CHAPTER cxciii.

An Act for confirming certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Bristol Tramways (Extensions), Briton Ferry and Swansea Tramways, Burnley and District Tramways, Chesterfield, Brampton, and Whittington Tramways, Crewe and District, Tramways, Derby Tramways, Dewsbury, Batley, and Birstal Tramways (Extension), Ipswich Tramways, Leamington and Warwick Tramways, Liverpool Corporation Tramways, Newcastle-upon-Tyne Tramways, North London Suburban Tramways, Oxford Tramways, Staffordshire Tramways, Stoke-upon-Trent, Fenton, Longton, and District Tramways, Sunderland Corporation Tramways, Sunderland Tramways (Extension), Swansea Tramways (Extension), Tynemouth and District Tramways, Wigan Tramways, York Tramways; and for empowering the Board of Trade to grant licenses for the use for limited periods, by way of experiment, of steam or any mechanical power upon tramways in certain cases. A.D. 1879.

[11th August 1879.]

WHEREAS under the authority of the Tramways Act, 1870, the Board of Trade have made certain Provisional Orders authorising the construction of tramways in the places in the said Orders respectively mentioned, and the said several Orders with certain amendments made therein by the Board of Trade in pursuance of the Report of a Select Committee of the House of Lords bearing date the thirty-first day of March one thousand eight hundred and seventy-nine, are 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 Tramways Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

A.D. 1879.

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

And whereas it is expedient to empower the Board of Trade to grant licenses for the use for limited periods, by way of experiment, of steam or any mechanical power upon tramways in certain cases:

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, 1879.

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.

Board of Trade may license use of steam or mechanical power on tramways.

3. Where by any Act of Parliament passed before the passing of this Act or by any Provisional Order made by the Board of Trade under the authority of the Tramways Act, 1870, and confirmed by any Act of Parliament passed before the passing of this Act, or by any of the several Orders set out in the Schedule to this Act annexed, and by this Act confirmed, any corporation, company, or person have or has been authorised to construct and maintain the tramways in such Act or Order more particularly described, to be worked and used with carriages which are to be moved by animal power only, or by any mechanical power other than steam power, then and in every such case, and until otherwise provided by Parliament, the Board of Trade may, by a license granted to such corporation or their lessees, or to such company or person, containing such restrictions, requirements, conditions, and regulations as they may think fit, authorise for a limited period not exceeding one year, and as an experiment only, the use of steam or any mechanical power, either in addition to or in substitution for the animal or other power authorised by such Act or Order, for moving carriages on any of the tramways authorised by such Act or Order, and thereupon steam or such mechanical power may be used thereon accordingly.

Any license under this section may provide for enforcing any restriction, requirement, condition, or regulation thereof by penalties not exceeding ten pounds for each offence.

The Board of Trade may, if they think fit, renew for a period not exceeding one year a license under this section.

No license and no renewal of a license under this section shall be granted authorising the use of steam or any mechanical power on any tramway in any district, unless the consent of the local and road authority of such district has been obtained to the application for such license or such renewal: Provided that, where such application relates to a tramway in two or more districts, and any local or road authority, having jurisdiction in any of such districts, does not consent thereto, the Board of Trade may nevertheless grant a license or a renewal of a license under this section, if they are satisfied after inquiry that two thirds of the length of such tramway is situate in a district or in districts, the local and road authority or the local and road authorities of which district or districts do consent to such application.

With respect to Liverpool.

4. The Corporation of Liverpool shall not exercise any of the powers given by the Provisional Order with respect to the Liverpool Corporation Tramways contained in the Schedule to this Act, until they have given notice under the provisions of the Liverpool Tramways (Purchase) Act, 1872, and the Liverpool Tramways Act, 1875, to purchase the undertakings of the Liverpool Tramways Company, and in case of the corporation giving such notice they shall be bound to carry out the purchase. The provisions of this Act or of the said Provisional Order shall not be taken into consideration for the purpose of increasing or diminishing the sum (if any) to be paid by the corporation for the said undertakings.

Restriction on use of Tramway No. 4 (Liverpool).

5. No carriage or engine using the Tramway No. 4 of the Liverpool Corporation Tramways contained in the Schedule to this Act shall at any time, whilst waiting during any period of the bridge over the George's Dock passage being open, or during any opening or closing thereof, remain or be in any position to the westward of an imaginary line to be drawn across the western end of James Street, in continuation of the line of frontage of the buildings forming the eastern side of the street or thoroughfare known as the Back Goree; and every person who shall, in connexion with the working of the same tramway, in any respect offend against the provisions of this section shall for every such offence be liable to a penalty of not exceeding ten pounds to be recovered in the manner prescribed by the Mersey Dock Acts Consolidation Act, 1858, for the recovery of penalties imposed by that Act.

Revocation of license.

6. The Board of Trade shall have power to suspend or revoke a license under this Act at any time during the continuance thereof,

A.D. 1879.

without assigning any reason, and whether such power of suspension or revocation is or is not contained in the license.

Saving as to creation of vested interests by license.

7. A license under this Act shall not, nor shall anything in this Act confer on the grantee of such license any right or title whatsoever to have such license renewed, or to receive compensation in respect of the non-renewal, revocation, forfeiture, or suspension of such license, or in respect of any expense the grantee of such license may have been put to, in order to act, or in consequence of acting in pursuance of the license, or in complying with the conditions thereof.

Liability of grantee of license for injuries.

8. The grantee of a license under this Act shall be liable for all accidents, damage, and injuries happening through his act or default, or through the act or default of any person in his employment, by reason or in consequence of any of the works, carriages, or engines of such grantee, whether moved by steam, mechanical, or animal power, and shall save harmless all road and local authorities, companies, and bodies, collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damage, and injuries.

Recovery of penalties.

9. Penalties imposed by a license granted in pursuance of this Act may be enforced and recovered as if the same were penalties under the Tramways Act, 1870.

SCHEDULE.

List of Orders.

1. Bristol Tramways (Extensions).—Order authorising the Bristol Tramways Company (Limited) to construct additional street tramways in the city and county of Bristol and in the neighbourhood thereof, in the county of Gloucester; and for other purposes.
2. Briton Ferry and Swansea Tramways.—Order authorising the construction of tramways at Briton Ferry and Swansea, in the county of Glamorgan.
3. Burnley and District Tramways.—Order authorising the construction of Tramways between Padiham, Burnley, Brierfield, and Nelson, in the county of Lancaster.
4. Chesterfield, Brampton, and Whittington Tramways.—Order authorising the construction of tramways in the town of Chesterfield, and in the parishes of Brampton, Whittington, and Newbold, all in the county of Derby.
5. Crewe and District Tramways.—Order authorising the construction of tramways in the borough of Crewe, in the township of Monks Coppen-

hall, in the parish of Church Coppenhall, and in the township of Crewe, in the parish of Barthomley, all in the county of Chester.

6. Derby Tramways.—Order authorising the construction of Tramways in the borough of Derby, in the county of Derby.
7. Dewsbury, Batley, and Birstal Tramways (Extension).—Order authorising the construction of tramways in the parishes and townships of Birstal and Gomersal, in the west riding of the county of York.
8. Ipswich Tramways.—Order authorising the construction of tramways in the borough of Ipswich, in the county of Suffolk.
9. Leamington and Warwick Tramways.—Order authorising the construction of tramways in Leamington, Milverton, and Warwick, in the county of Warwick.
10. Liverpool Corporation Tramways.—Order authorising the Mayor, Aldermen, and Burgesses of Liverpool to construct tramways in the borough of Liverpool.
11. Newcastle-upon-Tyne Tramways.—Order authorising the Mayor, Aldermen, and Burgesses of the borough of Newcastle-upon-Tyne to construct tramways in the said borough.
12. North London Suburban Tramways.—Order authorising the construction of tramways from Stamford Hill, in the county of Middlesex, to Cheshunt, in the county of Hertford.
13. Oxford Tramways.—Order authorising the construction of tramways in the city of Oxford and in the suburbs thereof.
14. Staffordshire Tramways.—Order authorising the construction of tramways in the parishes of Darlaston and Wednesbury, in the county of Stafford.
15. Stoke-upon-Trent, Fenton, Longton, and District Tramways.—Order authorising the construction of tramways in the townships of Shelton, Penkhull-with-Boothen, Fenton Vivian, Fenton Culvert, and Lane End or Longton, all in the parish of Stoke-upon-Trent, in the county of Stafford.
16. Sunderland Corporation Tramways.—Order authorising the construction of tramways in the municipal borough of Sunderland, in the county of Durham.
17. Sunderland Tramways (Extension).—Order authorising the construction of tramways in the parish of Monkwearmouth, and townships of Monkwearmouth and Southwick, in the county of Durham.
18. Swansea Tramways (Extension).—Order authorising the construction of tramways in the parishes of Swansea and Swansea Higher, in the town and franchise of Swansea and county of Glamorgan.
19. Tynemouth and District Tramways.—Order authorising the construction of tramways in the borough of Tynemouth and in the neighbourhood thereof, in the county of Northumberland.
20. Wigan Tramways.—Order authorising the Wigan Tramways Company, Limited, to construct tramways in the parish of Wigan, in the county of Lancaster.

A.D. 1879.

21. York Tramways.—Order authorising the York Tramways Company, Limited, to construct tramways in the city of York, and in the county of the same city, and in the east riding of the county of York.

Bristol (Extensions).

BRISTOL TRAMWAYS (EXTENSIONS).

Order authorising the Bristol Tramways Company (Limited) to construct additional Street Tramways in the city and county of Bristol and in the neighbourhood thereof, in the county of Gloucester; and for other purposes.

Short title.

1. This Order may be cited as "The Bristol Tramways (Extensions) Order, 1879."

Incorporation of Acts.

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

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."

Lands by agreement.

5. The Promoters may by agreement from time to time purchase and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold for such purposes more than five acres of land.

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. 1 to 4c, inclusive, form a tramway route of one mile five furlongs four chains and ninety-two links in length, and consist of seven furlongs seven chains and thirteen links of double line and five furlongs seven chains and seventy-nine links of single line.

These tramways are particularised as follows:

Tramway No. 1, single line, seven furlongs five chains and ninety-two links in length, commencing in the parish of Saint Augustine, in Saint Augustine's Parade, by a junction with the existing tramway of the Corporation at its point of termination, passing thence southward along Saint Augustine's Parade into and along the south side of College Green, Deanery Road, St. George's Road, and Hotwell Road, and terminating in the parish of Clifton in the last-mentioned road at a point about half a chain east of Merchant's Avenue.

Tramway No. 1A, single or second line, five furlongs and sixty-five links in length, commencing in the parish of St. Augustine by a junction with Tramway No. 1 at a point opposite the Royal Hotel in College Green, passing into and along the south side of College Green, Deanery Road, St. George's Road, and Hotwell Road, and terminating in the parish of Clifton, in the last-mentioned road, at a point half a chain east of the junction of Church Path with that road.

Tramway No. 2, single line, one furlong four chains and sixty-nine links in length, wholly in the parish of Clifton, commencing by a junction with Tramway No. 1 at its point of termination, passing thence into and along Love Street and Dowry Parade, and terminating in Dowry Parade opposite the junction of Dowry Place with Dowry Parade.

Tramway No. 2A, single or second line, one furlong two chains and thirty links in length, wholly in the parish of Clifton, commencing by a junction with Tramway No. 2 at a point in Love Street one chain west from Merchant's Avenue, passing thence westerly along Love Street and Dowry Parade, and terminating in Dowry Parade at or near the junction of Dowry Place with Dowry Parade.

Tramway No. 3, single line, one furlong one chain and twenty-one links in length, wholly in the parish of Clifton, commencing by a junction with Tramway No. 2 at its point of termination, passing thence westerly along Gloucester Terrace into and along the road at the side of the River Avon, and terminating in that road opposite the south end of Ashton Place.

Tramway No. 3A, single or second line, four chains in length, wholly in the parish of Clifton, commencing by a junction with Tramway No. 3 at a point in Gloucester Terrace opposite Granby Hill, and passing thence westerly along that road into and along the road at the side of the River Avon, and terminating in that road at a point opposite the south end of Ashton Place.

Tramway No. 4, single line, three furlongs three chains and ten links in length, wholly in the parish of Clifton, commencing in the road at the side of the River Avon at the point of termination of Tramway No. 3,

A.D. 1879.

Bristol (Extensions).

passing thence westerly along the said road, and terminating at a point in that road opposite the railway station of the Bristol Port Railway and Pier Company.

Tramway No. 4A, single or second line, five chains and eighty-three links in length, wholly in the parish of Clifton, commencing in the road at the side of the River Avon, at the point of termination of Tramway No. 3A, and terminating in the said road by a junction with Tramway No. 4, at a point one-and-a-half chains east of the eastern end of St. Vincent's Parade.

Tramway No. 4B, single or second line, three chains in length, a passing-place, wholly in the parish of Clifton, commencing in the road at the side of the River Avon by a junction with Tramway No. 4, at a point about one-and-a-half chains west from the Colonade, and passing thence in a westerly direction along the said road, and terminating at a point three chains from its commencement by a junction with Tramway No. 4.

Tramway No. 4C, single or second line, two chains in length, wholly in the parish of Clifton, commencing in the road at the side of the River Avon by a junction with Tramway No. 4, at a point two chains from the point of the termination of Tramway No. 4, passing thence in a westerly direction along the said road, and terminating at a point two chains from its commencement.

Tramways Nos. 8 and 8A together form a double line, three furlongs twenty-two links in length. These tramways are particularised as follows:

Tramway No. 8, single line, two furlongs eight chains and forty-eight links in length, commencing in the parish of St. Augustine by a junction with Tramway No. 1, at a point half a chain from its commencement, passing thence easterly along St. Augustine's Parade into and along the Drawbridge Broad Quay, the new street about to be constructed between Broad Quay and Baldwin Street, Baldwin Street, Bristol Bridge, Bridge Parade, and Victoria Street, and terminating in the parish of St. Thomas at the northern end of that street by a junction with the authorised tramway in that street.

Tramway No. 8A, single line, three furlongs and twenty-two links in length, commencing in the parish of St. Augustine in St. Augustine's Parade by a junction with Tramway No. 1, at a point one half a chain from its commencement, passing thence eastward along St. Augustine's Parade across the Drawbridge and Broad Quay into and along the new street about to be constructed between Broad Quay and Baldwin Street, Baldwin Street, Bristol Bridge, Bridge Parade, and Victoria Street, and terminating in the parish of St. Thomas in the last-mentioned street by a junction with the authorised tramways of the Promoters in that street, at a point about two chains from Bath Street.

Tramway No. 8B, a junction, single line, one chain and twenty-one links in length, wholly in the parish of St. Augustine, commencing in St. Augustine's Parade by a junction with the existing tramways of

the Corporation at a point one and a half chains north of the commencement of Tramway No. 1, passing thence eastward across St. Augustine's Parade, and terminating by a junction with Tramway No. 8A, at a point at or near the western end of the Drawbridge.

Tramways No. 9 to 11A, inclusive, form a tramway route seven furlongs three chains and ninety-three links in length, and consist of three furlongs two chains and twelve links of double line and four furlongs one chain and eighty-one links of single line. These tramways are particularised as follows:

Tramway No. 9, single line, two furlongs six chains and eighty-one links in length, commencing in the parish of St. Thomas by a junction with Tramway No. 8, at a point at or near the junction of Redcliff Street and Bridge Parade, passing thence into and along Redcliff Street and Redcliff Hill, and terminating in the parish of St. Mary Redcliff at Redcliff Hill, at a point about one chain from Phippen Street.

Tramway No. 9A, single or second line, one chain in length, wholly in the parish of St. Thomas, commencing by a junction with Tramway No. 8A, at or near the junction of Bridge Parade with Redcliff Street, passing thence into and along Redcliff Street, and terminating therein by a junction with Tramway No. 9, at a point about one chain from its commencement.

Tramway No. 9B, single or second line, one chain and fifty links in length, wholly in the parish of St. Mary Redcliff, commencing by a junction with Tramway No. 9, at a point about one-and-a-half chains from its termination, and passing thence into and along Redcliff Hill, and terminating therein at a point about one chain south from Phippen Street.

Tramway No. 11, single line, four furlongs seven chains and twelve links in length, commencing in the parish of St. Mary Redcliff in Redcliff Hill by a junction with Tramway No. 9, at its point of termination, passing thence southward along Redcliff Hill, across Bedminster Bridge and Coronation Road, into and along and terminating in East Street, in the parish of Bedminster, at a point about one-and-a-half chains south of Mill Lane.

Tramway No. 11A, single or second line, two furlongs nine chains and sixty-two links in length, commencing in the parish of St. Mary Redcliff in Redcliff Hill by a junction with Tramway No. 9B at its point of termination, passing thence southward along Redcliff Hill, across Bedminster Bridge and Coronation Road, into and along and terminating in East Street, in the parish of Bedminster, opposite the New Inn.

Tramways Nos. 13 to 13D, inclusive, form a tramway two furlongs six chains and fourteen links in length, and consist of one furlong four chains and seventy-three links of double line, and one furlong one chain and forty-one links of single line. These tramways are particularised as follows:

Tramway No. 13, single line, two furlongs six chains and fourteen links in length, commencing in the parish of St. Thomas by a junction with Tramway No. 8, at a point in Bridge Parade at its south-eastern end, passing thence into and along Bath Street, Philip Street, Saint Philip's

A.D. 1879.

Bristol (Extensions).

Bridge, Passage Street, and Tower Hill, and terminating in the parish of Saint Philip and Jacob (In) and Castle Precincts, or one of them, by a junction with the Tramway No. 13F, at a point half a chain from Castle Street.

Tramway No. 13A, single or second line, one chain and ninety-three links in length, wholly in the parish of St. Thomas, commencing by a junction with Tramway No. 8A in Bridge Parade, at its south-eastern end, passing thence into and along Bath Street, and terminating therein at a point about half a chain from its western end.

