bridge and approaches as the Promoters are liable to maintain and repair under the twenty-eighth section of "The Tramways Act, 1870," and the said company may recover from the Promoters all such sums, costs, and expenses, together with full costs and charges, in any court of competent jurisdiction.

For the protection of the Corporation of Manchester.

8. The following provisions for the protection of the mayor, aldermen, and citizens of the city of Manchester, in the county of Lancaster (herein-after referred to as "the Corporation"), shall be in force and have effect:

(1.) In the construction of the tramways the Promoters shall deviate in such places, to such extent, and in such manner as the resident engineer for the time being of the Manchester Corporation Waterworks may certify in writing to be necessary for avoiding interference with any mains, pipes, or valves or apparatus belonging to the Corporation, but no such deviation shall be so made as to leave a less space than nine feet six inches between the nearest rail of the tramway to be deviated and the outside of the footpath:

(2.) Sections 30, 32, and 33 of "The Tramways Act, 1870," shall apply to the Corporation with reference to the gas and water mains, pipes, and apparatus belonging to the Corporation in like manner as the same apply to a company or person being the owner of gas or water mains or pipes: Provided that all works or interference with or in connexion with the gas and water mains, pipes, or apparatus of the Corporation under the thirtieth section of "The Tramways Act, 1870," or otherwise, shall be made and executed by the Corporation, and not otherwise, upon the request and at the cost of the Promoters:

(3.) The cost of constructing, providing, and laying any new gas or water mains, pipes, valves, fire cocks, hydrants, or other apparatus in substitution for any which may be rendered useless by the construction of the tramways, and the value of any gas or water mains, pipes,

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valves, fire cocks, hydrants, or other apparatus belonging to or under the control of the Corporation, rendered useless or unproductive to the Corporation by the works authorised by this Order, shall on demand and subject to credit being given for the value of the aforesaid matters so rendered useless to the Corporation be repaid to the Corporation by the Promoters: Provided always, that whenever any new main, pipe, or apparatus of larger dimensions shall be substituted for any existing main, pipe, or apparatus, the Promoters shall only be required to pay the cost which would have been incurred by the substitution of a main, pipe, or apparatus of equal dimensions with the existing main, pipe, or apparatus:

(4.) The Corporation shall not be liable for and the Promoters shall indemnify the Corporation against all loss to the Promoters by reason of suspension of traffic, and all accidents, damages, or injuries either to the tramways, works, and property of the Promoters, and the persons and property being conveyed on or using the same, or to any other person or property whatsoever, and all actions, suits, and costs in respect thereof, which may either during the progress of the works of the Promoters, or at any time hereafter, be caused by the bursting, breaking, or leakage of or escape of gas or water from any main or pipe or other apparatus of the Corporation, crossing or being underneath (either wholly or partially) or near to any tramway or work of the Promoters, or which may have been affected by the works of the Promoters, unless such damage or injury shall have arisen as the consequence of any wilful act or default of the Corporation, or their officers or servants:

(5.) All and singular sum and sums of money herein-before provided to be paid by the Promoters to the Corporation may be recovered by the Corporation by all and the same means as any simple contract debt.

Promoters may be required to use improved form of rail.

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

Penalty for not maintaining rails and road in good condition.

10. The Promoters shall at all times maintain and keep in good condition and repair the rails of which any of the tramways shall for the time being consist, 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 every day on which such act of omission continues; and such penalty may be recovered as by clause fifty-six of the said Act is provided.

Passing-places to be constructed where less than a certain width left between footway and tramway.

11. 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 street or road and the nearest rail of the tramway than nine feet six inches, the Promoters shall and they are hereby required to construct a passing place or places con-

necting 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 others.

Tramways to be kept on a level with surface of road.

12. If any road authority shall hereafter alter the level of any road along or across which any 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, &c. may be made where necessary.

13. The Promoters may from time to time hereafter 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 any of them, or for providing access to any stables or carriage sheds or works of the Promoters, subject to the approval of the road authority: 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 any owner or occupier of premises abutting on the place where such rail is proposed to be laid shall, by writing under his hand, addressed to the Promoters, express his objection thereto.

Temporary tramways may be made when necessary.

14. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid, it 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 the differences in the said section mentioned.

Application of road materials excavated in construction of Promoters' works.

15. 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 by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of 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

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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 all differences between the Promoters and any road authority.

Traffic upon Tramways.

Traffic upon tramways.

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

Railway carriages not to be used.

17. Carriages or trucks adapted for ordinary use upon railways shall not be used upon the tramways.

Tolls.

Tolls.

18. The Promoters may demand and take for every passenger travelling upon any of the tramways or any part thereof, 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 three years 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 the representation has been proved to his satisfaction, the said Board may make an order in writing limiting the amount of the tolls and charges 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 such order, revoke or modify the same for good cause shown to them.

Passengers luggage.

19. Every passenger travelling upon any of 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.

20. The Promoters, at all times after the opening of the tramways or any part or parts thereof for public traffic, shall and they are hereby required to run such number of carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always

excepted), and 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 tolls or charges 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 as to the number of such carriages, or 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 animals, goods, &c.

21. The Promoters may demand and take in respect of any animals, goods, minerals, or parcels conveyed by them on the tramways, except as is by this Order specially provided, including the tolls for the use of the tramways, and for waggons, trucks, and motive power, and every other expense incidental to the conveyance, any tolls or charges not exceeding the rates specified in the schedule to this order annexed.

Payment of tolls.

22. 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.

Provisions as to arbitration.

23. Where under the provisions of "The Tramways Act, 1870," in this Order any matter in difference is referred to the arbitration of any 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 the arbitrator shall be final and conclusive and binding on all parties.

Form and delivery of notices.

24. With respect to notices, and to the delivery thereof by or to the Promoters, the following provisions shall have effect; (that is to say,)

(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 any road authority, shall be signed by their clerk or secretary:

(2.) Any notice to be delivered by or to the Promoters 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 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.

Agreements between Promoters and road authorities.

25. The Promoters and any road authority may, subject to the provisions of this Order, from time to time enter into any agreements with respect to the construction, maintaining, removing, renewing, repairing, and using of the tramways situated within the district of such road authority, and the rails, plates, sleepers, and works connected therewith, and the facilitating of the traffic over the same.

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Provisions for general Acts.

26. Nothing in this Order 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.

SCHEDULE.

List of Tolls.

Animals.

	Per mile. s.	d.
For every horse, mule, or other beast of draught or burden - -	0	3
For every ox, cow, bull, or head of cattle - - - -	0	3
For calves, pigs, sheep, and small animals - - - -	0	2

Goods and Minerals.

For all coals, culm, cannel, limestone, chalk, lime, slates, clay, ironstone, undressed or scabbled stones for building, pitching, and paving, slag, stone, salt, sand, cinders, and all undressed materials for the repair of public roads, per ton - - - - -	0	3
For all iron, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, wrought iron, not otherwise specifically classed herein, and for heavy iron castings (including railway chairs), tiles, bricks, coke, charcoal, dung, manure, and compost, per ton - - - - - - -	0	4
For all timber or wood, per ton - - - -	0	3
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton - - - -	0	5
For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton - -	0	6
For every carriage of whatever description - - -	1	0

Single Articles of Great Weight.

	Any distance.
Any 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, per ton - - - - - -	3 0

Any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, exceeds eight tons, the Promoters may demand such sum as they think fit.

Small Parcels.

	Any Distance. s.	d.
For any parcel not exceeding in weight seven pounds - -	0	3
For any parcel exceeding seven but not exceeding fourteen pounds in weight - - - - - -	0	5
For any parcel exceeding fourteen but not exceeding twenty-eight pounds in weight - - - - -	0	7
For any parcel exceeding twenty-eight but not exceeding fifty-six pounds in weight - - - - -	0	9

For any parcel exceeding fifty-six but not exceeding five hundred pounds in weight the Promoters may demand any sum they think proper.

REGULATIONS AS TO TOLLS.

In respect of tolls for animals and goods and minerals the Promoters may demand and take for any less distance than three miles tolls and charges as for three miles.

For a fraction of a mile beyond three miles, or beyond any greater number of miles, the Promoters may demand tolls and charges on animals and goods and minerals 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.

For a fraction of a ton the Promoters may demand tolls according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

With respect to all articles, except stone and timber, the weight shall be determined according to 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.

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 such term shall apply only to single parcels in separate packages.

NOTTINGHAM AND DISTRICT TRAMWAYS.

Order authorising the construction of Tramways in the Town of Nottingham and its Suburbs, in the County of Nottingham.

1. This Order may be cited as "The Nottingham and District Tramways Order, 1877." **Short title.**

2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the promoters of the undertaking,) and of "The **Incorporation of Acts.**

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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 undertaking by this Order authorised.

In this Order—

The expression "the borough" means the borough of Nottingham, and shall include any extension of the same prescribed by Act of Parliament, and the expression "the Corporation" means the mayor, aldermen, and burgesses of the borough acting by the town council.

Promoters.

The Promoters.