Tramway No. 13B, single or second line, two chains and sixty-two links in length, a passing-place, wholly in the parish of Temple, commencing by a junction with Tramway No. 13, at a point in Bath Street half a chain from its eastern end, and terminating in Philip Street, at a point half a chain from its western end.

Tramway No. 13C, single or second line, four chains and seventy-eight links in length, a passing-place, commencing in the parish of Temple by a junction with Tramway No. 13, at a point in the approach to St. Philip's Bridge, about half a chain from Temple Backs, passing thence across St. Philip's Bridge into and along and terminating in Passage Street in the parish of St. Philip and Jacob (Out) by a junction with Tramway No. 13, at a point nearly opposite Queen Street.

Tramway No. 13D, single or second line, five chains and forty links in length, a passing-place, commencing in the parish of St. Philip and Jacob (Out), by a junction with Tramway No. 13 at a point in Passage Street one chain west of Tower Hill, passing thence into and along Passage Street and Tower Hill, and terminating therein at a point opposite Jacob Street, in the parish of St. Philip and Jacob (In) and Castle Precincts, or one of them.

Tramway No. 13F, a junction, single line, one chain and forty links in length, commencing in the parish of St. Philip and Jacob (In) and Castle Precincts, or one of them, by a junction with Tramway No. 13, at a point in Tower Hill half a chain from Castle Street, passing thence into and along and terminating in Old Market Street, in the parish of St. Philip and Jacob (In) by a junction with the existing tramway, at a point half a chain from Lower Castle Street.

Tramways Nos. 14 to 15J, inclusive, form a tramway route one mile three furlongs four chains and four links in length, and consist of four furlongs and thirty-two links of double line and seven furlongs three chains and seventy-two links of single line.

These tramways are particularised as follows:

Tramway No. 14, single line, one furlong two chains and fifty-three links in length, commencing in the parish of St. James by a junction with the existing tramway of the Promoters in the roadway between Horse Fair and Bridewell Street, at a point three chains from Lewin's Mead, passing thence into and along St. James's Churchyard, Bond Street, St. James's Barton, and North Street, and terminating in the parishes of

St. James and of St. Paul, or one of them, at a point one-and-a-half chains from Cumberland Street.

Tramway No. 14A, single or second line, five chains and seventy-five links in length, wholly in the parish of St. James, commencing by a junction with the existing tramways of the Promoters in the roadway between Horse Fair and Bridewell Street, at a point three chains from Lewin's Mead, passing thence into and along St. James's Churchyard, and terminating therein at the western end of Bond Street.

Tramway No. 14B, single or second line, four chains and twenty-four links in length, a passing-place, commencing in the parish of St. James, by a junction with Tramway No. 14, at a point three chains south-westward from Barrs Street, passing thence into and along St. James's Barton and North Street, and terminating therein in the parishes of St. James and St. Paul, or one of them, by a junction with Tramway No. 14 at its point of termination.

Tramway No. 15, single line, one mile two furlongs and one chain and fifty-one links in length, commencing in the parishes of St. James and of St. Paul, or one of them, by a junction with Tramway No. 14, at its point of termination in North Street, and passing thence northward along North Street into and along Stokes Croft, Cheltenham Road, Redland Side, and Gloucester Road, and terminating therein in the parish of Horfield, at a point opposite Egerton Road.

Tramway No. 15A, single or second line, one chain and fifty-one links in length, a passing-place, wholly in the parishes of St. James and St. Paul, or one of them, commencing by a junction with Tramway No. 15, at a point in North Street five chains northward of Cumberland Street, passing thence into and along Stokes' Croft, and terminating by a junction with Tramway No. 15, at a point in Stokes' Croft half a chain from its southern end.

Tramway No. 15B, single or second line, three chains in length, a passing place, wholly in the parish of St. Paul, commencing by a junction with Tramway No. 15 in Stokes' Croft, at a point three chains northward from Hillgrove Street, and passing thence northward along Stokes' Croft, and terminating therein by a junction with Tramway No. 15, at a point one chain northward from Thomas Street.

Tramway No 15C, single or second line, two chains and four links in length, a passing-place, wholly in the district of the united parishes of St. James and St. Paul, commencing by a junction with Tramway No. 15, at a point opposite Sydenham Road, and passing thence, northward, along Cheltenham Road, and terminating at a point two chains northward from its point of commencement by a junction with Tramway No. 15.

Tramway No. 15D, single or second line, three chains in length, a passing-place, wholly in the district of the united parishes of St. James and St. Paul, commencing by a junction with Tramway No. 15 in Cheltenham Road, at a point two chains southward of the lamp post in the roadway at the corner of Arley Hill and Cheltenham Road, and

A.D. 1879.

Bristol (Extensions).

passing into and along and terminating in Cheltenham Road by a junction with Tramway No. 15, at a point in Cheltenham Road one chain northward of the same lamp post.

Tramway No. 15F, single or second line, three chains and eighty-six links in length, a passing-place, commencing in the district of the united parishes of St. James and St. Paul by a junction with Tramway No. 15, at a point in Cheltenham Road opposite the Montpelier Station Road, passing thence northward along Cheltenham Road, Redland Side, in the parish of Westbury-upon-Trym, and terminating by a junction with Tramway No. 15, at a point in Redland Side three chains northward from Montpelier Station Road.

Tramway No. 15G, single or second line, two chains and eighty-three links in length, a passing-place, commencing in the parish of Westbury-upon-Trym, by a junction with Tramway No. 15, at a point opposite Cromwell Road, passing thence northward into and along, and terminating in Gloucester Road, in the parish of Horfield, at a point two chains northward from Cromwell Road.

Tramway No. 15H, single or second line, nine chains and nine links in length, a passing-place wholly in the parish of Horfield, commencing by a junction with Tramway No. 15 at a point in Gloucester Road opposite Meridian Terrace, passing thence northward along Gloucester Road, and terminating therein by a junction with Tramway No. 15, at a point opposite Shadwell Road.

Tramway No. 15I, single or second line, three chains in length, a passing-place, wholly in the parish of Horfield, commencing by a junction with Tramway No. 15, at a point in Gloucester Road three chains southward of Berkeley Road, and terminating by a junction with Tramway No. 15, at a point in Gloucester Road nearly opposite Berkeley Road.

Tramway No. 15J, single or second line, two chains in length, wholly in the parish of Horfield, commencing by a junction with Tramway No. 15, at a point in Gloucester Road two chains southward of Egerton Road, and passing thence northward along Gloucester Road, and terminating at a point opposite Egerton Road.

Tramway No. 17, single line, two chains in length, wholly in the parish of St. James, commencing in Broadmead by a junction with the existing tramways of the Promoters, and passing thence westward along Broadmead, and terminating therein at a point about one chain westward from Union Street.

Tramway No. 17A, a junction, single line, one chain and thirteen links in length, wholly in the parish of St. James, commencing in the street leading from Broadmead to the Horse Fair by a junction with the existing tramways of the Promoters, and passing thence into and along Broadmead, and terminating therein at a point about one chain from its commencement by a junction with Tramway No. 17.

All which tramways will be wholly made or situate in the parishes or places following, namely St. Augustine, Clifton, St. Stephen, St. Leonard, St. Nicholas,

St. Thomas, St. Mary Redcliff, Bedminster, Temple, St. Philip and Jacob (In), St. Philip and Jacob (Out), Castle Precincts, St. James, St. Paul, the district of the united parishes of St. James and St. Paul and Westbury-upon-Trym, in the city and county of Bristol, and Horfield in the county of Gloucester.

Provision as to construction of tramways in new street between Baldwin Street and the Broad Quay.

7. In the event of the new street between Baldwin Street and the Broad Quay being made of less width than sixty feet, so much of Tramway No. 8A as lies between Marsh Street and St. Nicholas Church shall not, except with the consent of the Corporation, be made; and in the event of such portion of Tramway No. 8A not being made, Tramway No. 8, between Marsh Street and St. Nicholas Church, shall be laid in the centre of the road.

For protection of Great Western Railway Company.

8. In constructing and maintaining the Tramways No. 11 and No. 11a respectively across the Redcliffe Tunnel on the Bristol Harbour Railway of the Great Western Railway Company (in this section referred to as the Great Western Company), the Promoters shall not in any way alter or interfere with the structure of the tunnel of the said railway under the road or street called Redcliffe Hill, Bristol, or of the approaches thereto, and they shall so construct and maintain those tramways in the said road or street over the said tunnel and the approaches thereto as not to injuriously affect the said tunnel and approaches, and in the event of any injury being occasioned to such tunnel and approaches, or either of them, or any part or parts thereof, by the construction of the said tramways, or either of them, on or over the same respectively, whether such injury shall occur either during or after construction or in effecting the maintenance, repairs, or renewals of those tramways, or either of them, the Great Western Company may at the expense of the Promoters restore such tunnel 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 Company against all sums, costs, and expenses which they may pay or be put to in maintaining and repairing so much of the road or street aforesaid over the said tunnel and approaches respectively as the Promoters are liable to maintain and repair under the 28th section of the Tramways Act, 1870, and the Great Western 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: Provided that if any difference arise between the Great Western Company and the Promoters touching the matters and provisions aforesaid, or any of them, such difference shall be determined by an arbitrator to be agreed on between that company and the Promoters, or in default of agreement, to be appointed on the application of either of them by the Board of Trade, and the costs of the reference shall be borne as he shall direct.

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

9. 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

A.D. 1879.

Bristol (Extensions).

writing of such desire, and the said Waterworks Company or the said Gaslight Company, as the case may be, shall forthwith (without prejudice nevertheless 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 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.

Further provisions as to construction of tramways.

10. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Order.

Rails of tramways.

11. The rails of the tramways shall be such as the Board of Trade may approve: Provided that the Board of Trade may from time to time, upon the application of the road authority, require the Promoters to adopt and apply such improvements in the tramway, 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.

As to surface between rails in Deanery Road and St. Philip's Bridges, &c.

12. The Promoters shall lay the surface between the rails, and for eighteen inches on each side of the outer rail of each tramway over the Deanery Road and St. Philip's Bridges, and in such other similar places as the road authority may from time to time determine, with wood or other paving to the satisfaction of the said authority.

Penalty for not maintaining rails and road in good condition.

13. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the

rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and road.

14. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade shall certify under the hand of a Secretary or Assistant Secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

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

15. If any road authority hereafter alter the level of any road along or across which any of the tramways are laid or authorised to be laid, the Promoters 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.

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 foothpath 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 passing-places the traffic shall, when necessary, be diverted from one tramway to the other.

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

17. 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-houses, 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

A.D. 1879.

Bristol (Extensions).

of premises abutting on the place where such rail is proposed to be laid, by writing under his hand addressed to the Promoters, express his objection thereto.

Temporary tramways may be made when necessary.

18. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid, it is, in the opinion of the road authority, necessary or expedient temporarily to remove or discontinue the use of such tramway, or any part thereof, the Promoters may, subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make, construct in the same or any adjacent road, and, with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain, so long as occcasion 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.

19. 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 such road, and the Promoters shall deliver the surplus paving, metalling, or material not used for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same, and in no case shall the Promoters or any person acting under their authority sell any of such paving, metalling, or material: Provided that if, within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus 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.

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

20. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed by the Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

Traffic upon Tramways.

Traffic upon tramways.

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

Bristol (Extensions).

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.

As to traffic on tramways on Sundays.

23. The provisions contained in section seventeen of the Bristol Tramways Extensions Order, 1877, are hereby repealed, and from and after the passing of the Act confirming this Order the Promoters shall not run or permit or suffer to run upon any of the existing or authorised tramways within the city and county of Bristol, belonging to or worked by the Promoters, or on any of the tramways within the said city and county of Bristol by this Order authorised, any car or carriage on a Sunday before the hour of two o'clock in the afternoon, and shall not run, or permit or suffer to run, any car or carriage past any place of worship within the said city and county during the time of Divine Service on a Sunday at a faster pace than a walking pace, and if the Promoters at any time fail to comply with either of these provisions they shall be subject to a penalty not exceeding forty shillings for every time they shall so fail, and such penalty may be recovered as by section fifty-six of the Tramways Act, 1870, is provided.

Tolls.

Tolls.

24. The tramways constructed 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 that the respective portions mentioned in the respective routes herein-after specified of the tramways respectively authorised by the Bristol Corporation Tramways Order, 1872, and the Bristol Tramways Extension Order, 1876, during the continuance of the lease thereof by the Corporation to the Promoters, and of the tramways authorised by the Bristol and Eastern District Tramways Order, 1875, the Bristol Tramways Extension Order, 1877, and this Order, shall for the purpose of tolls and charges be deemed to be the same continuous tramways, and are herein-after referred to in this section as "the tramways": Provided that the Promoters may demand such tolls and charges in respect of each and every description of traffic thereon as they are entitled to demand and receive under the said Orders respectively: Provided also, that passengers shall be entitled to travel on either of the following routes of the tramways, or any part or parts thereof, on payment to the Promoters of one rate or fare only for each journey made by any passenger; that is to say,

From or to St. John's Church, Redland,	To or from the junction of the Stapleton and Fishponds Roads, Eastville (viâ Old Market Street).
From or to St. John's Church, Redland,	To or from the junction of the Bath and Wells Roads, Totterdown.

A.D. 1879.

Bristol (Extensions).

From or to the station of the Port and Pier Railway Company, Hotwells, — To or from the junction of the Bath and Wells Roads, Totterdown.

From or to East Street, Bedminster - — To or from the junction of the Kingswood and Hanham Roads, St. George, and

From or to Broadmead - - - To or from Egerton Road, Bishopston:

Provided also, that if the Promoters at any time run through cars over any other than the above-named routes passengers shall be entitled to travel on such through cars upon payment of one fare only at the authorised rate.

Passengers luggage.

25. 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.

26. 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 two carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Promoters think most convenient for artizans, 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.

Payment of tolls.

27. 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.

Periodical revision of tolls.

28. If at any time after three years from the opening for public traffic of any tramways of the Promoters authorised by the said Orders or any of them, or by this Order, or any portion of such tramways, or after three years from the date of any order made in pursuance of this section in respect of such tramways or any portion of such tramways, it is represented in writing to the Board of Trade by the local authority of any district in which such tramways or such portion of such tramways are or is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, or by the Promoters, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on such tramways or on such portion of such tramways should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870; and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on such tramways or on such portion of such

tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by the Bristol and Eastern District Tramways Order, 1875, authorised.

The provisions of this section shall, as to the tramways to which the same relate, supersede and be in substitution for the provisions of any of the said Orders with respect to the revision of tolls.

Miscellaneous.

Provisions as to arbitration.

29. Where under the provisions of the Tramways Act, 1870, and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply in every such arbitration, and the decision of the arbitrator shall be final and conclusive, and binding on all parties.

Removal of tramways by Corporation.

30. If at any time it shall appear to the Corporation desirable that any of the existing or authorised tramways belonging to the Promoters, or any of the tramways authorised by this Order, or any part thereof respectively, shall be removed, the Corporation may remove the same at any time after the expiration of six months notice given by the Corporation to the Promoters, upon paying or making proper compensation to the Promoters; such compensation, in case of difference between the parties, to be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of differences in the said section mentioned.

As to tramways on Bedminster Bridge and the Drawbridge.

31. The tramways upon Bedminster Bridge and the Drawbridge shall, as regards position, levels, materials, and workmanship, be laid and at all times maintained by the Promoters to the satisfaction of the engineer to the Bristol Docks. No car shall at any time be allowed to run over or along the tramways so laid upon the Drawbridge, any part of which car shall come nearer than ten inches to an imaginary vertical line raised from the outer edge of either of the present footways of the Drawbridge.

It shall be lawful for the Corporation at any time to take up or to require the Promoters to remove or take up the tramways along Bedminster Bridge and the Drawbridge, or any of them, or to stop or interfere with the traffic thereof whenever it may be necessary to do so for the purpose of renewing, altering, or repairing the said Bridges, or either of them, or of opening the said Drawbridge, or for any other necessary purposes (of which the Corporation shall be the sole judges), without being liable to make or pay any compensation to the Promoters or any other person for any loss, damage, or expense sustained by them under either of the aforesaid circumstances.

Form and delivery of notices.

32. 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 any local authority or any road authority, shall be signed by the town clerk or by their clerk or secretary:

A.D. 1879.

Bristol (Extensions).

(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 council house or 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 the town clerk at the council house, or to their respective clerk or secretary, at their principal office.

Saving for general Acts.

33. Notwithstanding anything in this Order contained, the Promoters and any corporation, company, or person using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, or to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power by any such general Act as aforesaid.

Briton Ferry, &c.

BRITON FERRY AND SWANSEA TRAMWAYS.

Order authorising the construction of Tramways at Briton Ferry and Swansea, in the county of Glamorgan.

Short title.

1. This Order may be cited as "The Briton Ferry and Swansea Tramways Order, 1879."

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the Promoters of the undertaking), and of the Tramways Act, 1870, are hereby incorporated with this Order, except where the same are 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 term "person" shall include any corporation.

Promoters.

The Promoters.

4. Joseph Hamilton Cox, his executors, administrators, or assigns, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may, by agreement, from time to time purchase and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary

for such purposes, provided that they shall not at any time hold for such purposes more than five acres of land.