4. Alexander Brogden, John Weston, Thomas Masters Wiswell, and Knapp Barrow, and the survivors and survivor of them, and the executors or administrators of such survivor, or their or his assigns, 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 land as may be necessary for 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 (save as to the tramways to be constructed in the Forest Road herein-after mentioned) 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, weigh-bridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are—

Tramway No. 1, 1 mile 6 furlongs 5·70 chains in length, commencing in the parish of Saint Mary, in the town of Nottingham, in the county of Nottingham, in the road between or forming Long Row and Smithy Row, thirty yards or thereabouts from its junction with Clumber Street, thence passing along that road, Market Place, Market Street, Upper Parliament Street, Milton Street, Melbourne Street, and Mansfield Road, and terminating in the parish of Basford, in the county of Nottingham, in Mansfield Road opposite the south-east corner of Carrington Church there;

Tramway No. 1 will be laid as a double line from its commencement to Market Street, thence as a single line along Market Street, thence as a double line along Upper Parliament Street, thence as a single line along Milton Street to opposite Burton Street, thence as a double line to opposite Saint Andrew's Church in Mansfield Road, thence as a single line to its termination;

Tramway No. 2, 2 miles 2 furlongs 8·7 chains in length, commencing in the parish of Saint Mary, in the town of Nottingham, by a junction with tramway No. 1 in Market Place, opposite the south-east corner of Market Street, thence passing along Market Place, Long Row, and Angel Row, Chapel Bar, Tollhouse Hill, Derby Road, the Alfreton Road, Hyson Green Road, and Radford Road, and terminating in that road, in the parish of Basford, at the junction of Wood Street with Radford Road;

Tramway No. 2 will be laid as a double line from its commencement to opposite Mount Street, thence as a single line to opposite Upper Parliament Street, thence as a double line to opposite Mitchell Street, and thence as a single line to its termination;

Tramway No. 2A, 3 chains in length (a passing place), situate in Radford Road, and wholly in the parish of Lenton, in the county of Nottingham, commencing and terminating by junctions with tramway No. 2 at points respectively one hundred and forty yards and seventy-four yards or thereabouts south of Pleasant Row;

Tramway No. 2B, 3 chains in length (a passing place), situate in Radford Road, and wholly in the parish of Basford, commencing and terminating by junctions with tramway No. 2 at points respectively ninety-four yards and one hundred and sixty yards or thereabouts north of Mosley Street;

Tramway No. 2C, 2·5 chains in length, wholly situate in the Basford Road, and in the parish of Basford, commencing by a junction with tramway No. 2, fifty-five yards from its termination, and terminating opposite the termination of tramway No. 2;

Tramway No. 3, 6 furlongs 1·76 chains in length (being a double line of tramway throughout), wholly situate in the parish of Saint Mary in the town of Nottingham, commencing by a junction with tramway No. 1 in Mansfield Road, at its junction with the Forest Road, thence passing along Forest Road into Alfreton Road, and terminating in that road at its junction with Forest Road, and by a junction with tramway No. 2 there;

Tramway No. 4, 5 furlongs 1·85 chains in length, commencing in the parish of Saint Peter, in the town of Nottingham, on the north side of Saint Peter's Square, thence passing through that square along Albert Street, Lister Gate, Carrington Street, Station Street, and terminating in that street at its junction with London Road, in the parish of Saint Mary, in the town of Nottingham;

Tramway No. 4 will be laid as a double line from its commencement to opposite Low Pavement, thence as a single line to about forty yards north of Broad Marsh, thence as a double line to its termination;

Tramway No. 5, five furlongs eight chains in length (being a double line of tramway throughout), situate wholly in the parish of Saint Mary, in the town of Nottingham, commencing by a junction with tramway No. 4, in Carrington Street, at its junction with Station Street, thence passing along Arkwright Street into and terminating in the London Road opposite the Union Inn:

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All or some of the said tramways will be made in the following parishes, townships, and extra-parochial places, or some of them; that is to say, Saint Mary, Saint Peter, and Saint Nicholas, in the town of Nottingham; and Basford, Radford, and Lenton, in the county of Nottingham.

Provided that the said tramway No. 3 shall be made and constructed in the Forest Road according to the lines shown in red on the amended plan deposited with the Board of Trade on the 7th day of April 1877, and signed by Messrs. Nimmo and Mackay as engineers of the undertaking; and provided that the said tramway No. 4 shall be so laid in Carrington Street that a space of not less than nine feet six inches shall intervene between the outside of the footpath and the nearest rail of the tramway on each side of the said street: And provided also that such portions of the tramways as are situate within the borough shall be constructed to the reasonable satisfaction of the Corporation.

Variation of section twenty-eight of the Tramways Act, 1870.

7. The proviso to section twenty-eight of the Tramways Act, 1870, shall as regards such of the tramways as are situate within the borough be read as if the words "twenty-four hours" had been inserted therein in lieu of the words "seven days."

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

Penalty for not maintaining rails and road in good condition.

9. The Promoters shall at all times maintain and keep in good condition and repair the rails of which any of the tramways shall for the time being consist, and, so far as relates to such portions of the tramways as are situate within the borough, such condition and repair shall be subject to the reasonable satisfaction of the Corporation, 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 every day on which such act of omission continues; and such penalty may be recovered as by section fifty-six of the said Act is provided.

Passing places to be constructed where less than a certain width left between footway and tramway.

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 street or road and the nearest rail of the tramway than nine feet six inches, the Promoters shall and they are hereby required to construct a passing place or passing 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.

Tramways to be kept on a level with surface of road.

11. If any road authority shall hereafter alter the level of any road along or across which any 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, &c. may be made where necessary.

12. The Promoters may from time to time hereafter 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 any of them, or for providing access to any stables or carriage sheds or works of the Promoters, subject to the approval of the road authority: 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 any owner or occupier of premises abutting on the place where such rail is proposed to be laid shall, by writing under his hand, addressed to the Promoters, express his objection thereto.

Provided also, that the number and situation of such crossings, passing places, sidings, junctions, and other works shall be determined by the road authority, and if any difference arises between the Promoters and the road authority with respect to the number and situation of any such crossings, passing places, sidings, junctions, or works, the same 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.

If any crossing, passing place, sidings, junction, or other works so made with the approval of the road authority, or any part thereof, is subsequently objected to by the road authority, the road authority may, by written notice to the Promoters, require them to remove the same, and, if the road authority so think fit, to remake or relay the same in some other position to be specified in the notice, and the Promoters shall comply with such requirement: Provided, that the expense of every such removal, remaking, or relaying shall be borne by the road authority.

Temporary tramways may be made when necessary.

13. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid, it 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 respect 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 the differences in the said section mentioned.

Application of road materials excavated in construction of Promoters works.

14. 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

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road authority of so much of the roadway on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of 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 all differences between the Promoters and any road authority.

Saving rights of the Nottingham Waterworks Company.

15. If the Promoters desire under the authority of this Order to do any act which shall or may render necessary the removal or displacement of any of the pipes or works belonging to or controlled by the Nottingham Waterworks Company, the Promoters shall give to the said Waterworks Company fourteen days notice of such desire; and the said Waterworks Company shall forthwith (without prejudice, nevertheless, to the protection afforded to them by sub-section two of section thirty of "The Tramways Act, 1870") make such removal or displacement as may be necessary, and do all works incidental thereto, and all expenses incurred thereby shall be defrayed by the Promoters.

Traffic upon Tramways.

Traffic upon tramways.

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

User of tramways for sanitary purposes.

17. The Corporation may use the tramways free of tolls for sanitary purposes during such hours as the Promoters are not working the same, but so that such user shall cause as little damage or injury as possible to the tramways and that the ordinary traffic thereon be not in any way impeded or interfered with.

Carriages or horses unfit for use may be removed.

18. The Corporation may cause to be removed from the tramways of the Promoters any carriage or horse which shall be certified by an officer to be appointed by the Corporation to be unfit for use upon the tramway: Provided, that every certificate made by the said officer to the Corporation shall be in writing, and shall state fully the particulars in which, in the opinion of the said officer, the carriage or horse (as the case may be) is unfit for use; and notice of every such certificate, setting forth the particulars contained in the said certificate, shall be served upon the Promoters prior to any action being taken thereon by the Corporation: Provided further, that if any dispute shall arise between the Corporation and the Promoters as to the fitness or unfitness of any such carriage or horse, the same shall be settled by two justices.

Tolls.

Tolls.

19. The Promoters may demand and take for every passenger travelling upon any of the tramways or any part thereof, including tolls 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 those specified in Table A. in the Schedule to this Order annexed; Provided always, that if at any time after three years 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 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 the representation has been proved to his satisfaction, the said Board may make an order in writing limiting the amount of the tolls and charges to be thenceforth charged by the Promoters for the conveyance of passengers in such manner as the said Board shall think proper, 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 such order, revoke or modify the same for good cause shown to them.

Passengers luggage.

20. Every passenger travelling upon any of 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.

21. The Promoters, at all times after the opening of the tramways or any part or parts thereof 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 tolls or charges not exceeding threepence for the entire journey or any part thereof: 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 animals, goods, &c.

22. The Promoters may demand and take in respect of any animals, goods, minerals, or parcels conveyed by them on the tramways, except as is by this Order specially provided, including the tolls for the use of the tramways, and for waggons, trucks, and motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding the rates specified in Table B. in the Schedule to this Order annexed, subject to the regulations in that behalf therein contained, and the word "journey," wherever used in this Order and in the said schedule, shall mean the distance traversed in the same direction upon the tramway or any part thereof at any one time.

Promoters not bound to carry goods.

23. The Promoters shall not be bound to carry, unless they think fit, any animals, goods, minerals, or parcels, other than passengers luggage not exceeding twenty-eight pounds in weight.

Payment of tolls.

24. 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.

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Miscellaneous.

Provisions as to arbitration.

25. Where, under the provisions of "The Tramways Act, 1870," in this Order any matter in difference is referred to the arbitration of any 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 the arbitrator shall be final and conclusive and binding on all parties.

Form and delivery of notices.

26. With respect to notices, and to the delivery thereof by or to the Promoters, the following provisions shall have effect; (that is to say,)

(1.) Every notice shall be in writing or print, or partly in writing and partly in print, and if given by the Corporation or other local authority or any road authority, shall be signed by the town clerk or the clerk or secretary of such authority:

(2.) Any notice to be delivered by or to the Promoters to or by the Corporation or any local authority, or any road authority, or other body, or any company, may be delivered by being left at the principal office of the Corporation, or such 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 the town clerk or to the respective clerk or secretary at the Town Hall, or principal office of such authority, body, or company, or of the Promoters.

Promoters to contract with road authority in certain cases.

27. The Promoters shall, if required by the Corporation, make contracts with respect to such portions of the tramways as are situate within the borough with the Corporation for all or any of the purposes for which contracts may be made between the Promoters of any tramway undertaking and a road authority under the authority of section twenty-nine of "The Tramways Act, 1870:" Provided always, that the terms of any such contract shall, in case the same are not agreed upon between the Promoters and the Corporation, be determined by a referee to be appointed by the Board of Trade for such purpose, and that the Corporation may require that it shall be one of the terms of every such contract that the Promoters shall deposit such sum in such bank and in the names of such person as representing the Corporation, and of such person as representing the Promoters, as may be agreed upon between the Corporation and the Promoters, or as shall in case of difference between the Corporation and the Promoters be determined by the said referee, and every such sum if and when so deposited shall be held by the persons in whose names the same is deposited upon trust to secure the due payment by the Promoters to the Corporation of all sums payable under such contract, and on payment of every sum so payable the amount so deposited shall be forthwith repaid to the Promoters.

Agreement with road authority.

28. The Promoters and the road authority of any district may from time to time enter into contracts or agreements with respect to the laying down, maintaining, renewing, removing, repairing, and using of the tramways situate within such district, and the rails, plates, sleepers, and works connected therewith, and for facilitating the passage of traffic over and along the same.

Provision as to purchase of tramways by the Corporation.

29. If the Promoters do not within two years from the passing of the Act confirming this Order, or within such prolonged time as Parliament or the Board of Trade (with the consent of the Corporation) may from time to time direct or grant, construct and complete and open for public traffic so much of

the tramway as is situated within the boundaries of the borough, as the same were limited on the thirty-first day of December one thousand eight hundred and seventy-six, or if at any time after the opening of the tramway for traffic the Promoters discontinue the working of so much of the tramway as aforesaid, or any part thereof, for the space of three calendar months (such discontinuance not being occasioned by circumstances beyond the control of the Promoters, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control), and such discontinuance is proved to the satisfaction of the Board of Trade, the Board of Trade may, if they think fit, by order declare that the powers of the Promoters in respect of the whole of the tramways shall, from such date as the Board of Trade shall fix by such order, be at an end, and then and in either of such cases the Corporation, if by resolution passed at a special meeting of the Corporation in accordance with the provisions with respect to special resolutions of section forty-three of the Tramways Act, 1870, they so decide, may within six months from the expiration of such two years, or of such prolonged time, as the case may be, or the making of such order by the Board of Trade, by notice in writing require the Promoters to sell, and the Promoters shall sell to them so much of the tramway as may have then been constructed and completed; and the amount to be paid by the Corporation upon any such purchase shall include a proportion of all the costs, charges, and expenses, sum and sums of money incurred, paid, or deposited in and about the applying for and obtaining this order commensurate with the extent and value of the portions of the tramway so purchased, and shall in case of difference be determined by a referee to be appointed by the Board of Trade in accordance with the provisions in that behalf of the said forty-third section of the Tramways Act, 1870, and save as aforesaid the provisions of that section shall apply to any purchase to be made by the Corporation as herein-before provided, in like manner as if the same were a purchase under the authority of the said section.

Saving rights and protecting works of the Midland Railway Company.

30. Nothing in this Order or in the Acts wholly or partially incorporated with this Order contained shall take away, diminish, or affect any of the rights, privileges, or powers vested in the Midland Railway Company (herein-after called the Railway Company), and the Promoters shall not, without the consent in writing of the Railway Company under their common seal first had and obtained, take, use, or in any manner interfere with any part of the Midland Railway, or the works connected therewith, or any land belonging to the Railway Company, save that the Promoters may nevertheless lay their tramways over any bridge or tunnel by which any public road is carried over the railway; and the works necessary for the same shall be executed according to plans and specifications to be submitted to and previously approved by the engineer for the time being of the Railway Company, or, in the event of dispute, according to plans and specifications to be approved by a referee to be appointed by the Board of Trade as herein-after provided; and the same works shall be commenced, carried on, and completed under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Railway Company, and at the expense of the Promoters; provided, that if the engineer for the time being of the Railway Company shall not within one calendar

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month from the day on which the said plans and specifications shall have been submitted to him as aforesaid have signified in writing his disapproval thereof, he shall be deemed to have approved thereof.

If any dispute shall arise between the Promoters and the Railway Company as to the mode of laying their tramway over any bridge or tunnel by which any public road is carried over the railway as aforesaid, or as to the works necessary for the same, such dispute shall be referred to some competent engineer to be agreed on between the Promoters and the Railway Company, or in case they shall not agree upon a referee within one calendar month from the day on which the engineer for the time being of the Railway Company shall have signified in writing his disapproval of the said plans and specifications, then to a referee to be appointed by the Board of Trade, and the decision of every such referee shall be final and binding on the parties.

Provisions for general Acts.

31. Nothing in this Order 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.

SCHEDULE.

Table A.

	s.	*d.*
To or from the Great Market Place, from or to the west end of Forest Road, viâ Derby Road, not exceeding - - -	0	2
To or from the Great Market Place, from or to the east end of Forest Road, viâ Mansfield Road, not exceeding - - -	0	2
To or from the Great Market Place, from or to any portion of the Forest Road, not exceeding - - - -	0	3
To or from St. Peter's Square, from or to the termination of tramway No. 4. in Station Street, not exceeding - - -	0	2
To or from St. Peter's Square, from or to the termination of tramway No. 5. at or near the Trent Bridge, not exceeding - -	0	3
For the entire length of the tramway, or to or from any place beyond the points above specified, for each journey, not exceeding -	0	4

Table B.

Tolls and Charges for the Conveyance of Animals, Goods, &c.

Animals.

	Per Journey. *s.*	*d.*
For every horse, mule, or other beast of draught or burden, per head -	1	$1\frac{1}{2}$
For every ox, cow, bull, or head of cattle, per head - - -	1	$1\frac{1}{2}$
For calves, pigs, sheep, and small animals, per head - - - -	0	$6\frac{3}{4}$

Goods.

	s.	d.
For all coals, coke, culm, charcoal, cinders, dung, compost, manures, gravel, and all undressed materials for the repair of public roads or highways, per ton	0	6¾
For all sand, lime, limestone, all stones for building, pitching, and paving, all bricks, tiles, slates, clay, chalk, marl, iron, ironstone, copper, tin, lead, and iron ore, per ton	0	6¾
For all pig iron, bar iron, rod iron, hoop iron, and all other similar descriptions of wrought iron and iron castings, not manufactured into utensils, or other articles of merchandise, per ton	0	6¾
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, metals (except iron), tinned nails, nails, anvils, vices, and chains, per ton	0	9
For all wools, cotton, drugs, manufactured goods, fish, and all other wares, merchandise, articles, matters, or things, per ton	0	9

Articles of Great Weight.

For the carriage of single parcels 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 sums as the Promoters may think fit, not exceeding one shilling and sixpence per ton per journey.

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 Promoters shall think fit.

Tolls for Small Parcels.

	Between the Great Market Place and the east or west end of Forest Road, or between St. Peter's Square and the terminus of Tramway No. 4.	Upon any other parts of the Tramways.
For any parcel not exceeding seven pounds in weight, per journey	Twopence	Threepence.
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight, per journey	Fourpence	Fivepence.
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight, per journey	Sixpence	Sevenpence.

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, upon any part of the tramways, ninepence per journey.

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For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight, the Promoters may demand any sum which they think fit.

Regulations as to Tolls.

For a fraction of a ton the Promoters may demand toll according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

With respect to all articles, except stone and timber, the weight shall be determined according to 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.

PORTSEA STREET TRAMWAYS.

Order authorising the construction of Tramways in the Parish of Portsea, in the County of Southampton.

Short title.

1. This Order may be cited as "The Portsea Street Tramways Order, 1877."

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 undertaking by this Order authorised.

In this Order the expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Portsmouth, whether acting as a local or road authority.

The expression "the Order of 1876" shall mean "The Landport, Southsea, and Portsea Street Tramways Order, 1876."

Promoters.

The Promoters.

4. The General Tramways Company of Portsmouth, 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 or take on lease such land as may be necessary for the undertaking,

not exceeding seven acres, and also rent or take on lease such easements over lands, tenements, piers, or floating bridges as may be necessary for the purposes of the undertaking.

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, as amended by a plan signed by A. W. White and W. Yolland, and deposited at the Board of Trade on the sixth day of April 1877, (herein referred to as "the deposited plans and sections,") the tramways herein-after described, with all proper rails, plates, offices, weigh-bridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are:—

A tramway (No. 1) situate wholly in the parish of Portsea in the county of Southampton, and commencing by a junction with the existing tramway No. 7 of the Portsmouth Street Tramways Company, authorised by the Portsmouth Street Tramways Act, 1870, at a point in Commercial Road about thirty feet north of the intersection of that road with Surrey Street, and curving thence into and along Edinburgh Road, and along Lion Place, Lion Terrace, Mill Dam Road, and terminating in the New Road connecting Park View with Ordnance Row by a junction with tramway (No. 13), authorised by the Order of 1876.

The proposed tramway will at its commencement be seven feet west of the centre of the road, and will be so laid in Edinburgh Road, to a point at the intersection of that road with Spring Street. It will thence gradually converge towards the centre of the road, and will continue along the centre of Edinburgh Road, Lion Place, Lion Terrace, and Mill Dam Road until its termination in the said New Road connecting Park View with Ordnance Row.