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—

Tramway No. 1, three miles three furlongs three chains and fifty links in length, consisting of a double line, partly in the parish of Cadoxton-juxta-Neath, and partly in the parish of Llansamlet, in the county of Glamorgan, commencing at a point seventeen yards south of the south-east corner of "the Ferry House Hotel," at Briton Ferry, in the said county, passing in a westerly direction over Crymlyn Burrows, about five chains south of the Jersey Marine Hotel, and terminating at a point about one chain west of the centre of Lockwood's Bridge, in the parish of Swansea, in the said county:

Tramways No. 2 to 2c, both inclusive, forming a tramway route one mile one furlong and two chains in length, consisting of six chains ninety links of double line, and one mile five chains and ten links of single line. These tramways are particularised as follows:

Tramway No. 2, one mile one furlong and two chains in length, of single line, wholly in the said parish of Swansea, commencing by a junction with Tramway No. 1 at its termination, passing in a westerly direction towards the town of Swansea, and terminating at a point about nine yards south of the "Red House," St. Thomas Swansea aforesaid:

Tramway No. 2A, a second line, two chains and thirty links in length, wholly in the said parish of Swansea, commencing by a junction with Tramway No. 2, twenty-two yards west of Lockwood's Bridge aforesaid, and terminating two chains thirty links westerly from its commencement by a junction with Tramway No. 2:

Tramway No. 2B, a second line, two chains and thirty links in length, wholly in the said parish of Swansea, commencing by a junction with Tramway No. 2, twenty-two yards west of Lambert's Road, and terminating two chains thirty links westerly from its commencement by a junction with Tramway No. 2:

Tramway No. 2C, a second line, two chains and thirty links in length, wholly in the said parish of Swansea, commencing by a junction with Tramway No. 2, eighty-eight yards east of Grenfell's Lodge, and terminating two chains thirty links westerly from its commencement by a junction with Tramway No. 2:

Provided always, that the Promoters shall not commence to lay any tramway along any public road situated within the borough of Swansea until such road shall have been widened to a width of forty feet to the satisfaction of the surveyor

A.D. 1879.

Briton Ferry, &c.

of the borough of Swansea, and any such tramway shall, unless otherwise directed by the road authority, be laid in the centre of the road.

Further provisions as to construction of tramways.

7. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Order.

Mode of formation of tramways.

8. The rails of the tramways shall be such as the Board of Trade may approve: Provided that the Board of Trade may from time to time, upon the application of the road authority, require the Promoters to adopt and apply such improvements in the tramway, 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, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and road.

10. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways

Act, 1870; and if the Board of Trade shall certify under the hand of a Secretary or Assistant Secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

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 such a passing-place or such passing-places connecting the one tramway with the other as the road authority may consider necessary, 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 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 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, carriage-houses, 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, 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 is, in the opinion of the road authority, necessary or expedient temporarily to remove or discontinue the use of such tramway, or any part thereof, the Promoters may, subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make, construct in the same or any adjacent road, and, with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain, so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of 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

A.D. 1879.

Briton Ferry, &c.

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 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 such road, and the maintenance, for six months after completion of any of the tramways within the district of such road authority, of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided that if, within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus 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.

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

16. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed by the Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

Traffic upon Tramways.

Traffic upon tramways.

17. The tramways may be used for the purpose of conveying passengers, animals, goods, minerals, and parcels, but no animals, goods, minerals, parcels, or things exceeding fifty-six pounds in weight shall be conveyed on any of the tramways made on public roads within the borough of Swansea between eight in the morning and eight in the evening without the consent of the road authority.

Promoters not bound to carry goods.

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

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 twopence halfpenny per mile for each first-class passenger, and twopence per mile for

each second-class passenger (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 each first-class passenger for the distance of one mile or under any sum not exceeding threepence.

Passengers luggage.

20. Every passenger travelling upon the tramways may take with him his personal luggage, not exceeding fifty-six 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 at least two carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than five in the evening respectively, as the Promoters think most convenient for artizans, 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.

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 and charges for the use of the tramways, and for waggons or trucks, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding the tolls and charges specified in the Schedule to this Order annexed, subject to the regulations in that behalf therein contained.

Payment of tolls.

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 Promoters may by notice to be annexed to the list of tolls appoint.

Periodical revision of tolls.

24. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, or by the Promoters, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870; and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be

A.D. 1879.

Briton Ferry, &c.

demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

Miscellaneous.

Provisions as to arbitration.

25. Where under the provisions of the Tramways Act, 1870, and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply in 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 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.

Power to enter into agreements with respect to traffic, &c.

27. The Promoters or any person using the tramways under the authority of this Order on the one hand, and any other 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 other person any passengers, animals, goods, minerals, or parcels, and the fixing, collecting, and appointment of tolls, charges, rents, or other receipts arising in respect of such traffic.

Saving for general Acts.

28. Notwithstanding anything in this Order contained, the Promoters and any persons using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls and charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

SCHEDULE.

Tolls and Charges for Animals, Goods, &c.

		Per mile. s.	d.
Animals.			
For every horse, mule, or other beast of draught or burden	per head	0	3
For every ox, cow, bull, or head of cattle	per head	0	3
For calves, pigs, sheep, and small animals	per head	0	2
Goods.			
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	4
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	6
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	6
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	6
For all wools, cotton, drugs, manufactured goods, fish, and all other wares, merchandise, articles, matters, or things	per ton	0	6
Articles of Great Weight.			
For the carriage of single articles of great weight:			
For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, exceeds four tons but does not exceed eight tons, such sums as the Promoters may think fit, not exceeding	per ton	1	6
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 may think fit.			
Tolls for Small Parcels.			
For any parcel not exceeding seven pounds in weight		0	1
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight		0	1½
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight		0	2
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight		0	3
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.			

A.D. 1879.

Briton Ferry, &c.

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

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.

Burnley.

BURNLEY AND DISTRICT TRAMWAYS.

Order authorising the construction of Tramways between Padiham, Burnley, Brierfield, and Nelson, in the county of Lancaster.

Short title.

1. This Order may be cited as "The Burnley and District Tramways Order, 1879."

Incorporation of Acts.

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

Interpretation.

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

Provided that in this Order the expression "the tramways" 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 Burnley, in the county of Lancaster, acting by the council.

The expression "person" shall include any corporation.

Promoters.

The Promoters.

4. Ernest George Fellowe and John Warrington Morris, and the survivor of them, and the executors or administrators of such survivor, their or his assigns, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

5. The Promoters may, by agreement, from time to time purchase and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold for such purposes more than five acres of land.

Burnley. Lands 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, weigh-bridges, 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—

Tramway No. 1, three miles one furlong six chains and twenty links in length, of which one furlong four chains and fifty links is double line and three miles one chain and seventy links is single line, situate wholly in the parish of Whalley, commencing at a point in the Burnley Road opposite or nearly opposite to the south-east corner of the Commercial Hotel at Padiham, passing thence over the Padiham Bridge, through Cheapside, Padiham Road, Westgate, and Saint James's Street, to the junction of Manchester Road and Bridge Street with St. James's Street, in the borough of Burnley, at which point Tramway No. 1 will terminate:

Tramway No. 2, two miles six furlongs two chains and sixty-five links in length, of which one furlong three chains fifty links is double line and two miles four furlongs nine chains is single line, commencing in the parish of Whalley in Saint James's Street, by a junction with the intended Tramway No. 1 at its termination, and passing thence along Saint James's Street, Church Street, and Colne Road, Burnley, and Burnley Road and Colne Road, Brierfield, and terminating at a point in the parish of Whalley in the Colne Road east of the south end of the tunnel of the Lancashire and Yorkshire Railway, passing under the Colne Road at Brierfield:

Tramway No. 3, one mile two chains and sixty-five links in length, of which four chains fifty links is double line and seven furlongs eight chains and fifteen links is single line, wholly situate in the parish of Whalley, commencing in Colne Road, Brierfield, by a junction with the intended Tramway No. 2, at its termination, and passing thence along Colne Road, Brierfield, and Manchester Road, Nelson, and terminating at a point in the Manchester Road opposite or nearly opposite to the entrance of the Nelson Inn, in the town of Nelson.

The above tramways will pass to, from, or into the following townships, namely, Padiham, Habergham Eaves, Burnley, Reedley Hallows, and Marsden, in the parish of Whalley, and the extra-parochial place or township of Reedley Hallows, in the county of Lancaster:

Provided always that—

So much of Tramway No. 2 as is opposite to the marble works of Jonathan Whitaker, in Church Street, shall be so laid that a space of not less than

A.D. 1879.

Burnley

nine feet and six inches shall intervene between the outside of the footpath on the east side of the said street (on which side such marble works are situate) and the rail of the tramway nearest to the said footpath; and provided that the Promoters shall construct the terminus of Tramway No. 3 at some point in the Manchester Road, Nelson, aforesaid, which shall be arranged between the Promoters and the local board for the district of Nelson, in the county of Lancaster (herein-after in this section referred to as the Nelson Local Board), not being more than twenty yards distant from the southerly corner of the said Nelson Inn, measuring in a southerly direction therefrom, instead of at the herein-before described point of termination: Provided further, that in the event of the Promoters and the Nelson Local Board being unable to agree as to the point at which such terminus shall be placed, the same shall be determined in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of differences in the said section mentioned.

Protecting bridges over Leeds and Liverpool Canal.

7. Wheresoever any of the tramways shall be constructed upon a bridge carrying a road over a canal of the Leeds and Liverpool Canal Navigation, and Douglas Navigation Company (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 Leeds and Liverpool 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 eighteen 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 Leeds and Liverpool 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 Leeds and Liverpool Canal Company under their Acts no 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

A.D. 1879.

Burnley.

to the protection and benefit of every provision for the protection and benefit of canal companies or proprietors of canals contained in the Tramways Act, 1870, and in this Order, or either of them.

For protection of Lancashire and Yorkshire Railway Company.

11. In constructing the Tramway No. 1 across the East Lancashire Railway of the Lancashire and Yorkshire Railway Company, the Promoters shall not alter or interfere with the structure of the bridge which carries the turnpike road leading from Burnley to Padiham 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.

Further provisions as to construction of tramways.

12. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Order.

Rails of tramways.

13. The rails of the tramways shall be such as the Board of Trade may approve: Provided that the Board of Trade may from time to time, upon the application of the road authority, require the Promoters to adopt and apply such improvements in the tramway, 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.

14. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and road.

15. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade shall certify under the hand of a Secretary or Assistant Secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

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 such a passing-place or such passing-places connecting the one tramway with the other as the road authority may consider necessary, 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 hereafter alter the level of any road along or across which any of the tramways is laid or authorised to be laid, the Promoters 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.

Provisions as to paving roads.

18. In the event of the road authority having jurisdiction over the district through which the tramways may pass, pitching or paving any road which is at present macadamised, the Promoters shall at the same time and in the same manner pitch or pave so much of the said road as they are bound by law to maintain unless so much of the said road is at the time pitched or paved.

A.D. 1879.

Burnley.

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

19. The Promoters, with the consent of and subject to the approval of the local authority, may from time to time make all such crossings, passing-places, sidings, junctions, and other works 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-houses, 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, 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, siding, 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.

Temporary tramways may be made when necessary.

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

21. 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 such road, and the maintenance, for six months after completion of any of the tramways within the district of such road authority, of so much of the roadway of such road on either side of such

tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided that, if within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus 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.

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

22. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed by the Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

Provisions for discontinuance of tramways in Burnley.

23. If at any time after the opening of the tramway for traffic it shall, upon the representation of the Corporation of Burnley, be proved to the satisfaction of the Board of Trade that the use of such portions of the Tramways No. 1 and No. 2 by this Order authorised as lie between the point on the deposited plans indicating two miles seven furlongs from the commencement of Tramway No. 1 and a point to be agreed upon, lying between the points on the deposited plans indicating two furlongs and three furlongs from the commencement of Tramway No. 2, is dangerous or seriously detrimental to the traffic of the town of Burnley, then, notwithstanding anything in this Order contained, the Board of Trade may by order prohibit the use of such portion of such tramways as aforesaid, or any part or parts of such portion, and thereupon the Promoters shall, except for the limited purpose of obtaining access to or from the stables and car sheds of the Promoters, discontinue the use of the portion or part of the said tramways named in such order of the Board of Trade; provided nevertheless, that if after inquiry it appear to the Board of Trade that such portion of the said tramways, or any part or parts thereof, may, without danger or serious detriment to the general traffic of the said town of Burnley, be used during certain limited periods of the day or week, it shall be lawful for the Board of Trade, instead of making such prohibitive order as aforesaid, to make such regulations for regulating and limiting the user of such portion or such part or parts of such portion of the said tramways as the Board of Trade may deem necessary or expedient; provided further, that the Board of Trade may at any time after making any such order as aforesaid revoke, alter, or modify the same for good cause shown to them.

Traffic to be suspended upon notice.

24. It shall be lawful for the Corporation, pending any inquiry into any representation made by them to the Board of Trade under the last preceding

A.D. 1879. *Burnley.*

section, by resolution passed by a majority of two thirds at least of their number, to order the suspension of traffic upon such portion of the said tramways as is referred to in the last preceding section, or any part or parts thereof. And upon notice being given to the Promoters in writing under the common seal of the Corporation of such resolution, the Promoters shall within fourteen days from the date of such notice (except for the limited purpose in the last preceding section referred to) suspend the traffic upon so much of the said portion of tramway as may be specifically named in the said notice, until such time as the Board of Trade have decided upon the matters referred to in the said representation.

Traffic upon Tramways.

Traffic upon tramways.

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

Promoters not bound to carry goods.

26. 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.

Tolls.

Tolls.

27. 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 one penny halfpenny 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 two miles any sum not exceeding threepence.

Passengers luggage.

28. 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.

29. 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 one carriage 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 artizans, mechanics, and daily labourers, at tolls or charges not exceeding three farthings per mile (the Promoters nevertheless not being required to take any fare less than one penny): Provided that the Board of Trade may from time to time for good cause shown either authorise the Promoters to discontinue the running of such carriage, or may order the Promoters to run an extra carriage at such hours as aforesaid, and may from time to time revoke, alter, or modify such order, and 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: Provided also, that the powers of the Board of Trade contained in section twenty-five of this Order as to revision of tolls shall apply in like manner to the tolls authorised to be charged under this section.

Tolls for animals, goods, &c.

30. 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 and charges for the use of the tramways, and for waggons or trucks, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding the tolls and charges specified in the Schedule to this Order annexed, subject to the regulations in that behalf therein contained.

Payment of tolls.

31. 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.

Periodical revision of tolls.

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

Miscellaneous.

Provisions as to arbitration.

33. Where under the provisions of the Tramways Act, 1870, and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply in every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Power to enter into agreements with respect to traffic, &c.

34. The Promoters or any person using the tramways under the authority of this Order on the one hand, and any company 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 company or person any passengers or parcels, and the fixing, collecting, and apportionment of tolls, charges, rents, or other receipts arising in respect of such traffic.

A.D. 1879.

Burnley.

For proteciton of the Nelson Local Board.

35. For the protection of the Nelson Local Board the following provisions shall have effect:

1. In the construction of the tramways by this Order authorised through the district of the Nelson Local Board the Promoters shall construct the said tramways in every particular to the satisfaction of the Nelson Local Board:

2. If in any year after the completion and opening for traffic of the tramways by this Order authorised the Promoters have declared a dividend upon the capital invested in the undertaking of six per cent. per annum, the Promoters shall upon a resolution to that effect being passed by the Nelson Local Board, and upon receiving from the Nelson Local Board notice under their common seal requiring the Promoters so to do, apply as early as may be in accordance with the rules of the Board of Trade to the Board of Trade for, and use their best endeavours to obtain a provisional order authorising them to construct, make, and maintain the following extensions of the tramway system authorised by this Order:

(*a.*) From the substituted termination of Tramway No. 3, along the road or street called or known as Scotland Road, to a point in the centre of the road opposite the public-house known as the George and Dragon Inn, in the village of Barrowford:

(*b.*) From the said substituted termination of Tramway No. 3, along the road or street called or known as Leeds Road, to a point not more than fifty yards distant in a westerly direction from the point of junction of Leeds Road aforesaid with the old highway there leading towards Burnley, all in the district of the Nelson Local Board:

And all the obligations and restrictions contained in this Order as to the tramways within the district of the Nelson Local Board, so far as the same are applicable, shall apply to so much of the said extensions (*a*) and (*b*) when authorised to be constructed as may be within the district of the said local board: Provided that all differences which may arise under this section between the Nelson Local Board and the Promoters shall be settled in manner provided by the thirty-third section of the Tramways Act, 1870.

Form and delivery of notices.

36. 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.

Special provisions in case of discontinuance of

37. In case of discontinuance of the tramways or insolvency of the Promoters, and of any order by the Board of Trade under sections forty-one or

forty-two of the Tramways Act, 1870, it shall be lawful for any local authority through whose district the tramways shall be made, if they think fit, subject to and in accordance with the provisions of section forty-three of the Tramways Act, 1870, and within three months after any such order by the Board of Trade, in lieu of exercising the powers conferred upon such local authority by sections forty-one and forty-two of the Tramways Act, 1870, to cause a valuation of so much of the tramways as is within the district of such local authority, and an estimate of the cost of the removal of the last-mentioned portion of the tramways, and reinstatement of the roads to be made, and upon payment by such local authority to the Promoters or other the person or persons for the time being entitled to give a legal discharge for the same, of so much money as shall represent the excess of the said valuation over the said estimate, so much of the said tramways as aforesaid shall vest in and become the absolute property of such local authority: Provided that if any dispute shall arise between the Promoters and any such local authority as to the amount of any such valuation or estimate, the same shall be referred to and settled by a referee to be appointed by the Board of Trade in manner provided by section thirty-three of the Tramways Act, 1870: Provided further, that if the amount of such estimate shall in any case exceed the amount of such valuation, it shall be lawful for such local authority to take possession of so much of the tramways as is within the district of such local authority, and thereupon the same shall vest in and become the absolute property of such local authority subject to the provisions of and to the same extent as if the said tramways had been constructed or acquired by such local authority under the provisions of the Tramways Act, 1870, and without any payment or compensation to the Promoters.

Tramways or insolvency of Promoters.

38. 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.

Agreements between Promoters and road authorities.

39. Notwithstanding anything in this Order contained, the Promoters and any persons using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, or to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

Saving for general Acts.

A.D. 1879.

Burnley.

SCHEDULE.

TOLLS AND CHARGES FOR THE CONVEYANCE OF ANIMALS, GOODS, &c.