A tramway siding or passing place (No. 2), situated in Commercial and Edinburgh Roads, in the parish of Portsea aforesaid, and commencing and terminating respectively by junctions with the proposed tramway No. 1 above described, the point of commencement being one chain north-west of the intersection of Surrey Street with Commercial Road, and the point of termination ten yards south-east of the intersection of Fountain Street with Edinburgh Road.

The proposed tramway (No. 2) will at its commencement be twelve feet west of the centre of the road. It will thence gradually diverge in a north-westerly direction until, in the length of one chain, it attains a distance of sixteen feet therefrom. It will be laid at that distance for a length of one chain, and will thence gradually converge until in the length of one chain it attains the distance of seven feet from the centre of Edinburgh Road.

A tramway siding or passing place (No. 3), situated wholly in Edinburgh Road, in the parish of Portsea aforesaid, and commencing and terminating respectively by junctions with the proposed tramway (No. 1) above

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described; the point of commencement being one chain westward from the intersection of Fountain Street with Edinburgh Road, and the point of termination being three chains westward therefrom.

The proposed tramway (No. 3) will at its commencement be three feet south of the centre of the road, and will thence gradually diverge in a southerly direction until in the length of one chain it attains a distance of nine feet therefrom, and will be laid at that distance for a length of one chain, and will thence gradually converge until in the length of one chain it attains the centre of the road.

A tramway siding or passing place (No. 4), situated in Edinburgh Road and Lion Place, in the parish of Portsea aforesaid, and commencing and terminating respectively by junctions with the proposed tramway (No. 1) above described, the point of commencement being one and a half chains eastward of the intersection of Lion Place and Edinburgh Road and the point of termination one and three quarters chains southward therefrom.

The proposed tramway (No. 4) will at its commencement be in the centre of the road, and will thence gradually diverge in a south-westerly direction until in the length of one chain it attains the distance of nine feet therefrom, and will be laid at that distance for a length of one chain, and will thence gradually converge until in the length of one chain it again attains the centre of the road.

A tramway siding or passing place (No. 5), situated in Lion Terrace, in the parish of Portsea aforesaid, and commencing and terminating respectively by junctions with the proposed tramway (No. 1) above described, the point of commencement being two chains north of the intersection of Portland Street with Lion Terrace and the point of termination twenty-seven yards southward therefrom.

The proposed tramway (No. 5) will at its commencement be in the centre of the road, and will thence gradually diverge in an easterly direction until in the length of one chain it attains the distance of nine feet therefrom, and will be laid at that distance for a length of ten yards, and will thence gradually curve in a south-westerly direction until in the length of thirty-five yards it again converges to tramway (No. 1).

A tramway siding or passing place (No. 6), situated in Mill Dam Road and the New Road connecting Park View with Ordnance Row, in the parish of Portsea aforesaid, and commencing by a junction with the proposed tramway (No. 1) above described, the point of commencement being about forty yards north of the point of intersection of such road with the said New Road, and terminating by a junction with the tramway No. 13, authorised by the Order of 1876, at a point about forty yards west of the intersection of the said roads.

The proposed tramway (No. 6) will at its commencement be in the centre of the road, and will thence gradually diverge in a south-easterly direction until in a length of one chain it attains a distance of nine feet therefrom, and will be laid at that distance for a length of one chain, and will thence gradually converge until in a length of one chain it again attains the centre of the road.

Promoters may be required to use improved form of rail.

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

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 the rails of which any of the tramways shall for the time being consist; 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 every day on which such act of omission continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Passing places to be constructed where less than a certain width left between footway and tramway.

9. 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 street or road and the nearest rail of the tramway than nine feet six inches, the Promoters shall and they are hereby required to 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.

Tramways to be kept on a level with surface of road.

10. If any road authority shall hereafter alter the level of any road along or across which any 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, &c. may be made where necessary.

11. The Promoters may from time to time hereafter 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 any of them, or for providing access to any stables or carriage sheds or works of the Promoters, subject to the approval of the road authority: 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 any owner or occupier of premises abutting on the place where such rail is proposed to be laid shall, by writing under his hand addressed to the Promoters, express his objection thereto.

Temporary tramways may be made when necessary.

12. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid, it 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.

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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 the differences in the said section mentioned.

Application of road materials excavated in construction of Promoters works.

13. 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 by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of 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 all differences between the Promoters and any road authority.

Traffic upon Tramways.

Traffic upon tramways.

14. The tramways may be used for the purpose of carrying passengers, luggage, parcels, and mail bags.

Tolls.

Tolls for passengers.

15. The Promoters may from time to time demand and take, in respect of the tramway, tolls and charges not exceeding the rates which they are authorised to take (and for the time being may lawfully take) in respect of the tramways authorised by the Order of 1876; and the sections of the Order of 1876 numbered 16 to 21 (both numbers inclusive), and the schedule to the said Order, shall apply to the tramways authorised by this Order (as regards the tolls to be taken in respect thereof), in like manner in every respect as if the said tramways were the tramways in the said sections mentioned.

Miscellaneous.

Provision as to arbitration.

16. When, under the provisions of "The Tramways Act, 1870," in this Order any matter in difference is referred to the arbitration of any 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 the arbitrator shall be final and conclusive and binding on all parties.

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17. The Promoters may, with the consent of the Board of Trade, subject to the provisions of this Order, make such agreements as they may think fit with any corporation or persons for the use by them on the tramways of carriages with flange wheels, or other wheels specially adapted to run on edged or grooved or other tram rails, to be propelled by animal power.

Promoters may make agreements for user of tramway.

18. The Promoters and the road authority of any district are hereby authorised to enter into any agreements, subject to the provisions of this Order, with respect to the construction, maintaining, removing, renewing, repairing, and using of the tramways situate within such district, and the works connected therewith, and the facilitating of the traffic over the same by animal power, and also with respect to the repairing and maintaining all or any of the streets, roads, and places upon which the tramways, or any of them, may be laid within such district, and to the providing for the expense of such repairs.

Agreements between Promoters and road authority.

19. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made, or any liability incurred, before the passing of the Act confirming this Order, with respect to the terms of consent, by any local authority, road authority, company, corporation, or person, to the application for this Order, or with respect to the tramways, or the undertaking, or any matter connected therewith, provided that the provisions of this Order admit of such contract or agreement being carried into effect.

Saving of existing contracts.

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

Form and delivery of notices.

(1.) Every notice shall be in writing or print, or partly in writing and partly in print, and if given by the corporation shall be sufficiently authenticated by being signed by the town clerk for the time being:

(2.) Any notice to be delivered by or to the Promoters to or by the corporation, or to or by any other body, or to or by any company, may be delivered by being left at the Town Hall or principal office of such body or company, or at the principal office of the Promoters, as the case may be, or by being sent by post in a letter addressed to the town clerk or to the clerk or secretary of such body, company, or of the Promoters at their principal office.

21. Nothing in this Order 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.

Provision for general Acts.

RUSHOLME LOCAL BOARD OF HEALTH TRAMWAYS.

Order authorising the Local Board of Health for the District of Rusholme, in the County of Lancaster, to construct certain Tramways in the District of the said Local Board.

1. This Order may be cited as "The Rusholme Local Board of Health Tramways Order, 1877."

Short title.

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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 undertaking by this Order authorised.

In this Order the expression "the Local Board" shall mean the Local Board of Health for the district of Rusholme; the expression "the justices" shall mean the justices of the peace for the county palatine of Lancaster; and the expression "county bridge surveyor" shall mean the county bridge surveyor for the county palatine of Lancaster acting within the hundred of Salford in the said county.

Promoters.

The Promoters.

4. The Local Board 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 land as may be necessary for the undertaking, not exceeding in the whole five 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, weighbridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are in the Manchester and Wilmslow Road, and are—

Tramways No. 1 and No. 1A, commencing respectively at the northerly boundary of the district of the Local Board, opposite the end of High Street, in the Manchester and Wilmslow Road, at the southerly boundary of the city of Manchester, with a junction with the tramways terminating there of the mayor, aldermen, and citizens of the city of Manchester, of which said tramways of the Local Board Tramway No. 1A will terminate at a point opposite the south corner of the Birch Villa Inn, Rusholme, and Tramway No. 1 will terminate at a point opposite the south-westerly corner of Platt Lane, Rusholme.

The centre lines of Tramways No. 1 and No. 1A will be throughout respectively at a distance of 4 feet 6 inches on the easterly and westerly sides of an imaginary line drawn along the centre of the said Manchester and Wilmslow Road, except that for a distance of 12 yards from the termination of Tramway No. 1A the centre line of both tramways will

gradually approach the imaginary line drawn along the centre of the road; and at the termination of Tramway No. 1A the centre line of Tramway No. 1 will be laid along the centre of the road, and there continue throughout the remainder of its length.

The length of Tramway No. 1 will be 4 furlongs 7 chains and 11 yards; and the length of Tramway No. 1A will be 4 furlongs 5 chains and 7 yards.

Tramway No. 2, in the said Manchester and Wilmslow Road, partly within the township of Rusholme and partly within the township of Withington, commencing by a junction with Tramway No. 1, at the terminus of such tramway, opposite the south-westerly corner of Platt Lane, and passing thence along the said Manchester and Wilmslow Road, and terminating at the southerly boundary in Withington of the district of the Local Board, at a point opposite the southerly corner of Brook Road, where such last-mentioned road joins the said Manchester and Wilmslow Road.

The centre line of Tramway No. 2 will at its commencement be laid along the centre line of the said Manchester and Wilmslow Road, and there continue for a distance of 196 yards till its junction with Tramway No. 2A; thence it will gradually diverge for a length of 8 yards till it reaches a distance of 3 feet from and on the easterly side of the imaginary line drawn along the centre of the road, where it will continue for a distance of 24 yards, and then gradually approach the said imaginary line drawn along the centre of the road till at another junction with the terminus of Tramway No. 2A it again coincides or joins with it; thence it will continue along the centre of the road for a distance of 206 yards till its junction with Tramway No. 2B, where it will gradually diverge for a distance of 8 yards, till it reaches a distance of 2 feet 9 inches from and on the easterly side of the imaginary line drawn along the centre of the road, where it will continue for a length of 24 yards, and then gradually approach the imaginary line drawn along the centre of the road till at another junction with the terminus of Tramway No. 2B it coincides or joins with it; thence it will continue along the centre of the road for a distance of 122 yards till its junction with Tramway No. 2C, where it will again gradually diverge for a length of 8 yards till it reaches a distance of 4 feet from and on the easterly side of the imaginary line drawn along the centre of the road, where it will continue for a length of 24 yards, and then gradually approach the imaginary line drawn along the centre of the road till at another junction with the terminus of Tramway No. 2C it again coincides or joins with it; thence it will continue along the centre of the road for a distance of 28 yards till its junction with Tramway No. 2D, where it will gradually diverge for a length of 8 yards until it reaches a distance of 4 feet 4 inches from and on the easterly side of the imaginary line drawn along the centre of the road, where it will continue for a length of 24 yards, and then gradually approach the imaginary line drawn along the centre of the road till at another junction with the terminus of Tramway No. 2D it again coincides or joins with

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it; thence it will continue along the centre of the road until its termination at the southerly boundary of the district of the Local Board.

The length of Tramway No. 2 will be 7 furlongs 9 chains and 2 yards.

Tramway No. 2A in the said Manchester and Wilmslow Road, in the township of Rusholme, commencing by a junction with Tramway No. 2 at a point opposite Norman Road, and extending thence for a length of 40 yards in a southerly direction, and there terminating by another junction with the same Tramway No. 2.

The centre line of Tramway No. 2A will at its commencement and termination be in the centre of the road, and will, for the lengths of 8 yards from its commencement and termination respectively, gradually diverge until it reaches a distance of 6 feet from and on the westerly side of the imaginary line drawn along the centre of the road, where it will continue for the intermediate length of 24 yards between such diverging spaces.

Tramway No. 2A will be so laid as that a less space than 9 feet 6 inches will intervene between the nearest rail of such tramway and the footpath, on the westerly side of the said Manchester and Wilmslow Road, for the said intermediate length of 24 yards.

The length of Tramway No. 2A will be 1 chain and 18 yards.

Tramway No. 2B, in the said Manchester and Wilmslow Road, in the township of Rusholme, commencing by a junction with Tramway No. 2 at a point 142 yards south of Brighton Grove, and extending thence for a length of 40 yards in a south-easterly direction, and there terminating by another junction with the same Tramway No. 2.

The centre line of Tramway No. 2B will at its commencement and termination be in the centre of the road; and will, for the lengths of 8 yards from its commencement and termination respectively, gradually diverge until it reaches a distance of 6 feet 3 inches from and on the westerly side of the imaginary line drawn along the centre of the road, where it will continue for the intermediate length of 24 yards between such diverging spaces.

Tramway No. 2B will be so laid as that a less space than 9 feet 6 inches will intervene between the nearest rail of such tramway and the footpath, on the westerly side of the said Manchester and Wilmslow Road, for the intermediate length of 24 yards.

The length of Tramway No. 2B will be 1 chain and 18 yards.

Tramway No. 2C, in the said Manchester and Wilmslow Road, in the townships of Rusholme and Withington, commencing by a junction with Tramway No. 2 at a point opposite the northerly corner of Old Hall Lane, close to the boundary there of the township of Withington, and extending thence in a southerly direction for a distance of 40 yards, and there terminating by another junction with the same Tramway No. 2.

The centre line of Tramway No. 2C will at its commencement and termination be in the centre of the road, and will, for the lengths of 8 yards from its commencement and termination respectively, gradually diverge until it reaches a distance of 5 feet from and on the westerly side

of the imaginary line drawn along the centre of the road, where it will continue for the intermediate length of 24 yards between such diverging spaces.

The length of Tramway No. 2C will be 1 chain and 18 yards.

Tramway No. 2D, in the said Manchester and Wilmslow Road, in the township of Withington, commencing by a junction with Tramway No. 2 at a point 57 yards south of the northerly boundary of the township of Withington, and extending thence for a distance of 40 yards in a southerly direction, and there terminating by another junction with the same Tramway No. 2.

The centre line of Tramway No. 2D will be at its commencement and termination in the centre of the road, and will, for the lengths of 8 yards from its commencement and termination respectively, gradually diverge until it reaches a distance of 4 feet 8 inches from and on the westerly side of the imaginary line drawn along the centre of the road, where it will continue for the intermediate length of 24 yards between such diverging spaces.

The length of Tramway No. 2D will be 1 chain and 18 yards.

Tramway No. 2E, in the said Manchester and Wilmslow Road, in the township of Withington, commencing by a junction with Tramway No. 2 at a point 40 yards north of the northerly corner of Lady Barn Road, and extending thence for 40 yards in a southerly direction, and there terminating by another junction with the same Tramway No. 2, opposite the said northerly corner of Lady Barn Road.

The centre line of Tramway No. 2E will at its commencement and termination be in the centre of the road, and will, for the lengths of 8 yards from its commencement and termination respectively, gradually diverge until it reaches a distance of 9 feet from and on the easterly side of the imaginary line drawn along the centre of the road, where it will continue for the intermediate length of 24 yards between such diverging spaces.

Tramway No. 2E will be so laid as that a less space than 9 feet 6 inches will intervene between the nearest rail of such tramway and the footpath on the easterly side of the said Manchester and Wilmslow Road.

The length of Tramway No. 2E will be 1 chain and 18 yards.

Tramway No. 2F, in the said Manchester and Wilmslow Road, in the township of Withington, commencing by a junction with Tramway No. 2 at a point 40 yards north of the most southerly corner of Brook Road, and thence extending for a distance of 40 yards in a south-westerly direction, and there terminating by another junction with the same Tramway No. 2, opposite the said most southerly corner of Brook Road.

The centre line of Tramway No. 2F will at its commencement and termination be in the centre of the road, and will, for the lengths of 8 yards from its commencement and termination respectively, gradually diverge till it reaches a distance of 9 feet from and on the westerly side of the imaginary line drawn along the centre of the road, where it will

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continue for the intermediate length of 24 yards between such diverging spaces.

Tramway No. 2F will be so laid as that a less space than 9 feet 6 inches will intervene between the nearest rail of such tramway and the footpath on the westerly side of the said Manchester and Wilmslow Road.

The length of Tramway No. 2F will be 1 chain and 18 yards.

The said tramways and works will be situate in the several townships of Rusholme and Withington, in the parish of Manchester, in the county of Lancaster.

The Promoters may make junctions or connexions of the said tramways with those intended of the Corporation of Manchester at or near High Street, in the said Manchester and Wilmslow Road, at the boundary of the township of Rusholme and the city of Manchester.

Provided that any of the tramways which may be laid under the authority of this Order upon any bridge or any part of the roads under the jurisdiction of the county justices, or which they are by law bound to maintain and repair, shall be laid as a single line only, except Tramways No. 2A and 2F, which are respectively in length forty yards, and which are respectively intended to be used as turn-outs or passing places.

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 the rails of which any of the tramways shall for the time being consist, 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 every day on which such act of omission continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Passing places to be constructed where less than a certain width left between footway and tramway.

8. 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 street or road and the nearest rail of the tramway than nine feet six inches, the Promoters shall and they are hereby required to 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.

Additional crossings, &c. may be made where necessary.

9. The Promoters may from time to time hereafter 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 any of them, or for providing access to any stables or carriage sheds or works of the Promoters: 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 any owner or occupier of premises abutting on the place where such rail is proposed to be laid shall, by writing under his hand, addressed to the Promoters, express his 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 of the tramways are laid, it shall in the opinion

of the Promoters be necessary or expedient temporarily to remove or discontinue the use of such tramway, or any part thereof, the Promoters may from time to time make or construct in the same or any adjacent road, and may maintain, so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Application of road materials excavated in construction of Promoters works.

11. Any paving, metalling, or material excavated by the Promoters in the construction of any tramway from any road under the jurisdiction or control of the justices, or of any road authority other than the Local Board, or which they are respectively by law bound to maintain and repair, 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 tramways within the district of the justices or of such road authority of so much of the roadway on either side of such tramway as the Promoters are by section twenty-eight of the Tramways Act, 1870, required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or materials not used or required to be retained for the purposes aforesaid to the county bridge surveyor, or the surveyor for the time being of the road authority, or to such person or persons as such surveyor 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 the county bridge surveyor, or such other surveyor, or by some other person or persons named by such surveyor 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 the justices or any road authority or surveyor, or other person, with reference to any of the matters to which this section relates, shall be determined in manner provided by "The Tramways Act, 1870," with respect to all 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.

Local Board may use tramways for sanitary purposes, &c.

13. The Local Board may at such times and in such manner as they think fit, but subject to the reasonable byelaws for the time being in force with respect to the tramways, use the tramways for sanitary purposes, and for the conveyance of scavenging stuff, road metal, and other materials required for the works of the Local Board, free of all tolls and charges in respect of such use.

Tolls.

Tolls and charges.