		Per mile. s.	d.
Animals.			
For every horse, mule, or other beast of draught or burden	per head	0	6
For every ox, cow, bull, or head of cattle - -	per head	0	6
For calves, pigs, sheep, and small animals - -	per head	0	3¼
Goods and Minerals.			
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	3
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	3
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	4
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	4
For all wools, cotton, drugs, manufactured goods, fish, and all other wares, merchandise, articles, matters, or things - -	per ton	0	4
Articles of Great Weight.			
For the carriage of single articles of great weight:			
For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, exceeds four tons but does not exceed eight tons, such sums as the Promoters may think fit, not exceeding per ton - - - -		0	8
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.

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

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Promoters may demand any sum which they think fit. A.D. 187 *Burnley.*

Regulations as to Tolls.

A fraction of half a mile beyond an integral number of half miles shall be deemed to be a half mile.

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.

CHESTERFIELD, BRAMPTON, AND WHITTINGTON TRAMWAYS. *Chesterfield, &c.*

Order authorising the construction of Tramways in the town of Chesterfield, and in the parishes of Brampton, Whittington, and Newbold, all in the county of Derby.

1. This Order may be cited as "The Chesterfield, Brampton, and Whittington Tramways Order, 1879." Short title.

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

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: Interpretation.

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 Chesterfield, 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.

0. 1879.

sterfield, &c.

e Promoters.

4. Edward Nicholls and Joseph William Greig, and the survivor of them, and the executors or administrators of such survivor, their or his assigns, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

ands by greement.

5. The Promoters may by agreement from time to time purchase and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold for such purposes more than five acres of land.

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 amended plans and sections deposited at the Office of the Board of Trade, 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 5 furlongs 3·5 chains in length (consisting of 4 furlongs 2 chains of double line, and 1 mile 1 furlong and 1·5 chains of single line), commencing in the parish of Brampton, in the county of Derby, at or near a point in the Chesterfield and Hernstone Lane Head turnpike road where the said road is joined by Walton Lane, and passing thence in an easterly direction along the said turnpike road into the Borough, and into and along West Bars, New Square, Low Pavement, across the Market Place and High Street into and along Glumman Gate, Salter Gate, Holywell Cross, Holywell Street, and Corporation Street, and terminating in an open space in front of the Chesterfield Station of the Midland Railway, at a point 1 chain or thereabouts northward of the front entrance to the said railway station.

Tramway No. 1 will be laid as a single line of rails, except at the following places, where it will be laid as a double line of rails; (that is to say,)

(*a.*) For a distance of 2 chains or thereabouts from its commencement.

(*b.*) From a point opposite the west side of Shepley Street for a distance of 3 chains or thereabouts eastwards.

(*c.*) Between points respectively 7 chains and 4 chains or thereabouts west of Hipper Street.

(*d.*) Between points respectively 5 chains and 8 chains or thereabouts east of Hipper Street.

(*e.*) Between points respectively 3½ chains and 6½ chains or thereabouts east of Chester Street.

(*f.*) Between points respectively 4½ chains and 7½ chains or thereabouts east of Pothouse Lane.

(*g.*) Between points respectively 3½ chains and 6½ chains or thereabouts west of the west side of New Square.

(*h.*) From a point half a chain or thereabouts eastward of the west side of Market Hall to a point opposite the north-east corner of Market Hall.

(*i.*) From a point 2½ chains or thereabouts south of the north end of Gluman Gate to a point in Salter Gate 1½ chains or thereabouts eastward of its junction with Gluman Gate.

(*j.*) From a point in Salter Gate 2½ chains or thereabouts westward of Cavendish Street to a point in Holywell Street 1½ chains or thereabouts eastward of Cavendish Street.

(*k.*) From a point in Holywell Street 2 chains or thereabouts south-east of St. Mary's Gate to a point in Corporation Street half a chain or thereabouts north-east of Eyre Place ; and

(*l.*) From a point in Corporation Street 7¼ chains or thereabouts from the last-named point to its termination.

TRAMWAY No. 2.

1 mile 4 furlongs 7 chains in length (consisting of 3 furlongs 6 chains of double line, and 1 mile 1 furlong 1 chain of single line), commencing at Whittington Moor, in the parish of Newbold, in the county of Derby, at or near the junction of the Sheepbridge Road with the Sheffield Road, and passing thence in a southerly direction into and along the Sheffield Road and Holywell Street and Holywell Cross, Chesterfield, and terminating in Holywell Street at or near a point half a chain or thereabouts eastward of Cavendish Street.

Tramway No. 2 will be laid as a single line of rails, except at the following places, where it will be laid as a double line of rails ; (that is to say,)

(*a.*) For a distance of 2½ chains or thereabouts from its commencement.

(*b.*) Between points respectively 6½ chains and 3½ chains or thereabouts northward of Pottery Lane.

(*c.*) Between points 1¼ chains northward and 1¾ chains southward or thereabouts of Sanforth Street.

(*d.*) Between points respectively 6½ chains and 9½ chains or thereabouts southward of Sanforth Street.

(*e.*) Between points respectively 1½ chains northward and 1½ chains or thereabouts southward of Dark Lane.

(*f.*) Between points respectively 9¾ chains and 12¾ chains or thereabouts southward of Dark Lane.

(*g.*) From a point opposite the north end of the "Jug and Glass" public-house for a distance of 3 chains or thereabouts southward.

(*h.*) Between points respectively 1 chain northward to 2 chains or thereabouts southward of Haslehurst Lane.

(*i.*) Between points respectively 9¾ chains and 6¾ chains or thereabouts northward of Wharf Lane.

(*j.*) From a point opposite Wharf Lane for a distance of 3 chains or thereabouts southward.

(*k.*) Between points respectively 1¾ chains northward and 1¼ chains or thereabouts southward of Trinity Walk, Chesterfield.

A.D. 1879.

Chesterfield, &c.

(*l.*) From a point at or near the junction of the Newbold Road with the Sheffield Road for a distance of 2 chains or thereabouts southward.

(*m.*) For a distance of 2 chains or thereabouts from its termination.

TRAMWAY No. 3.

Tramway No. 3 (a double line), 1 chain in length, commencing by junction with Tramway No. 1 in Salter Gate at a point 1 chain or thereabouts from the east end thereof, and passing thence into and along Holywell Cross, and terminating in Holywell Street by a junction with Tramway No. 2 at a point 1 chain or thereabouts south-east of Devonshire Street.

As to crossing tramways on the level.

7. In the construction of any of the tramways across the rails of any tramway not belonging to the Promoters, now laid upon the level of any road, the same shall be constructed and maintained in accordance with a plan to be agreed upon by the engineer for the time being of the proprietor of such tramway and of the Promoters, and under the superintendence and to the reasonable satisfaction of the engineer for the time being of the said proprietor, 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 such of the tramways as are laid at the said level crossing shall be maintained and kept in constant and efficient repair to the reasonable satisfaction of the engineer for the time being of the said proprietor. The Promoters shall not stop on or otherwise interfere with or obstruct the traffic upon the tramway of the said proprietor at such level crossing, and the Promoters shall in respect of the traffic upon the tramways at such level crossing be subject to such rules, byelaws, and regulations relating thereto as may be agreed upon between them and the said proprietor. 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 tramway or works of the said proprietor be injured or damaged, such injury or damage shall be forthwith made good by the Promoters at their own expense. In the event of any difference between the said proprietor, or his 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.

For protection of Midland Railway Company.

8. Nothing in this Order contained shall authorise the Promoters to take, use, or otherwise interfere with any land or property belonging to the Midland Railway Company, or to construct any tramways thereon, or to interfere prejudicially with or obstruct the access to their Chesterfield Station, without the consent in writing of the said Company under their common seal being first had and obtained.

Further provisions as to construction of tramways.

9. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of con-

structing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Order.

Mode of formation of tramways.

10. The rails of the tramways shall be such as the Board of Trade may approve: Provided that the Board of Trade may from time to time, upon the application of the road authority, require the Promoters to adopt and apply such improvements in the tramway, 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.

11. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and road.

12. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870, and if the Board of Trade shall certify under the hand of a Secretary or Assistant Secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

A.D. 1879.

Chesterfield, &c.

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 passing-places connecting the one tramway with the other, and by means of such passing-place or passing-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 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 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-houses, 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, 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, siding, 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.

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

require, a temporary tramway or temporary tramways in lieu of the tramway or part of 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 works.

17. 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 such road, and the maintenance, for six months after completion of any of the tramways within the district of such road authority, of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided that if, within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus 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.

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

18. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed by the Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

Traffic upon Tramways.

Traffic upon tramways.

19. The tramways may be used for the purpose of conveying passengers, goods, luggage, parcels, and mail bags.

Promoters not bound to carry goods.

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

Road authorities may use tramways for sanitary purposes at times when Promoters are not working tramways.

21. The Corporation and any road authority in whose district any part of the tramways is laid 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.

A.D. 1879.

Chesterfield, &c.

Provisions as to traffic on market days and fair days.

22. The Promoters shall not have power to run or cause to be run on market or fair days any carriages on that part of the tramways to be constructed between the Peacock Inn, New Square, Chesterfield, and Holywell Cross, under the provision of this Order without the consent in writing of the Corporation under their common seal first had and obtained.

Tolls.

Tolls.

23. 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.

Passengers luggage.

24. 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.

25. 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 two carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Promoters think most convenient for artizans, 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 goods, &c.

26. The Promoters may demand and take in respect of any goods, luggage, parcels, or mail bags conveyed by them on the tramways, except as is by this Order specially provided, including the tolls and charges for the use of the tramways, and for waggons or trucks, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding the tolls and charges specified in Table B. in the Schedule to this Order annexed, subject to the regulations in that behalf therein contained.

Payment of tolls.

27. 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.

Periodical *revision of* tolls.

28. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, or by the Promoters, that under the circum-

stances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870; and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

Miscellaneous.

Provisions as to arbitration.

29. Where under the provisions of the Tramways Act, 1870, and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply in every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and delivery of notices.

30. 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 of such local authority or road 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 town hall or 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 the Corporation or of such authority, body, company, or of the Promoters.

Agreements between Promoters and road authorities.

31. The Promoters and the road authority of any district may, subject to the provisions of this Order, from time to time enter into any contracts and 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.

If profits of Promoters exceed 10 per cent., excess to be divided with road authorities.

32. When in any year the profits of the Promoters shall exceed ten per centum on the paid-up capital of the Promoters, the surplus profits above such ten per centum shall be divided equally between the shareholders of the Promoters and the respective road authorities in whose districts the tramways

A.D. 1879.

Chesterfield, &c.

Saving for general Acts.

are situate, pro ratâ according to the lengths of the tramways within such districts.

33. Notwithstanding anything in this Order contained, the Promoters and any persons using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

SCHEDULE.

Table A.

	s.	*d.*
To or from the Market Place, Chesterfield, from or to Walton Lane, Brampton, not exceeding - - - -	0	2
To or from the Midland Railway Station, Chesterfield, from or to Walton Lane, Brampton, not exceeding - - - -	0	3
To or from the Market Place, Chesterfield, from or to the Queen's Hotel (in Newbold), Whittington, not exceeding - -	0	4
To or from the Midland Railway Station, Chesterfield, from or to the Queen's Hotel (in Newbold), Whittington, not exceeding - -	0	4
For the entire length of the tramways, to or from the Queen's Hotel (in Newbold), Whittington, and Walton Lane, Brampton, not exceeding - - - - - -	0	6

Table B.

Tolls and Charges for the Conveyance of Goods, Luggage, Parcels, and Mail Bags.

For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, metals (except iron), tinned nails, nails, anvils, vices, and chains, per ton per journey not exceeding - - -	0	6
For all wools, cotton, drugs, manufactured goods, fish, and all other wares, merchandise, articles, matters, or things, per ton per journey not exceeding - - - - - - -	0	6
For any parcel not exceeding seven pounds in weight, each per journey not exceeding - - - - - -	0	2
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight, each per journey not exceeding -	0	4
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight, each per journey not exceeding - -	0	6

	s.	d.
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight upon any part of the tramways, each per journey not exceeding - - - - - -	0	9
For any mail bag, each per journey not exceeding - - - -	0	6
For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight, each per journey not exceeding per hundredweight - - - - - - -	1	0

The term "journey," as herein-before used, shall mean the distance traversed in the same direction upon the tramways, or any part thereof, at one time.

CREWE AND DISTRICT TRAMWAYS.

Crewe, &c.

Order authorising the construction of Tramways in the borough of Crewe, in the township of Monks Coppenhall, in the parish of Church Coppenhall, and in the township of Crewe, in the parish of Barthomley, all in the county of Chester.

Short title.

1. This Order may be cited for all purposes as "The Crewe and District Tramways Order, 1879."

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. Frederick Charles Winby, of No. 1, College Street, Nottingham, Civil Engineer, his executors, administrators, or assigns, shall be the Promoters for the purposes of this Order, and are herein referred to as "the Promoters."

Lands by agreement.

5. The Promoters may by agreement from time to time purchase and acquire for the purpose of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold for such purposes more than five acres of land.

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

A.D. 1879.

Crewe, &c.

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, five chains seventy links in length, being wholly situate in the township of Crewe, in the parish of Barthomley aforesaid, commencing at a point on the Nantwich Road five chains west of the centre of the main line of the London and North-western Railway at Crewe Station, and continuing in a westerly direction along the Nantwich Road five chains and seventy links to the boundary of the borough of Crewe near the Royal Hotel.

The above tramway will be a single line except at the following place, where it will be a double line:

In the Nantwich Road for a distance of one chain or thereabouts from its commencement.

Tramway No. 2, one mile five furlongs two chains and fifty links in length, being a continuation of Tramway No. 1, and wholly situate in the borough of Crewe aforesaid, and running in a westwardly direction six and a half chains to the south end of Mill Street, thence proceeding in a northerly direction the entire length of Mill Street thirty-five and a half chains to the east end of High Street, thence in a north-westerly direction along the entire length of High Street seven and three quarters chains to the north end of Oak Street, thence across the Chester Bridge of the London and North-western Railway along Market Street eighteen chains, and from the east end of Victoria Street thence in a westerly direction along the entire length of Victoria Street twenty chains to the south end of Hightown, thence proceeding in a northerly direction the entire length of Hightown ten and three quarters chains to the east end of West Street, thence proceeding in a westerly direction along West Street to the south end of Underwood Lane, terminating opposite the Lion and Swan public-house in West Street aforesaid thirty-four chains.

The above tramway will be a single line except at the following places, where it will be a double line, viz.:—

1. From a point in Mill Street one and a half chain south of the end of Union Street to the end of Union Street.
2. From a point one and a half chain south of the east end of High Street to the east end of High Street.
3. From the end of Earle Street in Market Street to a point one and a half chain north of Earle Street.
4. From a point at the east end of West Street one and a half chain in West Street.
5. Three chains or thereabouts from the termination of the said tramway in West Street.

Promoters to pave with granite sets certain places.

7. In constructing the Tramways the Promoters shall pave with granite sets so much of the road or street in which the said Tramways are formed and laid down as is between the rails and for a distance of one foot six inches measured from the outside of each rail in the direction of the kerb,

and shall at all times maintain and keep in good condition and repair such part of the road and street so paved to the reasonable satisfaction of the respective road authorities or their surveyor for the time being: Provided always, that the respective road authorities and the Promoters may at any time by agreement vary, alter, or repeal the obligation in this section contained.

For protection of London and North-western Railway Company.

8. The following provisions for the protection of the London and North-western Railway Company shall have effect, and the Promoters shall observe, perform, and comply with the same; that is to say,

The Tramway No. 2, where it will pass under the bridge which carries the railway of that company over Mill Street, and also for its length across the Chester Bridge over that railway, shall be constructed and maintained in the centre of the roadway, and without any additional crossing, passing-place, siding, junction, or other work:

In constructing the Tramway No. 2 across the said Chester Bridge, the Promoters shall not alter or interfere with the structure of the bridge or of its immediate approaches; and they shall so construct and maintain that tramway across and along the said bridge and approaches as not to injuriously affect the same; and in the event of any injury being occasioned thereto, or to any part or parts thereof respectively, by the construction or maintenance, or the working or user of that tramway (whether such injury shall occur either during or after its construction), that company may, at the expense of the Promoters, restore such bridge and approaches, or the part or parts thereof which may be injured, to as good a state and condition as they were in before such injury was occasioned, and may recover from the Promoters all such their expenditure in that behalf, together with full costs and charges, in like manner as any simple contract debt is recoverable:

Only one carriage shall stop at a time on the Tramway No. 1 at its commencement, and within a distance of one chain measured along it from such commencement.

Gauge of tramways.

9. The tramways shall be constructed on a gauge of three feet: Provided always, that so much of section thirty-four of the Tramways Act, 1870, as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways.

Further provisions as to construction of tramways.

10. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed

A.D. 1879.

Crewe, &c.

in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Order.

Mode of formation of tramways.

11. The rails of the tramways shall be such as the Board of Trade may approve: Provided that the Board of Trade may from time to time, upon the application of the road authority, require the Promoters to adopt and apply such improvements in the tramway, 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, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and road.

13. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870, and if the Board of Trade shall certify under the hand of a Secretary or Assistant Secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

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

14. 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 passing-places the traffic shall, when necessary, be diverted from one tramway to the other.

15. 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 shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

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

16. 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-houses, 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, by writing under his hand addressed to the Promoters, express his objection thereto: Provided further, that after any such crossing, passing-place, siding, junction, or other works have been made, the road authority may, by notice to the Promoters, require them to remove the same, and, if the road authority think fit, to relay the same in some other position to be specified in the notice, and the Promoters shall comply from time to time with the terms of such notice.

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

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

Temporary tramways may be made where necessary.

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.

18. 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 such road, and the maintenance, for six months after completion of any of the tramways within the district of such road authority, of so much of the roadway of such road 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

Application of road materials excavated in construction of works.

A.D. 1879.

Crewe, &c.

material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided that if, within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus 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.

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

19. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed by the Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

Traffic upon Tramways.

Traffic upon tramways.

20. The tramways shall be used exclusively for passenger traffic.

Tolls.

Tolls.

21. 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 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 two miles any sum not exceeding twopence.

Passengers luggage.

22. 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.

23. 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 two carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Promoters think most convenient for artizans, 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.

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.

Periodical revision of tolls.