14. The tolls and charges authorised by this Order to be demanded and taken are as follows; viz.,

For every passenger travelling upon any of the tramways, or any part thereof, any tolls or charges not exceeding one penny per mile (and for this purpose a fraction of a mile beyond any integral number of miles shall

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be deemed a mile), but for any less distance than three miles any sum not exceeding threepence may be charged; and

For all animals, goods, minerals, and parcels conveyed upon the tramways, any tolls not exceeding the rates specified in the schedule to this Order annexed.

Such tolls and charges shall include all charges which may be made for the use of the tramways, carriages, waggons or trucks, and for motive power, and every other incidental expense.

Passengers luggage.

15. 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.

16. Every lease of the tramways granted by the Promoters shall imply a condition of re-entry if the lessees at any time during the continuance of the demise do not 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 as the Promoters think most convenient for artisans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile (the lessees nevertheless not being required to take any fare less than one penny): Provided always, that in any 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.

As to user of tramways and tolls thereon when left open to be used by the public.

17. The Promoters may from time to time by resolution declare the tramways, or any part thereof, to be open to be used by the public, and for such periods as the Promoters think fit, and such user may be either concurrently with the lessees or otherwise; and so soon as the Promoters have passed such resolution, any person or persons may use the tramways, or any part thereof, with carriages having flange wheels or other wheels suitable only to run on the rail of the tramways, and may demand and take for the like purposes for which tolls are authorised to be taken by this Order any tolls not exceeding the tolls by this Order authorised to be taken for such purposes.

Tolls if tramways left open to be used by the public.

18. If the tramways, or any part thereof, be left open to be used by the public, the Promoters may demand and take from the person or persons so using the tramways, or any part thereof, the following tolls and charges in respect of such user; namely,

For every passenger travelling in or upon any of the carriages of such person or persons, any sum not exceeding one halfpenny nor less than one farthing per mile;

For any goods, minerals, and parcels conveyed in or upon the carriages of such person or persons, any sum or sums not exceeding one half of the tolls or charges mentioned in the schedule in respect of such goods, minerals, and parcels so conveyed;

and the Promoters may, if they think fit, so commute such tolls or charges, so that the commuted sum may be as near as possible an equivalent of such tolls and charges.

19. The person or persons so using the tramways, or any part thereof, left open to be used by the public, and their officers and servants, shall permit the person duly authorised for that purpose by the Promoters to ride free of charge for the whole or any part of the journey in or upon each carriage, waggon, truck, or vehicle in or upon which any passengers or goods shall be conveyed by such person or persons upon the tramways, or such part thereof.

Servants of the Promoters to ride in carriage, &c. free of charge.

20. The provisions contained in the following sections of the Tramways Act, 1870; namely,

Section 36. (In default of payment of tolls, licensees carriages may be detained and sold);

Section 37. (Licensees to give account of passengers carried by them);

Section 38. (Licensees not giving account of passengers carried liable to a penalty);

Section 39. (Disputes as to amount of tolls to be settled by justices); and

Section 40. (Owners of carriages liable for damages done by their servants);

shall, so far as the same are applicable in this behalf, extend and apply, mutatis mutandis, to the person or persons so using the tramways, or any part thereof, left open to be used by the public; and in construing those sections for the purposes aforesaid—

The expression the "licensee," and "licensees," shall mean the person or persons so using the tramways, or any part thereof;

The expression "passengers" shall include goods, minerals, and parcels;

The expression "number of passengers" shall include the number or quantity (as the case may require) of the goods, minerals, or parcels conveyed; and

The expression "carriage" shall include any waggon, truck, or vehicle in or upon which such goods, minerals, or parcels shall be conveyed.

Certain provisions of the Tramways Act, 1870, as to licenses extended to persons using the tramways when left open to be used by the public.

21. The lessees shall not, except as by this Order otherwise provided, be bound to carry, unless they think fit, any goods, minerals, or parcels other than passengers luggage not exceeding twenty-eight pounds in weight.

Lessees not to be bound to carry goods, &c. unless as provided in Order.

22. The lessees may, and when required by the Local Board shall, carry goods, minerals, and parcels in separate carriages or separate parts of carriages, set apart for that purpose, provided that this shall not apply to the carriage of passengers luggage.

Provisions as to carriage of goods, &c.

23. 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 persons authorised to demand and take such tolls respectively may by notice to be annexed to the list of tolls appoint.

As to payment of tolls.

Miscellaneous.

24. The Promoters, their lessees, licensees, or assigns on the one hand, and any corporation, company, persons, or person on the other hand, may, with the consent of the Board of Trade, from time to time, but subject to the provisions of this Order, enter into agreements with respect to the receiving from or forwarding to any such bodies or persons any passengers, animals, goods, minerals, or parcels, or with respect to the construction, maintenance, and use

Power to enter into agreements with respect to traffic or to construction, &c. of tramways.

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of the tramways, or any of them, and with respect to the exercise by any such corporation, company, persons, or person, of all or any of the powers by this Order conferred upon the Promoters, upon such terms and conditions as may be agreed upon between the Promoters and such corporation, company, persons, or person, subject nevertheless to the control and supervision of the Promoters, and to such byelaws, rules, and regulations as may be prescribed by them or under the provisions of this Order.

Provisions as to arbitration.

25. Where under the provisions of "The Tramways Act, 1870," or this Order, any matter in difference is referred to the arbitration of any 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 the arbitrator shall be final and conclusive, and binding on all parties.

The Local Board may borrow 15,000*l.* to be repaid in 30 years.

26. The Local Board may, under and according to the provisions contained in section twenty of "The Tramways Act, 1870," borrow for the purpose of this Order any sum or sums of money not exceeding in the whole the sum of fifteen thousand pounds, in addition to any sum or sums of money they are already authorised to borrow, and the time for which such sum of fifteen thousand pounds may be borrowed shall be thirty years; and for the purpose of such borrowing the Local Board may include in any mortgage of their general district rates the rents reserved under any lease, and the tolls, charges, and sums authorised to be taken or received by them under the provisions of this Order.

Provision as to general Acts.

27. Except as is herein expressly provided, nothing in this Order 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 be passed during this or any future session of Parliament.

SCHEDULE.

List of Tolls.

Animals.

	Per mile. *s.*	*d.*
For every horse, mule, or other beast of draught or burden - -	0	3
For every cow, ox, bull, or head of cattle - - -	0	3
For calves, pigs, sheep, and small animals - - - -	0	2

Goods and Minerals.

For all coals, culm, cannel, limestone, chalk, lime, slates, clay, ironstone, undressed or scabbled stones for building, pitching, and paving, slag, stone, salt, sand, cinders, and all undressed materials for the repair of public roads, per ton - - - - - -	0	3
For all iron, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, wrought iron not otherwise specifically classed herein, and for heavy iron castings (including railway chairs), tiles, bricks, coke, charcoal, dung, manure, and compost, per ton - - - - - - - -	0	4

	Per mile. s.	d.
For all timber or wood, per ton	0	3
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, staves, deals, and metals (except iron), rails, anvils, vices, and chains, and for light iron castings, per ton	0	5
For all cotton, wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton	0	6
For every carriage, of whatever description	1	0

Single Articles of Great Weight.

For any 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 sums as the Promoters may think fit, not exceeding three shillings per ton for any distance.

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

Small Parcels.

	Any distance. s.	d.
For any parcel not exceeding in weight seven pounds	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight	0	5
For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight	0	7
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight	0	9

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Promoters may demand any sum they think proper.

Regulations as to Tolls.

In respect of tolls for animals and goods the Promoters may demand and take for any less distance than three miles tolls and charges as for three miles.

For a fraction of a mile beyond three miles, or beyond any greater number of miles, the Promoters may demand tolls and charges on animals and goods 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.

For a fraction of a ton the Promoters may demand tolls according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton, such fraction shall be deemed a quarter of a ton.

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight.

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With respect to stone and timber, 14 cubic feet of stone, 40 cubic feet of oak, mahogany, teak, beech, or ash, and 50 cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

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 such term shall apply only to single parcels in separate packages.

WOLVERHAMPTON TRAMWAYS.

Order authorising the construction of Tramways in the Townships of Wolverhampton, Wednesfield, Willenhall, and Bilston, all in the Parish of Wolverhampton in the County of Stafford.

Short title.

1. This Order may be cited as "The Wolverhampton Tramways Order, 1877."

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 undertaking by this Order authorised.

The expression "the Corporation" means the mayor, aldermen, and burgesses of the borough of Wolverhampton.

Promoters.

The Promoters.

4. The Wolverhampton Tramways 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 land as may be necessary for the undertaking, not exceeding in the whole five 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, weighbridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The Tramways authorised by this Order are—

No. 1. A Tramway, one mile five furlongs and fifty links in length, commencing in the Tettenhall Road, at its junction with Newbridge Crescent, passing thence along Tettenhall Road, Chapel Ash, Darlington Street, and Queen Square, and terminating in Queen Square, at a point ten feet south-west of the statue there.

No. 2. A Tramway, two miles seven furlongs four chains and fifty links in length, commencing at Willenhall, at the junction of New Road, Market Place, and Bilston Street, passing thence along New Road, the high road leading from Willenhall to Wolverhampton, Willenhall Road, and Horsley Fields, and terminating at the eastern end of Queen Street.

No. 3. A Tramway, two miles four furlongs six chains and fifty links in length, commencing in Lichfield Street, Bilston, at or near its junction with Church Street, passing thence along Lichfield Street, Wellington Street, the high road from Bilston to Wolverhampton, Bilston Road, Bilston Street, and Piper's Row, and terminating at the point of termination of Tramway No. 2. herein-before described.

No. 3A. A Tramway, eight chains in length, wholly in Bilston Street, commencing and terminating by junctions with Tramway No. 3. at points respectively one chain and nine chains north-west of Albert Street.

No. 3B. A Tramway, six chains in length, commencing in Bilston Street by a junction with Tramway No. 3. at a point one chain or thereabouts south-east of the south end of Piper's Row, passing thence along and terminating in Piper's Row by a junction with Tramway No. 3., at a point one chain north of Tower Street.

No. 4. A Tramway, one furlong three chains and twenty-five links in length, wholly in Queen Street, commencing at the point of termination of Tramway No. 2. herein-before described, and terminating at a point six yards or thereabouts from the western end of that street.

No. 4A. A Tramway, one furlong three chains and twenty-five links in length, wholly in Queen Street, commencing by a junction with Tramway No. 4. at its point of commencement herein-before described, and terminating at a point six yards or thereabouts from the western end of that street.

No. 5. A Tramway, seven chains and twenty-five links in length, commencing by a junction with Tramway No. 4. at its point of termination herein-before described, passing thence along Queen Street, Dudley Street, and High Street, into and terminating in Queen Square, by a junction with Tramway No. 1. at a point thirty-seven yards or thereabouts south-west of the statue in that square.

No. 5A. A Tramway, four chains and seventy-five links in length, commencing by a junction with Tramway No. 4A. at its point of termination herein-before described, passing thence along Queen Street, Dudley Street, and High Street, into and terminating in Queen Square, by a junction with Tramway No. 5. at a point half a chain or thereabouts north of the north end of High Street.

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No. 6. A Tramway, seven chains and fifty links in length, commencing in Horsley Fields, by a junction with Tramway No. 2., at a point one chain and a half east of the east end of Queen Street, passing thence along Railway Street, and terminating in that street at a point opposite New Street.

No. 6A. A Tramway, two chains in length, commencing by a junction with Tramway No. 3., at or near the northern end of Piper's Row, passing thence along Railway Street, and terminating in that street by a junction with Tramway No. 6., at a point ten yards or thereabouts north of the north side of Berry Street.

All the Tramways herein-before described will pass or be made from, in, or through the several townships following, or some of them (that is to say): Wolverhampton, Wednesfield, Willenhall, and Bilston, all in the Parish of Wolverhampton.

Protecting bridges over Birmingham Canals.

7. Wheresoever any of the Tramways shall be constructed upon a bridge carrying a road over a canal of the Company of Proprietors of the Birmingham Canal Navigations (in this Order referred to as "the Canal Company") the following provisions shall apply:

1. The Promoters shall give fourteen days notice in writing to the Canal Company of the intention to commence any works which affect or in anywise interfere with the structural works of any such bridge, and shall at the same time send sufficient specifications or other information to show the nature of such works, and such works shall be constructed under the superintendence (at the cost of the Promoters) and to the reasonable satisfaction of the Canal Company, and so as not in any way to interfere with the traffic to, from, or upon the canal or the towing paths or towing path thereof.
2. Any additional expense in the maintenance of the bridge, or of the roadway on the same, or of the approaches thereto, occasioned by the construction, use, or maintenance of such Tramway, shall be borne by the Promoters.

Rights of Birmingham Canal Company to open roads, &c.

8. Nothing in this Order shall take away or abridge any power to open or break up any road along or across which any of the Tramways are laid, or any power vested in the Canal Company for the purpose of erecting, constructing, raising, lowering, repairing, altering, rebuilding, or removing any bridge or any approach thereto or otherwise, and the exercise of such power shall be subject to the following provisions; (that is to say,)

1. The Canal Company shall cause as little detriment or inconvenience to the Promoters as circumstances admit.
2. Any alteration of the Tramways, and the works connected therewith, that may be necessary shall be made by and at the expense of the Promoters, who shall also at the like expense replace and make good the same.
3. Before the Canal Company shall commence any work whereby the traffic on the Tramways will be interrupted they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the Promoters notice of the intention of the Canal Company to commence

such work, specifying the time at which they will begin to do so, such notice to be given 18 hours at least before the commencement of the work.

4. The Canal Company shall not be liable to pay to the Promoters any compensation for injury done to the Tramways, or any works connected therewith by the execution by the Canal Company of any such work as aforesaid, or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers so vested in them as aforesaid.

5. Whenever, for the purpose of enabling them to execute any such work as aforesaid, the Canal Company shall so require, the Promoters shall either stop the traffic on the Tramways to which the notice shall refer, where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of such work there; provided that such work shall always be completed by the Canal Company, as the case may be, with all reasonable expedition.

6. The Canal Company shall not execute such work, so far as it immediately affects the Tramways, except under the superintendence of the Promoters, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the superintendence during the progress of the work.

7. Any additional expense imposed upon the Canal Company by reason of the existence of the Tramways, or any of the works connected therewith, shall be borne by the Promoters.

Difference between the promoters and Birmingham Canal Company.

9. If any difference arises between the Promoters and the Canal Company with respect to any interference or control exercised or claimed to be exercised by the Promoters, or on their behalf, or by the Canal Company, or on their behalf, by virtue of this Order, in relation to any Tramway or work, or in relation to any work or proceeding of the Canal Company, or with respect to the propriety of or the mode of execution of any work relating to any of the Tramways, or with respect to the amount of any compensation to be made by or to the Promoters, or on the question whether any work relating to any of the Tramways is such as ought reasonably to satisfy the Canal Company, or with respect to any other subject or thing regulated by or comprised in this Order, the matter in difference shall (unless the parties agree upon some other reference) be settled by an engineer or other fit person nominated as referee by the Board of Trade, on the application of the Promoters, or of the Canal Company, and the expenses of the reference shall be borne and paid as the referee directs.

Rights of the Canal Company under their Acts not to be interfered with.

10. Except as is expressly mentioned in this Order, nothing in this Order contained shall extend to prejudice, diminish, alter, or take away any of the rights, privileges, powers, or authorities vested in the Canal Company, in and by all or any of the several Acts of Parliament now in force relating to their canals.

Provided always, that notwithstanding the special provisions herein-before contained for their protection and benefit, the Canal Company shall be entitled to the protection and benefit of every provision for the protection and benefit

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of canal companies or proprietors of canals contained in "The Tramways Act, 1870," and in this Order, or either of them.

For protection of London and North-western Railway Company.

11. In constructing the Tramway No. 2. across the Grand Junction Railway of the London and North-western Railway Company, the Promoters shall not alter or interfere with the structure of the bridge which carries the high road leading from Willenhall to Wolverhampton over that railway, or of the approaches thereto; and they shall so construct and maintain that tramway in the road over that bridge and the approaches as not to injuriously affect the said bridge and approaches, and in the event of any injury being occasioned to such bridge and approaches, or any part or parts thereof respectively, by the construction of that tramway on or over the same (whether such injury shall occur either during or after the construction of or in maintaining that tramway), that Company may, at the expense of the Promoters, restore such bridge and approaches, or the part or parts which may be injured, to as good a state and condition as they were in before such injury was occasioned; and the Promoters shall recoup to and indemnify that Company against all sums, costs, and expenses which they may pay or be put to in restoring such bridge and approaches in manner aforesaid, and in maintaining and repairing (in case of default by the Promoters) of so much of the road over the said bridge and approaches as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870; and that Company may recover from the Promoters all such sums, costs, and expenses, together with full costs and charges, in like manner as any simple contract debt.

For protection of Great Western Railway Company.

12. In constructing and maintaining the Tramways Nos. 2. and 3. respectively across the railway of the Great Western Railway Company, the Promoters shall not in any way alter or interfere with the structure of the tunnel of the said railway under the road known as Horsley's Fields at Wolverhampton, or of the approaches thereto, or with the structure of the bridge which carries the high road leading from Bilston to Wolverhampton over that railway, or of the approaches thereto; and they shall so construct and maintain those tramways in the roads over the said tunnel and bridge respectively, and the approaches thereto respectively, as not to injuriously affect the said tunnel and bridge and approaches; and in the event of any injury being occasioned to such tunnel and bridge and approaches, or either of them, or any part or parts thereof, by the construction of the said tramways on or over the same respectively (whether such injury shall occur either during or after construction, or in effecting the maintenance of those tramways), the Great Western Railway Company may, at the expense of the Promoters, restore such tunnel and bridge or either of them, as the case may be, and approaches or the part or parts thereof which may be injured to as good a state and condition as they respectively were in before such injury was occasioned; and the Promoters shall recoup to and indemnify the Great Western Railway Company against all sums, costs, and expenses which they may pay or be put to in maintaining and repairing so much of the roads over the said tunnel and bridge and approaches respectively as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870; and that Company may recover from the Promoters all such sums, costs, and expenses, together with full costs and charges, in like manner as any simple contract debt.

Provision as to maintenance of roads in district of Willenhall Local Board.

13. Where any portion of the Tramways is laid in any road in respect of which the Local Board of Health for the district of Willenhall are the local or road authority, 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 Promoters shall not be deemed to be so maintained and kept unless it is paved by the Promoters with granite setts or blocks.

Promoters may be required to use improved form of rail.

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

Penalty for not maintaining rails and road in good condition.

15. The Promoters shall at all times maintain and keep in good condition and repair the rails of which any of the Tramways shall for the time being consist, 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 every day on which such act of omission continues; and such penalty may be recovered as by section fifty-six of the said Act is provided.

Passing places to be constructed where less than a certain width left between footway and Tramway.

16. 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 street or road and the nearest rail of the Tramway than nine feet six inches, the Promoters shall and they are hereby required to 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.

Tramways to be kept on a level with surface of road.

17. If any road authority shall hereafter alter the level of any road along or across which any 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, &c. may be made where necessary.