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

Miscellaneous.

Provisions as to arbitration.

26. Where under the provisions of the Tramways Act, 1870, and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply in 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; (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 by 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.

28. 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

A.D. 1879.

Crewe, &c.

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.

Saving for general Acts.

29. Notwithstanding anything in this Order contained, the Promoters or any persons using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

Derby.

DERBY TRAMWAYS.

Order authorising the construction of Tramways in the borough of Derby, in the county of Derby.

Short title.

1. This Order may be cited as "The Derby Tramways Order, 1879."

Incorporation of Acts.

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

Interpretation.

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

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

In this Order—

The expression "the corporation" shall mean the mayor, aldermen, and burgesses of the borough of Derby in the county of Derby acting by the council:

The expression "the borough" shall mean the said borough of Derby:

The word "person" shall include any corporation.

Promoters.

The Promoters.

4. The Derby Tramways Company (Limited) shall be the Promoters for the purpose of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may, by agreement, from time to time purchase and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary

for such purposes, provided they shall not at any time hold for such purposes more than five acres of land.

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 Nos. 1 and 1A together form a tramway seven chains and fifty links in length, and consist of one chain fifty links of double line and six chains of single line. These tramways are particularised as follows:

Tramway No. 1 (a single line of tramway), seven chains and fifty links in length, commencing in the roadway on the western side of Market Place at a point in that roadway forty-seven yards or thereabouts southward from the eastern end of Sadler Gate, passing thence into and along Corn Market, and terminating therein at a point six yards or thereabouts from the southern end thereof:

Tramway No. 1A (a single or second line of tramway), one chain and fifty links in length, wholly situate in the roadway on the western side of the Market-place, commencing at a point forty-seven yards or thereabouts northward from the eastern end of Sadler Gate, and terminating at a point thirty-nine yards or thereabouts northward from the eastern end of St. James's Street:

Tramway No. 2 (a single line of tramway), one furlong and fifty links in length, commencing in the Corn Market by a junction with Tramway No. 1 at its point of termination herein-before described, and passing thence along the Corn Market and across the eastern end of Victoria Street into and along St. Peter's Bridge and St. Peter's Street, and terminating in St. Peter's Street opposite or nearly opposite to the western side of Babington Lane at its junction with St. Peter's Street:

Tramways Nos. 3 to 3E, both inclusive, form a tramway one mile one furlong eight chains and seventy-five links in length, and consist of one furlong seven chains of double line and one mile one chain and seventy-five links of single line. These tramways are particularised as follows:

Tramway No. 3 (a single line of tramway), one mile one furlong eight chains and seventy-five links in length, commencing in St. Peter's Street by a junction with Tramway No. 2 at its point of termination, and passing thence southward along St. Peter's Street into and along London Street and London Road, and terminating therein at a point opposite Deadman's Lane:

Tramway No. 3A (a single or second line of tramway), four chains and fifty links in length, commencing in St. Peter's Street by a junction with Tramway No. 2 at its point of termination herein-before described, and passing thence along St. Peter's Street, and terminating by a junction with

A.D. 1879.

Derby.

Tramway No. 3 at or near the junction of St. Peter's Street with London Street:

Tramway No. 3B (a single or second line of tramway), three chains in length, wholly situate in London Road, commencing and terminating by junctions with Tramway No. 3 at points respectively opposite to and sixty-six yards or thereabouts from the eastern side of Bradshaw Street:

Tramway No. 3C (a single or second line of tramway), four chains in length, commencing in the London Road by a junction with Tramway No. 3 at a point opposite Litchurch Street, and passing thence eastwardly along the London Road, and terminating therein by a junction with Tramway No. 3 at a point one chain east of Regent Street:

Tramway No. 3E (a single or second line of tramway), two chains in length, wholly in the London Road, commencing by a junction with Tramway No. 3 at a point two chains westward from Deadman's Lane, and terminating at a point opposite Deadman's Lane:

Tramways Nos. 3F, 3G, and 3H together form a tramway one furlong and three chains in length, and consists of four chains seventy-five links of double line and eight chains twenty-five links of single line. These tramways are particularised as follows:

Tramway No. 3F (a single line of tramway), one furlong and three chains in length, commencing in the London Road by a junction with Tramway No. 3 at a point one chain westward from Regent Street, passing thence eastward along London Road into and along Midland Road and the roadway between the Midland Hotel and the Derby Station of the Midland Railway, and terminating in that roadway at a point twenty-five yards northward from the north corner of the Midland Hotel:

Tramway No. 3G (a single or second line of tramway), three chains and fifty links in length, commencing in the London Road by a junction with Tramway No. 3C at a point in the London Road one chain westward from Regent Street, and passing thence eastward along London Road and into and along Midland Road, and terminating therein by a junction with Tramway No. 3F at a point two chains from London Road:

Tramway No. 3H (a single or second line of tramway), one chain twenty-five links in length, commencing by a junction with Tramway No. 3F in the Midland Road at its north-east termination, and passing thence eastwardly along the open space between the Midland Hotel and the Derby Station of the Midland Railway, and terminating therein at a point twenty-fou yards northward from the north corner of the Midland Hotel:

Tramways Nos. 4 to 4E, both inclusive, form a tramway one mile two furlong and twenty-five links in length, and consist of three furlongs four chains fifty links of double line and six furlongs five chains and seventy-five links of single line. These tramways are particularised as follows:

Tramway No. 4 (a single line of tramway), one mile two furlongs and twenty-five links in length, commencing in St. Peter's Street by a junction with Tramway No. 2 at its point of termination, and passing thence along St. Peter's Street into and along Osmaston Street and Osmaston Road, and terminating in Osmaston Road opposite to Cotton Lane:

Tramway No. 4A (a single or second line of tramway), four chains in length, wholly in St. Peter's Street, commencing by a junction with Tramway No. 2 at its point of termination, and terminating by a junction with Tramway No. 4 at a point eight yards or thereabouts from the junction of St. Peter's Street with Osmaston Street:

Tramway No. 4B (a single or second line of tramway), three chains in length, wholly situate in Osmaston Street, commencing and terminating by junctions with Tramway No. 4 at points respectively opposite to the centre of Sacheverel Street and the southern side of Wilmot Street:

Tramway No. 4C (a single or second line of tramway), two furlongs one chain and fifty links in length, wholly in Osmaston Road, commencing and terminating by junctions with Tramway No. 4 at points respectively opposite to the western sides of Litchurch Street and Bateman Street:

Tramway No. 4D (a single or second line of tramway), three chains in length, wholly situate in Osmaston Road, commencing and terminating by junctions with Tramway No. 4 at points respectively about ten yards and seventy-six yards south-eastward from Alexandra Street:

Tramway No. 4E (a single or second line of tramway), three chains in length, wholly in Osmaston Road, commencing and terminating by junctions with Tramway No. 4 at points respectively seven and a half chains and four and a half chains northward from Russell Street:

Tramways Nos. 5 to 5B, both inclusive, form a tramway route one furlong six chains in length, and consist of nine chains fifty links of double line and six chains fifty links of single line. These tramways are particularised as follows:

Tramway No. 5 (a single line of tramway), one furlong six chains in length, commencing in the Corn Market by a junction with Tramway No. 1 at its point of termination, and passing thence along the Corn Market into and along Victoria Street and Wardwick, and terminating in Wardwick at a point opposite to the eastern side of Cheapside:

Tramway No. 5A (a single or second line of tramway), one and a half chains in length, commencing by a junction with Tramway No. 2 in St. Peter's Bridge at a point thirty yards or thereabouts south-eastward from the lamp-standard and safety crossing at the southern end of the Corn Market, and passing thence in a westerly direction along St. Peter's Bridge and Victoria Street, and terminating in Victoria Street by a junction with Tramway No. 5 at a point eleven yards or thereabouts south-eastward from the principal entrance of the Royal Hotel:

Tramway No. 5B (a single or second line of tramway), eight chains in length, commencing in Victoria Street by a junction with Tramway No. 5 at a point eleven yards or thereabouts south-eastward from the principal entrance of the Royal Hotel, and passing thence along Victoria Street and Wardwick, and terminating in Wardwick by a junction with Tramway No. 5 at a point forty yards or thereabouts westward from the south-west corner of the General Post Office:

Tramways Nos. 6 to 6D, both inclusive, form a tramway six furlongs and nine chains in length, and consist of one furlong three chains fifty links of

A.D. 1879.

Derby.

double line and five furlongs five chains fifty links of single line. These tramways are particularised as follows:

Tramway No. 6 (a single line of tramway), six furlongs and nine chains in length, commencing in Wardwick by a junction with Tramway No. 5 at its point of termination, and passing thence along Wardwick into and along Friar Gate and Ashbourne Road, and terminating in Ashbourne Road at a point opposite to the north-west corner of Windmill Hill Lane at its junction with Ashbourne Road:

Tramway No. 6A (a single or second line of tramway), two and a half chains in length, commencing in Wardwick by a junction with Tramway No. 5 at its point of termination, and passing thence along Wardwick into and along Friar Gate, and terminating in Friar Gate at a point twenty-three yards or thereabouts westward from the western side of Curzon Street:

Tramway No. 6B (a single or second line of tramway), five chains in length, wholly situate in Friar Gate, commencing and terminating by junctions with Tramway No. 6 at points respectively about thirty-three yards and one hundred and forty-three yards westward from the western side of Stafford Street:

Tramway No. 6C (a single or second line of tramway), three chains in length, wholly situate in Ashbourne Road, and commencing and terminating by junctions with Tramway No. 6 at points respectively thirty-three yards and ninety-nine yards westward from the western side of Fowler Street:

Tramway No. 6D (a single or second line of tramway), three chains in length, wholly situate in Ashbourne Road, commencing and terminating by junctions with Tramway No. 6 at points respectively about sixty-six yards eastward from and opposite to the north-east corner of Windmill Hill Lane at its junction with Ashbourne Road:

Tramways Nos. 7 to 7C, both inclusive, form a tramway route seven furlongs two chains and forty links in length, and consist of one furlong seven chains of double line and five furlongs five chains and forty links of single line. These tramways are particularised as follows:

Tramway No. 7 (a single line of tramway), seven furlongs two chains and forty links in length, commencing in Wardwick by a junction with Tramway No. 5 at its point of termination, and passing thence along Wardwick into and along Curzon Street, Uttoxeter New Road, and Uttoxeter Road, and terminating in Uttoxeter Road at a point opposite the private residence called "Fern Bank," and distant twenty yards or thereabouts north-eastward from the south-eastern corner of Trowell's Lane at its junction with Uttoxeter Road:

Tramway No. 7A (a single or second line of tramway), two and a half chains in length, commencing in Wardwick by a junction with Tramway No. 5 at its point of termination, and passing thence along Wardwick into and along Curzon Street, and terminating in Curzon Street by a junction with Tramway No. 7 at a point twenty-three yards or thereabouts southward from the southern side of Friar Gate:

Tramway No. 7B (a single or second line of tramway), four and a half chains in length, commencing in Curzon Street by a junction with

Tramway No. 7 at a point fifteen yards or thereabouts east of the south-eastern corner of Stafford Street at its junction with Curzon Street, passing thence along Curzon Street and Uttoxeter New Road, and terminating in Uttoxeter New Road by a junction with Tramway No. 7 at a point five yards or thereabouts south-westward from the western side of Dog Kennel Lane at its junction with Uttoxeter New Road:

Tramway No. 7C (a single or second line of tramway), one furlong in length, commencing in Uttoxeter New Road by a junction with Tramway No. 7 at a point thirty-three yards or thereabouts eastward from the principal entrance of the Rowditch Inn, passing thence along Uttoxeter New Road into and along Uttoxeter Road, and terminating in Uttoxeter Road by a junction with Tramway No. 7 at a point fifty yards or thereabouts north-eastward from the south-east corner of Trowell's Lane at its junction with Uttoxeter Road:

Tramways Nos. 9 to 9C, both inclusive, form a tramway route six furlongs and six chains in length, and consist of two furlongs three chains and twenty-five links of double line and four furlongs two chains and seventy-five links of single line. These tramways are particularised as follows:

Tramway No. 9 (a single line of tramway), six furlongs and six chains in length, commencing in St. Peter's Street by a junction with Tramway No. 2 at a point in St. Peter's Street about seventeen yards or thereabouts northward from the western corner of Babington Lane, passing along St. Peter's Street, into and along Babington Lane and Normanton Road, and terminating in the last-named road at a point opposite Pear Tree Road:

Tramway No. 9A (a single or second line of tramway), one furlong seven chains and seventy-five links in length, commencing in St. Peter's Street by a junction with Tramway No. 2 about seventeen yards or thereabouts northward from the western corner of Babington Lane, passing along St. Peter's Street, Babington Lane, and Normanton Road, and terminating in the last-named road by a junction with Tramway No. 9 at a point about one chain northward from Sacheverel Street:

Tramway No. 9B (a single or second line of tramway), four chains in length, commencing by a junction with Tramway No. 9 in the Normanton Road about two chains southward from Melbourne Street, passing southward along Normanton Road, and terminating in that road by a junction with Tramway No. 9 about seventeen yards northward from Leonard Street:

Tramway No. 9C (a single or second line of tramway), one chain and fifty links in length, commencing by a junction with Tramway No. 9 in the Normanton Road at a point one and a half chains northward from Pear Tree Road, passing southward along Normanton Road, and terminating in that road at a point opposite Pear Tree Road:

Provided always, that nothing in this Order contained shall be deemed to authorise the Promoters to construct any tramways in that part of Wardwick Street which lies between the junction of that street with Becket Street and a

A.D. 1879.

Derby.

point seventy yards eastward therefrom until such said part of Wardwick Street has been widened.

And provided always, that the Promoters in constructing Tramways Nos. 3F and 3H shall construct them in accordance with a certain plan deposited at the Board of Trade, and dated the nineteenth day of March one thousand eight hundred and seventy-nine, and signed by Henry George Calcraft, an assistant secretary of the Board of Trade, and by James Allport.

For protection of London and North-western Railway Company.

7. The Promoters shall observe, perform, and comply with the following provisions; that is to say,

The Tramway No. 3, where it passes over the railway of the London and North-western Railway Company at London Road, shall be constructed and maintained along the centre of the roadway.

In constructing and maintaining the Tramways No. 3 and No. 4 across and over the said railway, the Promoters shall not in any way alter or interfere with the structure of the bridges carrying London Road and Osmaston Road over the said railway or of the approaches thereto, and they shall so construct and maintain the said tramways in the roads over the said bridges and their approaches as not to injuriously affect such bridges and approaches, and in the event of any injury being occasioned to such bridges or their approaches, or to any part or parts thereof, in or by the construction of or in effecting the maintenance, repairing, or removing of, or in or by the working or user of the said tramways, and whether such injury shall occur either during or after such construction, the London and North-western Railway Company may, at the expense of the Promoters, restore such bridges 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 said Railway 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 bridges and their approaches as the Promoters are liable to maintain and repair under the 28th section of the Tramways Act, 1870, and the said Railway Company may recover from them all such sums, costs, and expenses, with full costs and charges, in like manner as any simple contract debt is recoverable.

Gauge of tramways.

8. The tramways shall be constructed on a gauge of four feet: Provided always, that so much of section thirty-four of the Tramways Act, 1870, as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways.

Further provisions as to construction of tramways.

9. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways or part of any of the tramways respectively, except for the purpose

of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Order.

Mode of formation of tramways.

10. The rails of the tramways shall be such as the Board of Trade may approve, and shall be constructed, laid, and maintained according to such general specification as to the kind of rail, foundations, manner of laying, and kind of materials, and generally as to the entire construction, formation, and repair thereof as shall be approved by the engineer or surveyor for the time being of the Corporation: Provided that the Board of Trade may from time to time, upon the application of the road authority, 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.

Tramways to be constructed simultaneously with repaving of streets.

11. So far as is practicable, having regard to the time limited by this Order for the construction thereof, the tramways shall be constructed simultaneously with the repaving of the streets in which the same are to be constructed in case the Corporation repave such streets respectively within such a period as will reasonably permit of the completion of the tramways within the time limited by this Order, provided that the Corporation give notice to the Promoters within one month after being requested by the Promoters to state whether it is their intention to repave the same and of the time proposed for the commencement of the works. In case any difference arise between the Promoters and the Corporation as to the reasonableness of the time proposed by the Corporation for the commencement of the works, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of differences in the said section mentioned.

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, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and road.

13. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion

A.D. 1879.

Derby.

thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade shall certify under the hand of a Secretary or Assistant Secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

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

14. 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 such a passing-place or such passing-places connecting the one tramway with the other as the Corporation may consider necessary, 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.

15. If any road authority hereafter alter the level of any road along or across which any of the tramways are or is laid or authorised to be laid, the Promoters 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.

16. 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, carriage-houses, 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, by writing under his hand addressed to the Promoters, express his objection thereto.

Temporary tramways may be made when necessary.

17. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are or is laid, it is, in the opinion of the road authority, necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof, the Promoters shall at their own expense, upon the request of the road authority, remove or discontinue the same accordingly, and if the Promoters omit to remove the same within a reasonable time the same may be removed by the road authority, and the Promoters shall forthwith repay to the road authority the expenses incurred in and about such removal: Provided always, that the Promoters may in any such case, 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 any road authority with respect to the necessity for the removal of any tramway, or the failure to remove the same, or the reasonableness of the time within which the same is removed, or the expenses of the road authority, as aforesaid, or with respect to the reasonableness of any regulations, or 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.

Power for Corporation to undertake renewal of roads.

18. The Corporation shall be entitled to take upon themselves the paving or renewal of such portions of any road whereon any tramway to be constructed under this Order is laid as under this Order the Promoters are, or but for this section would be, bound to pave, renew, repair, or maintain for the whole or any part of the length of the tramway upon any such road: Provided that the Corporation shall, by notice in writing to the Promoters within one month after being required so to do by the Promoters by notice in writing, state that the Corporation intend to take upon themselves such paving or renewal, but such notice as aforesaid shall not be given by the Promoters unless or until they are in a position to proceed with the construction of the tramways, and intend so to do forthwith after the Corporation have given notice of their election; and in case the Corporation shall give notice as aforesaid that they elect to pave or renew any such portion as aforesaid of any road, they shall pave or renew the same at the same time as or forthwith after the tramway is laid upon such road.

After renewal of roads the same to be maintained and renewed by the Corporation.

19. After the completion of any tramway, and of the paving or renewal by the Corporation of such portions of the road on which the same is laid as the Promoters are, or but for this or the last preceding section would be, bound to pave, renew, repair, or maintain, all such portions of such road shall at all times thereafter, as occasion may require, be paved, renewed, maintained, and repaired by the Corporation.

Materials for renewal, &c. of roads to be at discretion of Corporation, and Promoters not to interfere in or be liable in respect of renewal, &c. or for defaults.

20. The materials to be used in such paving, renewal, maintenance, or repair by the Corporation shall be in the discretion of the Corporation, and the Promoters shall not interfere in any way in the paving, renewal, maintenance, and repair of such portions of any of the said roads as under this Order the Corporation are or shall become liable to pave, renew, maintain, or repair, and shall not be bound to pave, renew, maintain, or repair the same, or be liable in any way for any neglect or default in or about such paving, renewal, maintenance, or repair.

Promoters to pay to Corporation costs of renewal, &c. of roads.

21. The Promoters shall pay to the Corporation all the expenses of paving, renewal, maintenance, or repair of such portions of the said roads as shall be paved, renewed, maintained, or repaired by the Corporation, and as but for the

A.D. 1879.

Derby.

preceding sections the Promoters would have under this Order been bound to pave, renew, maintain, or repair; and the amount of such expenses to be paid from time to time by the Promoters under this section shall be ascertained in such manner as may from time to time be agreed upon between the Corporation and the Promoters, or as failing such agreement in any case may be ascertained and certified from time to time by the engineer or surveyor for the time being of the Corporation, and such amounts shall be paid by the Promoters on demand, and the certificates and payments shall be so made that the Corporation shall not in any way be required to furnish any money for such part of the works in hand as the Promoters may be liable to pay for.

Security for repayment of expenses of repairs of roads.

22. In order to secure the payment by the Promoters of the amounts to be paid by them to the Corporation under the last preceding section, the Promoters shall, on or forthwith after each of the usual quarter days after the completion of or construction of any of the tramways, deposit with the Corporation the amount which the engineer or surveyor for the time being of the Corporation may certify to be in his judgment the amount which will be required to be paid by the Promoters under such section for the repairs to be executed during the ensuing quarter, and the Corporation shall be at liberty to apply the money so deposited, or any part thereof, in or towards payment of any amount payable by the Promoters as aforesaid in respect of works executed during such quarter, and at the end of each quarter the amount, if any, not so applied, or so much thereof as may not be required, shall be carried forward as or towards the deposit for the next quarter, and any excess shall be paid to the Promoters, and if any sum be so carried forward as aforesaid the Promoters shall for such quarter only deposit such an amount (if any) as will be required to make up the sum to be deposited as aforesaid.

Construction of new entrances to sewers where necessary and required by Corporation.

23. Whenever any tramway or passing-place is constructed or required to be constructed over any man-hole or entrance into a sewer of the Corporation, or so close to any such man-hole or entrance as to make the use thereof dangerous or inconvenient in the opinion of the engineer or surveyor for the time being of the Corporation, the Promoters shall, if required by the Corporation, construct another man-hole or side entrance in lieu thereof in such a position and according to such plans as shall be approved of by such engineer or surveyor, or the Corporation may at their option construct such man-hole, and the Promoters shall repay to the Corporation the cost thereof.

Certain expenses of Corporation to be paid by Promoters.

24. The Promoters shall, on demand, repay to the Corporation all charges and expenses incurred by them for the laying out, supervision, and inspection of any work done or to be done by the Promoters in connexion with the tramways, or in consequence of the tramways being laid in the borough, and the Corporation are hereby authorised to order such supervision and inspection of the works as they may deem proper.

Application of road materials excavated in construction of works.

25. 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 such road, if and so far as, having regard to the

preceding sections, the Promoters shall be liable to reinstate the same; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purpose aforesaid to the surveyor for the time being of such road authority, or to such person or persons and at such place within the borough as he may appoint: Provided that if within seven days after notice in writing to the Corporation the surplus of such paving, metalling, or material is ready for removal, such surplus is not removed by the said surveyor, or by some other person or persons named by him for that purpose, or the said surveyor fails to direct to what place the same is to be delivered, then 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.

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

26. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board have, by an order signed by the Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

Traffic upon Tramways.

Traffic upon tramways.

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

Restrictions and provisions as to carriages.

28. No carriage shall be used by the Promoters for the conveyance of traffic upon the tramways until such carriage has been submitted to and approved by an officer to be appointed for that purpose by the Corporation; and all the carriages to be used by the Promoters shall be kept in good repair and condition, to the reasonable satisfaction of such officer. No carriages coupled together shall be used upon the tramways if the Corporation object to such user.

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

29. 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: Provided that no preference shall be given by the Promoters to any person or persons in respect of the carriage of any such animals, goods, minerals, or parcels.

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

30. In case the Promoters carry animals, goods, minerals, or parcels, they may, and when required by the Corporation shall, carry the same in separate carriages or separate parts of carriages set apart for that purpose: Provided that this provision shall not apply to the carriage of passengers luggage.

Power for Corporation to use tramways for sanitary purposes.

31. The Corporation may and shall have power to use the tramways for sanitary purposes at any time between the hours of twelve o'clock at night and six o'clock in the morning, paying such tolls as may be agreed upon between the Corporation and the Promoters, or as in case of difference between the Promoters and the Corporation may be fixed or directed by the Board of Trade.

A.D. 1879.

Derby.

Tolls.

Tolls.

32. The Promoters may demand and take for every passenger travelling upon any of the tramways or any part thereof, including tolls and charges for the use of the tramways and of carriages, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per mile (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 two miles any sum not exceeding twopence.

Passengers luggage.

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

34. 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 two carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours in the morning and in the evening respectively as the Corporation think most convenient for artizans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile, children on the lap under three years of age not being considered as passengers and children above that age being carried at half fares: Provided that the Promoters shall nevertheless not be required to take any fare less than one penny, and provided also 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.

35. 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 and charges for the use of the tramways, and for waggons or trucks, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding the tolls and charges specified in the Schedule to this Order annexed, subject to the regulations in that behalf therein contained.

Payment of tolls.

36. 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 and charges appoint.

Periodical revision of tolls.

37. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, or by the Promoters, that under the circum-

stances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870; and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

Miscellaneous.

Justices may stop traffic.

38. The justices acting in and for the borough in petty sessions assembled may, if and when they think fit, by notice in writing direct the Promoters at any time after the expiration of twenty-four hours from the service of such notice to stop, delay, or suspend the working of the tramways in any of the roads or streets within the borough for the purpose of facilitating traffic during the holding of any markets or fairs, or during the time of any public meeting, procession, or demonstration, or during such time as in the opinion of the said justices the said roads or streets are likely to be more than usually thronged or crowded: Provided always, that such stoppage, delay, or suspension shall continue so long only as may in the opinion of the justices be reasonably necessary for the purposes aforesaid or any of them.

Penalty for default of Promoters in working tramways.

39. If the Promoters discontinue working the traffic upon any of the tramways for the space of an entire day (except Sundays, Christmas Day, or Good Friday) they shall be liable to pay to the Corporation a penalty of ten pounds a day for every day save and except the days herein-before named on which they discontinue working such traffic, such penalty to be recovered in the County Court of Derbyshire, holden in the borough, as and for liquidated damages: Provided always, that the Promoters shall not be liable to any such penalty if the discontinuance to work the tramways arises from any act of the Corporation or their officers, or from accident or any other circumstance over which the Promoters have no control.

Promoters to purchase omnibus undertakings in Derby.

40. The Promoters, before opening for traffic any of the tramways by this Order authorised, shall purchase the omnibus undertakings and plant of the proprietors of the various public and private omnibus undertakings now existing in the borough, whether tramways are to be laid upon the routes or parts of the routes now worked by such omnibuses respectively or not, by agreement, and, failing agreement, for such sums and upon such terms and conditions as shall be determined by an arbitrator to be agreed on between the company and the respective proprietors of the said omnibus undertakings, and if they cannot agree upon such arbitrator, then an arbitrator shall be appointed on the request

A.D. 1879.

Derby.

of either party by the President for the time being of the Institute of Civil Engineers.

Promoters to run omnibuses.

41. On the Promoters at any time after the passing of the Act confirming this Order purchasing the omnibus plant and interest of any corporation, company, or person now running omnibuses for hire in the borough, they shall continue to run omnibuses along such routes as the omnibuses of such corporation, company, or person (whose omnibus plant and interest they have purchased) may now run; and the Promoters shall charge and take in respect of the omnibuses running along such routes such fares, and shall run such omnibuses at such times, as the Corporation may approve, and shall continue to run their omnibuses along each of such respective routes until tramways are laid over the whole of each of such respective routes: Provided always, that the Promoters shall only be required to run omnibuses along each of such routes so long as they can do so free from loss upon the working upon the whole of the routes worked by them for the time being, such loss to be shown to the reasonable satisfaction of the Corporation.

Corporation to be entitled to share of surplus profits.

42. When in any year ending on the thirty-first day of December the clear profits of the Promoters amount to more than sufficient to pay a dividend at the rate of fifteen pounds per centum per annum on the amount paid up on the ordinary shares of the Promoters, the Corporation shall be entitled to and may demand and take from the Promoters one moiety of the surplus profits, and the Promoters shall and they are hereby required to account for and pay over to the Corporation the said moiety of such surplus profits on or before the first day of April next after the said thirty-first day of December, and the moneys received from time to time by the Corporation from such surplus profits shall be carried by them to the borough fund in aid of the borough rate.

Copies of balance sheets to be supplied to Corporation.

43. A copy of every half-yearly balance sheet of the accounts of the Promoters shall, within fourteen days after the same have been approved at any ordinary meeting of the Promoters, be delivered to the Corporation or to their town clerk for the time being, and the books, accounts, and vouchers of the Promoters shall at all reasonable times be open to the inspection of the Corporation, or of a person appointed by them to inspect the same, for the space of two calendar months next after the delivery to the Corporation or town clerk of a copy of such balance sheet as aforesaid.

Power for Corporation to purchase after twelve years.

44. The Promoters may be required to sell their undertaking to the Corporation at any time after the expiration of twelve years and before the expiration of twenty-one years from the time of the passing of the Act confirming this Order; but if the Promoters are so required to sell their undertaking, they shall not be compelled to do so upon the terms and conditions specified in section forty-three of the Tramways Act, 1870, nor unless the Corporation, by a resolution passed in accordance with the provisions of the said section forty-three, decide to purchase the whole of the tramways of the Promoters, and all lands, buildings, works, rolling stock, horses, plant, property, and effects of the Promoters used by them for the purpose of their undertaking, at such price, upon such terms, and subject to such conditions as may be agreed on between the Promoters and the Corporation, or in case of difference, at such price as may

be awarded upon the ordinary principles applied to compulsory sales, to be settled by arbitration in manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement, so far as such provisions relate to the settlement of questions of disputed compensation, as if the Corporation were the Promoters referred to in such Act and the Promoters of this Order were the owners referred to in such Act, but in other respects any purchase so made shall be deemed to be a purchase of the undertaking of the Promoters under the authority of the said section forty-three of the Tramways Act, 1870.

As to extensions of tramways if required by Corporation.

45. The Promoters shall at their own cost, with all reasonable and diligent despatch, apply for and use their best exertions to obtain the requisite powers to make such extended, altered, or substituted tramways as they may be required to make from time to time by resolution in writing of the Corporation passed at any quarterly or special meeting, and shall make such extensions, alterations, or substituted tramways accordingly if the requisite powers are obtained by them, and such extended, altered, or substituted tramways shall respectively be constructed, formed, maintained, repaired, and used, and such portions of the roads on which such extended, altered, or substituted tramways may be laid as the Promoters would (but for the sections herein-before contained, if such extensions, alterations, or substitutions had been authorised by this Order) be bound to pave, renew, maintain, or repair shall be respectively paved, renewed, maintained, and repaired in all respects in the same manner as is by this Order provided with respect to the tramways and works by this Order authorised, and to the roads and portions of roads along which the same are respectively to be laid; and, save as aforesaid, the Promoters and the Corporation shall respectively be under the same obligations, and shall respectively have the same rights, powers, and privileges with regard to such extended, altered, or substituted tramways, and all works and matters connected therewith, and with regard to the expense of paving, renewing, maintaining, and repairing the portions of the road along which the said extended, altered, or substituted tramways may be laid, as if such extended, altered, or substituted tramways had formed part of the tramways authorised by this Order, or under such other obligations, terms, and conditions as may from time to time be agreed upon between the Corporation and the Promoters in substitution therefor: Provided always, that the question as to the expediency of any such extension, alteration, or substitution which may from time to time be required by the Corporation shall, if the Promoters do not agree to the proposed extension, alteration, or substitution, be deemed to be a matter in difference between the Corporation as road authority and the Promoters within the thirty-third section of the Tramways Act, 1870, and be settled in the manner thereby provided with respect to such matters; and in case it be decided by the referee or arbitrator under such section that it is not expedient that such extensions, alterations, or substitutions, or any of them, should be made, the Promoters shall not be obliged to make the same or to take any step in relation thereto: Provided also, that the Promoters may abandon and remove any tramways and works rendered unnecessary or inconvenient for the purposes of the traffic by reason of any such extensions, alterations, or substitutions which may be made by the Promoters.

A.D. 1879.

Derby.

Provisions as to arbitration.

46. 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 in every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and delivery of notices.

47. 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 Promoters or the Corporation or any other local authority or road authority, shall be signed by their clerk or secretary:

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

48. The Promoters and the Corporation may, with the consent of the Board of Trade, but 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 and the rails, plates, sleepers, and works connected therewith, and the facilitating of the traffic over the same.

Saving for general Acts.

49. Notwithstanding anything in this Order contained, the Promoters and any persons using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, or to any future revision or alteration, under the aathority of Parliament, of the maximum rates of tolls or charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

SCHEDULE.

LIST OF TOLLS.

	Per mile. s.	d.
Animals.		
For every horse, mule, or other beast of draught or burden, per head -	0	6
For every ox, cow, bull, or head of cattle, per head - - - -	0	6
For every calf, pig, sheep, or other small animal, per head - - -	0	3
Goods and Minerals.		
For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure, and		

	Per mile. s.	d.
all undressed materials for the repair of public roads or highways, per ton - - - - - - - -	0	3
For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, per ton - - - - - -	0	4
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton - - - -	0	6
For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton -	0	6
For every carriage, of whatever description - - -	1	0

Parcels.

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

For any parcel exceeding fifty-six pounds in weight, such sums as the 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.

For the Carriage of Single Articles of Great Weight.

For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, exceeds four tons, but does not exceed eight tons, such sums as the Promoters may think fit, not exceeding per ton per mile - - - - -	2	0

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

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 and take tolls and charges according to the number of the quarters of a ton in such fraction, and if

A.D. 1879.

Derby.

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.

Dewsbury, &c.

DEWSBURY, BATLEY, AND BIRSTAL TRAMWAYS (EXTENSION).

Order authorising the construction of Tramways in the parishes and townships of Birstal and Gomersal, in the west riding of the county of York.

Short title.

1. This Order may be cited as "The Dewsbury, Batley, and Birstal Tramways (Extension) Order, 1879."

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the Promoters of the undertaking), and of the Tramways Act, 1870, are hereby incorporated with this Order, except where the same are 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 Order of 1873" shall mean the Dewsbury, Batley, and Birstal Tramways Order, 1873, and the expression "the tramways of the Promoters" shall mean the tramways authorised by the Order of 1873 and by this Order.

Promoters.

The Promoters.

4. The Dewsbury, Batley, and Birstal Tramways Company (Limited) shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may by agreement from time to time purchase and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold more for such purposes than five acres of land.

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 Nos. 1 to 1B, both inclusive, forming a tramway route one mile two chains and fifty links in length, and consisting of four chains seventy-two links of double line, and seven furlongs nine chains and forty-seven links of single line. These tramways are particularised as follows :—

Tramway No. 1 (being a single line one mile two chains and fifty links in length), commencing in the Bradford Road, in the parish of Birstal, at the junction of the centre of Station Road, otherwise Gelderd Road, with Bradford Road, passing thence in a westerly direction along the said Bradford Road, and terminating in that road at a point one chain fifty-two links, or thereabouts, eastward of the centre of Moor Lane, at its junction with Bradford Road.

Tramway No. 1A (being a second line of rails one chain seventy-two links in length), wholly in the parish of Birstal, commencing at the junction of Station Road, otherwise Gelderd Road, with Bradford Road, passing thence in a westerly direction along Bradford Road, and terminating by a junction with Tramway No. 1 at a point one chain seventy-two links, or thereabouts, west of the centre of Station Road, otherwise Gelderd Road, at its junction with Bradford Road.

Tramway No. 1B, a second line of rails three chains in length, wholly in the Bradford Road and parish of Birstal, commencing and terminating by junctions with Tramway No. 1 at points respectively twenty-two chains and twenty-five chains, or thereabouts, northwards of the centre of Church Street, at its junction with the Bradford Road.

The tramways herein-before described will be made or pass from, in, through, or into the parishes, townships, extra-parochial or other places following, or some or one of them ; (that is to say,) the parishes and townships of Birstal and Gomersal, in the west riding of the county of York.

Further provisions as to construction of tramways.

7. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the

A.D. 1879.

Dewsbury, &c.

said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Order.

Mode of formation of tramways.

8. The rails of the tramways shall be such as the Board of Trade may approve: Provided that the Board of Trade may from time to time, upon the application of the road authority, 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.

9. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and road.

10. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade shall certify under the hand of a Secretary or Assistant Secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

Passing-places to be constructed where less than a certain width left between foot way 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 passing-places connecting the one tramway with the other, and by means of such passing-place or passing-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 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

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-houses, engine-houses, 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, 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 is, in the opinion of the road authority, necessary or expedient temporarily to remove or discontinue the use of such tramway, or any part thereof, the Promoters may, subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make, construct in the same or any adjacent road, and, with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain, so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of 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 such last-mentioned 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 of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided that if, within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus 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

A.D. 1879.

Dewsbury, &c.

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.

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

16. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed by the Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

Motive Power.

Carriages on tramways of the Promoters may be moved by animal, steam, or mechanical power.

17. The carriages used on all or any of the tramways of the Promoters may, subject to the provisions of this Order, be moved by animal power, and during a period of seven years after the opening of the same for public traffic, and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a Secretary or an Assistant Secretary of the said Board, by steam power, or any mechanical power.

Provided always, that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the Schedule to this Order annexed, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may, and which they are hereby empowered to make from time to time, as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam or any mechanical power on the tramways.

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

18. The Promoters or any person using steam or any mechanical power on any of the tramways of the Promoters contrary to the provisions of this Order or to any of the regulations set forth in the Schedule to this Order annexed, or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order, shall for every such offence be subject to a penalty not exceeding ten pounds, and also in the case of a continuing offence a further penalty not exceeding five pounds for every day after the first during which such offence continues: Provided always, that, whether any such penalty has been recovered or not, the Board of Trade, in case in their opinion the Promoters or any person using steam or any mechanical power on the tramways of the Promoters under the authority of this Order have or has made default in complying with the provisions of this Order, or with any of the regulations set forth in the Schedule to this Order annexed, or with any regulation which may have been added thereto or substituted therefor as aforesaid, may by order direct the Promoters or such person to cease to exercise the powers aforesaid, and thereupon the Promoters or such person shall cease to exercise the powers aforesaid, and shall not again exercise the same, or any

of the same, unless with the authority of the Board of Trade, and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

19. Subject to the provisions of this Order, the Board of Trade may from time to time make, and when made may rescind, annul, or add to byelaws with regard to all or any of the tramways of the Promoters upon which steam or any mechanical power may be used under the authority of this Order, for all or any of the following purposes; that is to say,

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

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

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

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

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

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

As to recovery of penalties.

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

Amendment of the Tramways Act, 1870, as to byelaws by local authority.

21. The provisions of the Tramways Act, 1870, relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway, shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Order or by any regulation made by the Board of Trade under the authority of this Order, at which engines and carriages are to be driven or propelled on the tramways of the Promoters under the authority of this Order; but the local authority may, if they think fit, make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders, byelaws.

22. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by a Secretary or an Assistant Secretary of the Board of Trade, and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order.

As to contracts with road authorities where steam or mechanical

23. Where the Promoters or any person intend to use steam or any mechanical power under the authority of this Order on the tramways of the Promoters, or any part thereof, they or he shall give two months previous notice

A.D. 1879.

Dewsbury, &c. power is to be used.

of such intention to every road authority within whose district the tramways of the Promoters, or any part thereof, upon which they or he intend to use such power are or is situated.

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

Before using steam or any mechanical power on the tramways of the Promoters, or any part thereof, and thereafter from time to time, the Promoters or such person, and every such road authority, may enter into or renew with or without modification, any contract, agreement, or arrangement with respect to the user by the Promoters, or such person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, which they may think fit and the Board of Trade may approve.

In case any difference arises between any such road authority and the Promoters or such person as to the determination of any such contract, agreement, or arrangement, or in case any such road authority, after request in writing by the Promoters or such person, or the Promoters or such person after request in writing by any such road authority, during a period of one month after such request, refuse or fail to enter into any such contract, agreement, or arrangement, or to renew the same with or without modification, or to make a new contract instead thereof, or in case of any difference as to the terms of any such contract, agreement, or arrangement, or any renewal thereof with or without modification, or any new contract instead thereof, then and in every such case the difference with respect to such determination, or the reasonableness of such refusal or failure, or the terms of such contract, agreement, or arrangement, or any renewal thereof with or without modification, or any new contract instead thereof, shall from time to time, on the appeal of either of the parties to the Board of Trade, be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Promoters and any road authority, and thereupon the parties shall in all respects conform to such determination, and make and observe any contract, agreement, or arrange-

ment thereby prescribed: Provided always, that while any such appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the tramways to which such appeal relates.

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

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

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

24. Where steam or any mechanical power is used by the Promoters or any person on the tramways of the Promoters or any part thereof, no contract, agreement, or arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid with respect to the user by the Promoters or such person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of any road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or mechanical power as aforesaid, or the making of such contract, agreement, or arrangement: Provided always, that any such contract, agreement, or arrangement may from time to time be renewed with or without modification, or a new contract, agreement, or arrangement may be made instead thereof.

Traffic and Tolls.

Tolls.

25. The tramways authorised by this Order shall, for the purposes of traffic upon the same, and of tolls and charges, be deemed to form part of the tramways authorised by the Order of 1873, and it shall be lawful for the Promoters to demand and take such tolls and charges in respect of each and every description of traffic as they would have been entitled to demand and take if the same had originally formed part of the said tramways authorised as aforesaid, and the provisions of sections fourteen to twenty-one (both inclusive) of the Order of 1873, except so much of the same as relate to the revision of the tolls and charges thereby authorised to be demanded and taken in respect of the traffic on the said tramways, shall apply to the tramways by this Order authorised, the traffic upon the same, and the tolls and charges to be demanded and taken in respect thereof, in like manner in every respect as if the tramways by this Order authorised formed part of the tramways in the said sections referred to.

Periodical revision of tolls.

26. If at any time after three years from the opening for public traffic of the tramways of the Promoters or any portion of such tramways, or after three years from the date of any order made in pursuance of this section in respect of

A.D. 1879.

Dewsbury, &c.

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

The provisions of this section shall, as to the tramways authorised by the Order of 1873, supersede and be in substitution for the provisions of the Order of 1873 with respect to the revision of tolls and charges.

Miscellaneous.

Section 22 of Order of 1873 as to agreements to apply to tramways.

27. The provisions of section twenty-two of the Order of 1873, with respect to agreements for the use of the tramways, shall be construed as if the term "the tramways" therein used included the tramways by this Order authorised.

Power to enter into agreements with respect to traffic, &c.

28. The Promoters or any person using the tramways under the authority of this Order on the one hand, and any other company 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 other company or person any passengers, animals, goods, minerals, or parcels, and the fixing, collecting, and apportionment of tolls, charges, rents, or other receipts arising in respect of such traffic, upon such terms and conditions as may be agreed upon between the Promoters or such person and such other person or company.

Provisions as to arbitration.

29. Where under the provisions of the Tramways Act, 1870, and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply in every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and delivery of notices.

30. 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.

Saving for general Acts.

31. Notwithstanding anything in this Order contained, the Promoters and any persons using the tramways of the Promoters shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, or to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

SCHEDULE.

Break power of engines.

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

As to fittings of engines, &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

As to carriages.

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

Inspection of engines and carriages.

The Board of Trade shall, on the application of the local authority, and may, on complaint made by any person, from time to time inspect any engine or carriage used on the tramways of the Promoters and the machinery therein, and may whenever they think fit prohibit the use on such tramways of any such

A.D. 1879.

Dewsbury, &c.

As to speed.

engine or carriage which in their opinion may not be safe for use on such tramways.

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

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

Ipswich.

IPSWICH TRAMWAYS.

Order authorising the construction of Tramways in the borough of Ipswich, in the county of Suffolk.

Short title.

1. This Order may be cited as "The Ipswich Tramways Order, 1879."

Incorporation of Acts.

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

The expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough acting by the council.

Promoters.

The Promoters.

4. Charles Tahourdin and René James Tahourdin, and the survivor of them, and the executors or administrators of such survivor, their or his assigns, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may, by agreement, from time to time purchase and acquire, for the purposes of the undertaking, such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold for such purposes more than five acres of land.

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 amended plans and sections signed by Mr. Bruff, engineer for the Promoters, and by Mr. E. Buckham, engineer for the Corporation, 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—

So much of Tramway No. 1, consisting of five furlongs seven chains and eighty links in length, of which one furlong and three chains is double line and four furlongs four chains and eighty links is single line, as commences in the borough near the principal entrance to the passenger station of the Great Eastern Railway, and passes thence in a curved direction northward on to and over the bridge leading from the said passenger station over the River Orwell, and thence into and along Princes Street, Portman's Road, Mill Street, and terminates in that street at or near the north end thereof; and so much of Tramway No. 1, consisting of one mile three furlongs five chains and eighty links in length, of which six chains and eighty links is double line and one mile two furlongs and nine chains is single line, as commences in Saint Helen's Street opposite the end of Carr Street, and thence into and along Saint Helen's Street, Spring Road, Saint John's Road, Cauldwell, Hall Road, Foxhall Road, Derby Road, and the approach to the Derby Road passenger station of the Felixstowe Railway, and terminates in the station yard thereof near the entrance to the booking-office at the said passenger station:

Tramway No. 2, three furlongs five chains in length, of which one chain is double line and three furlongs four chains is single line, commencing by a junction with Tramway No. 1 at or near the junction of Portman's Road with Princes Street, and passing into and along Princes Street, King Street, Cornhill, terminating on Cornhill in front of the Town Hall:

Tramway No. 3, being three furlongs and nine chains in length, of which four chains fifty links is double line and three furlongs four chains fifty links is single line, commencing by a junction with the said Tramway No. 1 at or near the north end of Mill Street, and passing into and along Norwich Road, and terminating in that road two chains or thereabouts northward of the end of Chevallier Street:

Tramway No. 6, four chains in length, of which one chain is single and three chains are double line, commencing by a junction with Tramway No. 1 at a point in the Foxhall Road opposite the east side of Derby Road, and passing eastwardly along the said Foxhall Road for a distance of about one chain as a single line, and from thence as a double line for a distance of about three chains, where it will terminate:

Provided that the said Tramway No. 1 shall not, without the consent of the Great Eastern Railway Company under their common seal, be laid otherwise than as a single line upon the portion of the road upon which the property of the Great Eastern Company abuts lying between the northernmost end of the bridge carrying the road over the River Orwell and the junction of Commercial Road with Princes Street; and that the said Tramway No. 2 in Princes Street shall be laid and maintained in the centre of the road to the full extent of the frontage occupied by Messrs. Ransomes, Sims, and Head, and Messrs.

A.D. 1879.

Ipswich.

Josselyn and Sons, and in King Street the said tramway shall be laid and maintained so that a space of not less than eight feet shall intervene between the outside of the kerb of the footway adjoining the premises of Messrs. Alexander's bank, and the nearest rail of the tramway.

The above tramways will pass from, through, or into, or be situate in the several parishes and places following; (that is to say,)

St. Mary-at-Stoke, St. Peter, Saint Matthew, Saint Mary Tower, Saint Margaret, Saint Helen, Saint Stephen, Saint Clement, Saint Nicholas, Saint Mary-at-the-Elms, and Saint Lawrence, all in the borough.

Provision as to paving roads.

7. In carrying out the works for the construction of the tramways at and between the places herein-after mentioned by this Order authorised, the Promoters shall pave with Mount Sorrel granite cubes, or such other granite or stone paving cubes as the Promoters may (with the approval of the Corporation signified in writing under the hand of their engineer or surveyor for the time being) adopt, so much of the roadway of the roads on which the tramways are formed and laid down as lies between the tramways, and for a distance of eighteen inches beyond the rails, and on each side thereof, and (where at and between such points a double line of tramway is laid on any road) so much of the roadway as lies between the tramways. The places herein-before referred to are as follows:

Tramway No. 1, between the boundary of the Great Eastern Railway Company's property at or near the bridge over the River Orwell and the north end of Mill Street, and in St. Helen's Street between Carr Street and Grove Lane:

Tramway No. 2, between its commencement and its termination:

Tramways Nos. 3 and 6 at the junctions on the said tramways, and where the same are laid as a double line.

Saving rights and protecting works of the Great Eastern Railway Company.

8. 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 Great Eastern Railway Company (herein-after called the Great Eastern Company), and the Promoters shall not, without the consent in writing of the Great Eastern Company under their common seal first had and obtained, take, use, or in any manner interfere with any part of the Great Eastern Railway, or the works connected therewith, or any land belonging to the Great Eastern Company, save that the Promoters may nevertheless lay their tramways over the bridge leading from the passenger station of the Great Eastern Company over the River Orwell, and over and upon the station yard and station ground of the Great Eastern Company at Ipswich in such position as the engineer for the time being of the Great Eastern Company may approve, and with such modifications and alterations as the said engineer may require; and the works necessary for the same, so far as they affect the said bridge, station yard, and station ground, shall be executed according to plans and specifications to be submitted to and previously approved by the engineer for the time being of the Great Eastern 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 and maintained under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Great Eastern Company and at the expense of the Promoters: Provided that if the engineer for the time being of the Great Eastern Company shall not within one calendar month from the day on which the said plans and specifications 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 arise between the Promoters and the Great Eastern Company as to the works mentioned in the last preceding section, such dispute shall be referred to some competent engineer to be agreed on between the Promoters and the Great Eastern Company, or in case they do not agree upon a referee within one calendar month from the day on which the engineer for the time being of the Great Eastern Company has 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.

Protection of the Felixstowe Railway Company.

9. The last preceding section shall, so far as any of the property or works of the Felixstowe Railway Company are concerned, apply, mutatis mutandis, to the last-mentioned Company.

Toll for use of station yard of Great Eastern Railway Company.

10. The Promoters shall pay to the Great Eastern Railway Company, by way of rent or toll for the use of the bridge leading from the passenger station of the said Company over the River Orwell and of the station yard and station ground of the Great Eastern Railway Company at Ipswich, so long as they continue to use the same under the authority of this Order, a sum not exceeding one eighth of a penny for each passenger conveyed upon the tramways into or out of the said station yard: Provided that if in any year the aggregate amount of such rent or toll do not amount to twenty-five pounds, the Promoters shall, in lieu of such rent or toll, pay to the Great Eastern Railway Company the sum of twenty-five pounds by way of rent, and the said rent or toll shall become payable half yearly on the thirty-first day of January and thirtieth day of June in each and every year, and shall be paid within thirty days of each such half-yearly day, and in the event of the said rent or toll being in arrear for a longer period than three calendar months the Great Eastern Railway Company may, if they think fit, prevent the Promoters from further using the said bridge, station yard, and station ground.

The Promoters shall deliver to the Great Eastern Railway Company, within a week after the thirty-first day of January and thirtieth day of June respectively, a true and correct account, for the half year ending on each such day, of the number of passengers conveyed upon the tramways into and out of the said station yard, certified under the hand of the secretary or other authorised officer for the time being of the Promoters, and the Great Eastern Railway Company by their duly authorised agent shall be at liberty to inspect the books and way-bills of the Promoters at all reasonable times within one calendar month after each such account is delivered as aforesaid.

Gauge of tramways.

11. The tramways shall be constructed on a gauge of three feet and six inches.

A.D. 1879.

Ipswich.

Further provisions as to construction of tramways.

12. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Order.

Mode of formation of tramways.

13. The rails of the tramways shall be such as the Board of Trade may approve: Provided that the Board of Trade may from time to time, upon the application of the road authority, require the Promoters to adopt and apply such improvements in the tramway, 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.

14. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and road.

15. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade shall certify under the hand of a Secretary or Assistant Secretary of the Board that the default mentioned in such repre-

sentation has been proved to the satisfaction of the Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

Passing-places to be constructed where less than a certain width 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 passing-places connecting the one tramway with the other, and by means of such passing-place or passing-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 hereafter alter the level of any road along or across which any of the tramways is laid or authorised to be laid, the Promoters 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 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, carriage-houses, 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, by writing under his hand addressed to the Promoters, express his objection thereto:

Provided also, that the number and situation of such crossings, points, 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, points, 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.

Road authority may require removal of additional crossings.

19. If any crossing or other additional work 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.

20. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid, it is, in the opinion of the road authority, necessary or expedient temporarily to remove or dis-

A.D. 1879.

Ipswich.

continue 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.

21. 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 such road, and the maintenance, for six months after completion of any of the tramways within the district of such road authority, of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided that if, within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus 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.

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

22. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed by the Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

Traffic upon Tramways.

Traffic upon tramways.

23. The tramways may be used for the purpose of conveying passengers and parcels.

Promoters not bound to carry parcels.

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

Tolls.

Ipswich. Tolls.

25. 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 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.

Passengers luggage.

26. Every passenger travelling upon the tramways may, subject to such byelaws and regulations as the Promoters may from time to time make, 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.

27. 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 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 artizans, 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 the Board of Trade may from time to time for good cause shown either authorise the Promoters to discontinue the running of such carriage, or may order the Promoters to run an extra carriage at such hours as aforesaid, and may from time to time revoke, alter, or modify such order, and 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 parcels.

28. The Promoters may demand and take in respect of any parcels conveyed by them on the tramways, except as is by this Order specially provided, including the tolls and charges for the use of the tramways, and for waggons or trucks, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding the tolls and charges specified in the Schedule to this Order annexed, subject to the regulations in that behalf therein contained.

Payment of tolls.

29. 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.

Periodical revision of tolls.

30. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any

A.D. 1879.

Ipswich.

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

Miscellaneous.

Provisions as to arbitration.

31. Where under the provisions of the Tramways Act, 1870, and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply in every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and delivery of notices.

32. 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 Town Hall, or principal office of 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 their respective clerk or secretary, at the Town Hall or principal office of such authority, body, or company.

Agreements between Promoters and road authorities.

33. 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.

Promoters to contract with road authority in certain cases.

34. The Promoters shall, if required by the road authority, make contracts with the road authority 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 contract shall, in case the same are not agreed upon between the Promoters and the road authority, be determined by a referee to be appointed by the Board of Trade for such purpose.

Saving for general Acts.

35. Notwithstanding anything in this Order contained, the Promoters and any persons using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

SCHEDULE.