18. The Promoters may, subject to the provisions of this Order, with the consent of the road authority, from time to time hereafter 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 any of them, or for providing access to any stables or carriage sheds or works of the Promoters, subject to the approval of the road authority: 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 any owner or occupier of premises abutting on the place where such rail is proposed to be laid shall, by writing under his hand, addressed to the Promoters, express his objection thereto.

Temporary Tramways may be made when necessary.

19. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the Tramways are laid, it shall in the

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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 the differences in the said section mentioned.

Application of road materials excavated in construction of Promoters works.

20. 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 by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of 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 all differences between the Promoters and any road authority.

Powers of Corporation of Wolverhampton.

Tramways not to be used for traffic in High Street or Dudley Street without consent of Corporation.

21. No Tramway shall be used for traffic in High Street or Dudley Street, except with the consent of the Corporation under its corporate seal, and subject to such restrictions and conditions as shall be imposed from time to time by the Corporation.

Provisions in case of new street being made by Corporation.

22. If at any time hereafter the Corporation shall, by writing under its corporate seal, consent to a Tramway being made along a line of new street, to run from Railway Street into Queen Square, in substitution of the line of Tramway proposed to run through Queen Street, Dudley Street, and High Street, the Promoters shall, as soon as they are duly authorised to do so by Provisional Order or by Act of Parliament, lay down a Tramway in accordance with and subject to the provisions of "The Tramways Act, 1870," along such

new street, and upon the completion of such last-mentioned Tramway, shall, if required as aforesaid by the Corporation, take up the rails in Queen Street, Dudley Street, and High Street, or in any or either of them, and restore the roadway thereof, in accordance with the provisions of "The Tramways Act, 1870."

So long as any Tramway shall continue laid down along Dudley Street and High Street, or either of them, the provisions of the 28th section of "The Tramways Act, 1870," with respect to the paving and maintaining certain portions of roads, shall extend to the whole width of the roadways of High Street and Dudley Street respectively.

Provided that in case the portion of the Tramways by this Order authorised to be laid along Dudley Street and High Street shall not be completed and opened for public traffic by the Promoters within the time and in accordance with the provisions prescribed by the Tramways Act, 1870, then, on the production of a certificate signed by the Secretary or by an Assistant Secretary of the Board of Trade, specifying the length of the portion of the said tramways along Dudley Street and High Street which have not been completed and opened as aforesaid, and the portion of the deposit which bears to the whole of the deposit made in pursuance of section twelve of the Tramways Act, 1870, the same proportion as the length of the tramways not completed and opened as aforesaid bears to the entire length of the Tramways by this Order authorised, the Chancery Division of the High Court of Justice shall, on the application of the Promoters, order the said portion of the deposit fund so specified in such certificate as aforesaid to be paid or transferred to them, or as they shall direct.

Provision as to works caused by the Tramways.

23. The provisions of the thirty-second section of "The Tramways Act, 1870," with respect to works, by authorities, companies, bodies, and persons, and to additional expense caused to any company, body, or person by reason of the existence of Tramways, shall apply to all works in respect of the constructing any new sewer or drain pipe, or the altering, repairing, laying down, improving, or enlarging any existing or future sewer or drain pipe, or any tube, wire, or apparatus for telegraphic or other purposes by the Corporation or any Local or Road Authority, and to the additional expense in respect of the same.

In event of Tramways being constructed by Corporation, junctions to be made, and mutual running powers to be given.

24. If at any time hereafter any Tramways are constructed or purchased, within the borough, by the Corporation, the Promoters shall, if required by the Corporation, and if duly authorised by Provisional Order or by Act of Parliament, make and maintain at the joint expense of the Promoters and the Corporation all necessary and convenient junctions and communications between the Tramways of the Promoters and the Tramways of the Corporation; and the Corporation and the Promoters shall each respectively, if required by the other, grant to each other, and their respective assignees and lessees, running powers over their respective Tramways, upon such conditions and terms as to compensation, if any, and otherwise, as may be agreed on between them, or, in case of difference, to be settled in manner provided by the thirty-third section of "The Tramways Act, 1870."

Modification of provisions of "Tramways Act, 1870," as

25. The powers of purchase given by the forty-third section of "The Tramways Act, 1870," may be exercised by the Corporation at any time within a period of ten years after the opening for traffic of the tramways or of any part

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to powers of purchase.

of the tramways, upon six months notice in writing being given by the Corporation to the Promoters, notwithstanding that the periods of twenty-one years or of seven years mentioned in the said section, or either of them, may not have elapsed: Provided that in case the Corporation shall exercise the power of purchase within such period of ten years hereby given, they shall pay as consideration for such purchase such sum as shall be awarded upon the ordinary principle of a compulsory sale, to be settled by arbitration in accordance with the provisions contained in "The Lands Clauses Consolidation Act, 1845."

Costs of Corporation to be paid by Promoters.

26. The Promoters shall pay all costs, charges, and expenses of the Corporation, including parliamentary agents and counsel's fees attending the applying for, obtaining, and confirming of this Order.

Traffic upon Tramways.

Traffic upon Tramways.

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

Tolls.

Tolls.

28. The Promoters may demand and take for every passenger travelling upon any of the Tramways, or any part thereof, including tolls for the use of the Tramways and 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 three years 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 the representation has been proved to his satisfaction, the said Board may make an order in writing limiting the amount of the tolls and charges 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 such order, revoke or modify the sam for good cause shown to them.

Passengers luggage.

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

Cheap fares for labouring classes.

30. The Promoters, at all times after the opening of the Tramways or any part or parts thereof 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 tolls or charges 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 animals, goods, &c.

31. The Promoters may demand and take in respect of any animals, goods, minerals, or parcels conveyed by them on the Tramways, except as is by this Order specially provided, including the tolls for the use of the Tramways, and for waggons, trucks, and motive power, and every other expense incidental to the conveyance, any tolls or charges not exceeding the rates specified in the schedule to this Order annexed.

Promoters not to be bound to carry animals, goods, &c.

32. The Promoters shall not, except as by this Order otherwise provided, be bound to carry, unless they think fit, any animals, goods, materials, parcels, articles, or things, other than passengers luggage not exceeding twenty-eight pounds in weight.

Provision as to carriage of animals, goods, &c. in separate carriages.

33. The Promoters may, and when required by the local authority shall carry in separate carriages, or separate parts of carriages set apart for that purpose, animals, goods, minerals, and parcels, provided that this provision shall not apply to the carriage of passengers luggage.

Payment of tolls.

34. 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.

Promoters to apply for Provisional Order for extension of Tramways.

35. The Promoters shall make application to the Board of Trade for a Provisional Order to be confirmed in the next Session of Parliament, authorising extensions of the Tramways from Bilston to Moxley, and they shall provide and continue an omnibus service between Bilston and Bradley, to the satisfaction of the Board of Trade, unless they shall make a similar application for such a Provisional Order authorising the extension of the Tramways from Bilston to Bradley, and the Promoters shall do all such acts, matters, and things as may be necessary for obtaining the granting and confirming of the same; and in such case the Town Commissioners of Bilston shall be taken to have granted their consent to such applications respectively.

Provisions as to arbitration.

36. Where, under the provisions of "The Tramways Act, 1870," in this Order any matter in difference is referred to the arbitration of any 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 the arbitrator shall be final and conclusive and binding on all parties.

Authorising agreements for use of Tramways.

37. The Promoters on the one hand, and any Company, Corporation, or person on the other hand, may, subject to the provisions of this Order, from time

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to time enter into and carry into effect, and from time to time alter, renew, or vary contracts, agreements, or arrangements for or with reference to the use by such Company, Corporation, or person of the Tramways, or any of them, or any part or parts thereof respectively, and the tolls, rates, and charges to be paid for such use, and the terms and conditions of such use, and all incidental matters: Provided always, that no such contract, agreement, or arrangement shall have any validity unless the same shall be approved by the Board of Trade.

Form and delivery of notices.

38. With respect to notices, and to the delivery thereof by or to the Promoters, the following provisions shall have effect; (that is to say,)

(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 signed by their clerk or secretary:

(2.) Any notice to be delivered by or to the Promoters 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 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.

Saving rights of the London and North-western Railway Company.

39. Except as is by this Order otherwise expressly provided, nothing in this Order contained shall take away, lessen, prejudice, or alter any of the rights, interests, powers, or authorities of the London and North-western Railway Company.

Provision for general Acts.

40. Nothing in this Order 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.

SCHEDULE.

Tolls and Charges for the Conveyance of Animals, Goods, &c.

	per mile.
Animals.	*d.*
For every horse, mule, or other beast of draught or burden - -	6
For every ox, cow, bull, or head of cattle - - -	6
For every calf, pig, sheep, or other small animal - - -	3¼
Goods.	
For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fireclay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton - - - - - - - -	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 fireclay), and for wrought iron, not otherwise specially classed herein, and for heavy iron castings, including railway chairs, per ton - - 3

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 - - - - - - 4

For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton - 4

For every carriage, of whatever description, not weighing more than one ton, tenpence, and the additional sum of twopence for every additional quarter of a ton above one ton.

Single Articles of Great Weight.

For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed four tons but shall not exceed eight tons, per ton - - - - - - - 8

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

	Any distance.
Small Packages.	*d.*
For any parcel not exceeding seven pounds in weight - -	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - - -	5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - -	7
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight - - - - -	9

For any parcel exceeding fifty-six pounds in weight such sum as the Promoters 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.

Regulations as to 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 tolls according to the number of quarters of a ton in such fraction; and if there be a fraction of a quarter of a ton, such fraction shall be deemed a quarter of a ton.

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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 foot 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.

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