List of Tolls and Charges for Parcels.

	Any distance s.	d.
For any parcel not exceeding seven pounds in weight - - -	0	2
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - - - -	0	4
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - - -	0	6
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - - - -	0	8
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.		

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.

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

LEAMINGTON AND WARWICK TRAMWAYS.

Leamington and Warwick.

Order authorising the construction of Tramways in Leamington, Milverton, and Warwick, in the county of Warwick.

Short title.

1. This Order may be cited as "The Leamington and Warwick Tramways Order, 1879."

A.D. 1879.

Leamington and Warwick.

Incorporation of Acts.

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

The expression "person" shall include any corporation.

Promoters.

The Promoters.

4. Christopher James, William Frederick Wigg, and James Henry Richardson, and the survivors or survivor of them, and the executors or administrators of such survivor, their or his assigns, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may by agreement from time to time purchase and acquire, for the purposes of the undertaking, such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold for such purposes more than five acres of land.

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:—

No. 2. A tramway, 2 miles 3 furlongs and 50 links in length, (of which 2 miles 1 furlong 2 chains and 50 links will be single line, and 1 furlong 8 chains will be double line,) situate in the parishes of St. Mary and St. Nicholas, Warwick, or one of them, in the borough and county of Warwick, commencing at or near a point in the High Street, opposite or nearly opposite the south-eastern end of Swan Street, by a junction with Tramway No. 1, passing thence in a north-easterly direction into the parishes of Milverton and Leamington Priors, in the county of Warwick, and terminating at a point in Warwick Street, where it joins the Upper Parade, in the parish of Leamington Priors, in the county of Warwick. The portions of double line will be situate from the commencement of the tramway as follows; namely, at a point 2 furlongs 5·8 chains for a distance of 4 chains, at a point 1 mile

4 chains for a distance of 4 chains, at a point 1 mile 5 furlongs 7·8 chains for a distance of 5 chains, at a point 2 miles 1 furlong 3·3 chains for a distance of 5 chains.

No. 3. A tramway, 3 furlongs 5·5 chains in length, (of which 3 furlongs 2 chains will be a single line and 3·5 chains, from the end of the single line to the end of the tramway, will be a double line,) situate wholly in the parish of Leamington Priors, in the county of Warwick, commencing in Warwick Street by a junction with intended Tramway No. 2, at or near a point in Warwick Street where it joins the Upper Parade, passing thence in a southerly direction, and terminating at a point 5·7 chains, or thereabouts, southward of the centre of the bridge carrying the road over the River Leam.

No. 4. A tramway, 1 furlong 5·9 chains in length, (of which 1 furlong 3·9 chains will be a single line and 2 chains, from the end of the single line to the end of the tramway, will be a double line,) situate wholly in the parish of Leamington Priors, in the county of Warwick, and commencing by a junction with Tramway No. 3, at or near a point 5·7 chains or thereabouts southward of the centre of the bridge carrying the road over the River Leam, and passing thence in a westerly direction along Spencer Street and Avenue Road, thence in a southerly direction along the road leading from the Avenue Road to the Avenue Railway Station of the London and North-western Railway, and terminating at or near a point in the said road opposite or nearly opposite to the east end of the station building.

Provided that the Promoters shall not construct any part of Tramway No. 4 to the westward of the point in the Avenue Road on the deposited plans and sections denoting one furlong from the commencement of that tramway unless and until the London and North-western Railway Company shall have given their consent thereto in writing under their common seal.

The tramways herein-before described will pass or be made from, in, through, or into the following parishes, townships, or extra-parochial places, or some of them; (that is to say,) St. Nicholas, Warwick, St. Mary, Warwick, Milverton, and Leamington Priors, all in the county of Warwick.

As to tramways and works on Emscote Bridge.

7. In constructing so much of the tramways as may be constructed or formed in or on the Emscote Bridge over the River Avon, and the approaches thereto, and in exercising the powers by this Order conferred in relation to the said tramways, the Promoters shall observe, perform, and comply with the following provisions; that is to say,

The Promoters shall construct a single line of tramway only over the Emscote Bridge, and shall also, previous to constructing the same, at their own cost and charge, construct an iron footway six feet wide for foot passengers on each side of the said bridge in accordance with a plan to be submitted by the Promoters to and to be approved of by the Court of Quarter Sessions for the county of Warwick, and shall construct such footways under the superintendence and to the satisfaction of the bridge master for the county of Warwick for the time being, and in case any damage or

A.D. 1879.

Leamington and Warwick.

injury shall be occasioned to the said bridge by the works of the Promoters, either in constructing the said line of tramway or the said iron footways, the Promoters shall, at their own cost and charge, repair and make good the damage or injury caused by such works, under the superintendence and to the satisfaction of the said bridge master, whose reasonable charges for all such superintendence shall be paid by the Promoters; or in lieu or instead of constructing such iron footways as aforesaid, the Promoters may agree to abide by and perform any other terms and conditions which the Justices of the said county of Warwick in Quarter Sessions assembled may require or consent to, and in such last-mentioned case the said tramway shall not be laid over Emscote Bridge aforesaid unless and until all the terms and conditions required by the said Justices which can or ought to be observed or performed before the laying of the said tramway have been duly observed and performed to the satisfaction of the said Justices or of their bridge master for the time being, and such tramway shall at all times thereafter be subject to all such terms and conditions as can or ought to be observed or performed after the construction and laying thereof.

As to protection of Warwick and Napton Canal.

8. The Promoters shall, previously to constructing their tramways over the bridge over the Warwick and Napton Canal, widen the eastern approach to the said bridge in accordance with the plan submitted by the Corporation of Warwick to the Promoters and approved by them, the costs thereof being equally borne by the Promoters and the Corporation, such work to be completed under the superintendence and to the satisfaction of the surveyor of the said Corporation, and any additional expense in the maintenance of the said bridge or the approaches thereto, or of the roadway over the same, occasioned by the construction, use, or maintenance of such tramways, shall be borne by the Promoters.

The Promoters shall so regulate the traffic of the cars on the tramways as not to injuriously affect or in anywise interfere with or obstruct the traffic to, from, or upon the Warwick and Napton Canal or the towing-paths thereof.

The Promoters shall not lessen the present height of the crown of the arch of the said bridge above the top-water level of the Warwick and Napton Canal.

Provided always, that nothing in this Order shall be deemed to prejudice, diminish, alter, or take away any of the rights, privileges, powers, or authorities vested in the Company of Proprietors of the Warwick and Napton Canal Navigation in or over the Warwick and Napton Canal, or any of the works connected therewith, by any Act of Parliament now in force relating to the said canal, or any power vested in the said Company of Proprietors to open or break up the road along or across the bridge or the approaches thereto, or any power vested in the said Company of Proprietors for the purpose of erecting, constructing, lowering, repairing, altering, rebuilding, or removing the bridge or any of the approaches thereto, or otherwise in relation to the bridge.

Leamington and Warwick.

Promoters to pave with wood cubes within borough of *Leamington.*

9. In constructing so much of the tramways as will be within the borough of Leamington the Promoters shall pave with wood cubes or sets upon a foundation or substructure of concrete, to the satisfaction of the road authority, so much of the road or street on which the said tramways are formed and laid down as lies between the rails and for a distance of eighteen inches measured from the outside of each rail in the direction of the kerb, and shall at all times maintain and keep in good condition such part of the road and street to the reasonable satisfaction of the road authority or their surveyor for the time being.

Further provisions as to construction of tramways.

10. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Order.

Mode of formation of tramways.

11. The rails of the tramways shall be such as may be approved of by the road authority and the Board of Trade: Provided that the Board of Trade may from time to time, upon the application of the road authority, require the Promoters to adopt and apply such improvements in the tramway, 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:

Provided always, that in constructing any works in any road the Promoters shall make such arrangements in relation to the execution of such works as may, in the opinion of the road authority, be proper for preventing unnecessary hindrance to the traffic along such road.

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, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty

A.D. 1879.

Leamington and Warwick.

not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and road.

13. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade shall certify under the hand of a Secretary or Assistant Secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

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

14. 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 passing-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.

15. 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 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.

16. 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, carriage-houses, sheds, or works of the Promoters, subject to the approval of the road authority first obtained: 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, by writing under his hand, addressed to the Promoters, express his objection thereto.

Temporary tramways may be made when necessary.

17. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid, it is, in the opinion of the road authority, necessary or expedient temporarily to remove or discontinue the use of such tramway, or any part thereof, the Promoters may,

with the consent of the road authority only, subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make, construct in the same or any adjacent road, and, with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain, so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued.

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.

Certain expenses of local authority to be paid by Promoters.

18. The Promoters shall, on demand, repay to the local authority of any district within which any of the tramways are situate all reasonable charges and expenses incurred by them for the supervision and inspection of any work done by the Promoters in connexion with the tramway, and the several local authorities within whose districts the tramways are situate are hereby authorised to order such supervision and inspection of the works within their respective districts as they may deem proper.

Construction of new entrances to sewers when required by local authority.

19. When any tramway or passing-place is constructed or required to be constructed over any manhole or entrance into any sewer of the local authority, or so close to any such manhole or entrance as to make the use thereof dangerous or inconvenient in the opinion of the local authority, or their engineer or surveyor for the time being, the Promoters shall, if required by the local authority, construct another manhole or side entrance in lieu thereof, in such a position and according to such plans as may be approved of by the local authority.

Application of road materials excavated in construction of 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 such road, and the maintenance for six months after completion of any of the tramways within the district of such road authority, of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: 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.

Tramways not to be opened until certified

21. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the

A.D. 1879.

Leamington and Warwick.

by Board of Trade.

Tramways Act, 1870, and the Board of Trade have, by an order signed by the Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

Traffic upon Tramways.

Traffic upon tramways.

22. The tramways may be used for the purpose of conveying passengers, parcels, and mail bags.

Use of tramways for sanitary purposes.

23. The local authority of any district may, free of cost and 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 tramways), use the tramways within their district for sanitary purposes and for the conveyance of scavenging stuff, road metal, and other materials required for any public works within their district, between the hours of twelve o'clock at night and five o'clock in the morning, such local authority making good or repaying to the Promoters the cost of making good any damage either to the rails or road caused by such user.

Tolls.

Tolls.

24. 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 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 two miles any sum not exceeding twopence.

Passengers luggage.

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

Cheap fares for labouring classes.

26. 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 one carriage 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 artizans, 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: Provided that the Board of Trade may, from time to time, for good cause shown, order the Promoters to run an extra carriage at such hours as aforesaid, and may from time to time revoke, alter, or modify any such order.

Tolls for parcels.

27. The Promoters may demand and take in respect of any parcels other than passengers luggage not exceeding twenty-eight pounds in weight conveyed by them on the tramways, including the tolls and charges for the use of the tramways, and for waggons or trucks, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding the tolls and charges specified in the Schedule to this Order annexed, subject to the regulations in that behalf therein contained.

Payment of tolls.

28. 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 and charges appoint.

Periodical revision of tolls.

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

Miscellaneous.

Local authorities to participate in surplus profits.

30. When in any year ending on the thirty-first day of December the clear profits from working the line, after providing for renewals, shall amount to more than sufficient to pay a dividend at the rate of ten pounds per cent. per annum on the amount paid upon the ordinary shares, the local authorities through whose districts the tramways run shall be entitled to and may demand and take one moiety of such surplus profits, to be divided amongst the said local authorities proportionately, according as the length of the tramway within the boundaries of the local authority is to the whole length of the route, and the moneys received from time to time by the local authorities from such surplus profits shall be carried by them to the fund in aid of the rates for the repair and maintenance of the roads.

Copies of balance sheet to be delivered to local authorities.

31. Copies of every half-yearly balance sheet of the accounts of the Promoters shall, within fourteen days after the same have been approved at an ordinary

A.D. 1879.

Leamington and Warwick.

meeting of the Promoters, be delivered to the local authorities, or to their clerks for the time being, and the books, accounts, and vouchers of the Promoters shall at all reasonable times be open to the inspection of a person appointed by the local authorities to inspect the same, for the space of two calendar months next after the delivery to them, or the majority of them, or their clerks, of a copy of such balance sheet as aforesaid.

Provisions as to arbitration.

32. Where under the provisions of the Tramways Act, 1870, and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply in every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and delivery of notices.

33. 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, secretary, or surveyor:

(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.

34. 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.

Power to enter into agreements with respect to traffic, &c.

35. The Promoters or any person using the tramways under the authority of this Order on the one hand, and any other company 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 other company or person any passengers, parcels, luggage, or mails, and the fixing, collecting, and apportionment of tolls, charges, rents, or other receipts arising in respect of such traffic.

Saving for general Acts.

36. Notwithstanding anything in this Order contained the Promoters and any corporation, company, or persons using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, or to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon

the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid. A.D. 1879.

Leamington and Warwick.

SCHEDULE.

List of Tolls and Charges for Parcels.	Per Mile. s.	d.
For any parcel not exceeding seven pounds in weight - - -	0	2
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - - -	0	3
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - - -	0	4
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - - - -	0	6
For any parcel exceeding fifty-six pounds in weight, such sums 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.

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

LIVERPOOL CORPORATION TRAMWAYS.

Liverpool.

Order authorising the Mayor, Aldermen, and Burgesses of Liverpool to construct Tramways in the borough of Liverpool.

Short title.

1. This Order may be cited as "The Liverpool Corporation Tramways Order, 1879."

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the Promoters of the undertaking), and of the Tramways Act, 1870, are hereby incorporated with this Order, except where the same are 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 Liverpool, in the county of Lancaster, acting by the Council:

The expression "the borough" shall mean the said borough of Liverpool.

A.D. 1879.

Liverpool.

Promoters.

The Promoters.

4. The Corporation shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may, by agreement, from time to time purchase and acquire, for the purposes of the undertaking, such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes; provided that they shall not at any time hold more, for such purposes, than five acres of land.

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 amended plans and sections deposited at the office of the Board of Trade 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.

The tramways authorised by this Order are—

TRAMWAY No. 1.

Being an up line (one mile four furlongs two chains and nine yards or thereabouts in length), situate partly in the parish of Liverpool, partly in the township of West Derby and parish of Walton-on-the-Hill, and wholly in the borough of Liverpool, commencing by a junction with Tramway No. 1 of the tramways constructed under the Liverpool Tramways Act, 1868, in Saint John's Lane, nearly opposite the east side of the north end of Roe Street, in the parish of Liverpool, and passing across Saint George's Place, thence along Lime Street, London Road, Prescot Street, and Kensington, to the boundary of the borough of Liverpool, in Kensington, opposite the east side of the north end of Deane Road, in the township of West Derby.

TRAMWAY No. 1A.

Being a down line (one mile four furlongs three chains and sixteen yards or thereabouts in length), partly in the township of West Derby and parish of Walton-on-the Hill, partly in the parish of Liverpool, and wholly in the borough of Liverpool, commencing in the street or road called Kensington, at the borough boundary opposite the east side of the north end of Deane Road, in the township of West Derby, thence along Kensington, Prescot Street, London Road, and Lime Street, and terminating by a junction with Tramway No. 1 of the tramways constructed under the Liverpool Tramways Act, 1868, at a point about eleven yards south of the south side of Hanley Street.

The first portion of Tramway No. 1 for three chains sixteen yards or thereabouts is single.

The last portion of Tramway No. 1A for five chains one yard or thereabouts is single. The rest of Tramways Nos. 1 and 1A are each one mile three furlongs eight chains and fifteen yards, and form a double line.

TRAMWAY No. 2.

Being an up line, and for some portions of its length a down line also (five furlongs five chains and ten yards or thereabouts in length), partly in the township of West Derby and partly in the township of Everton, both in the parish of Walton-on-the-Hill, and wholly in the borough of Liverpool, commencing by a junction in Prescot Street, in the township of West Derby, with Tramway No. 1, nearly opposite the west side of the north end of Hall Lane, thence along Lowhill and West Derby Road to the boundary of the borough in West Derby Road, nearly opposite the centre of the south end of Heber Street, in the township of Everton.

A portion of Tramway No. 2, in the township of West Derby, is proposed to be so laid in Lowhill that a less space than nine feet six inches will intervene between the outside of the footpath on the west side of Lowhill and the nearest rail of the tramway for a length of one chain and fifteen yards or thereabouts, between a point eighty-two feet north of the north side of Winter Street and a point one hundred and ninety-two feet north of the north side of Winter Street.

TRAMWAY No. 2A.

Being a down line (two furlongs six chains and nineteen yards or thereabouts in length), partly in the township of Everton and partly in the township of West Derby, both in the parish of Walton-on-the-Hill, and wholly in the borough of Liverpool, commencing in West Derby Road by a junction with Tramway No. 2, nearly opposite the east side of the north end of Back Butler Street, thence along West Derby Road to nearly opposite the east side of the south end of Aber Street by a junction with Tramway No. 2.

A portion of Tramway No. 2A, in the township of Everton, is proposed to be so laid in West Derby Road that a less space than nine feet six inches will intervene between the outside of the footpath on the south side of West Derby Road and the nearest rail of the tramway for a length of thirteen chains and fourteen yards or thereabouts, between a point opposite the west side of Farnworth Street and a point opposite the east side of Baker Street.

TRAMWAY No. 2B.

Being a down line (five chains and three yards or thereabouts in length), partly in the township of West Derby and partly in the township of Everton, both in the parish of Walton-on-the-Hill, and wholly in the borough of Liverpool, commencing by a junction with Tramway No. 2 in West Derby Road, ten feet west of the west side of Nevin Street, thence along West Derby Road to the north end of Lowhill by a junction with Tramway No. 2 opposite the east end of Brunswick Road, and terminating by a junction with Tramway No. 2 opposite the east end of Brunswick Road.

TRAMWAY OR SECOND LINE No. 2C.

Being a down line (one chain and fifteen yards or thereabouts in length), wholly in the township of West Derby and parish of Walton-on-the-Hill, and in the borough of Liverpool, commencing in Lowhill by a junction with Tramway

A.D. 1879.

Liverpool.

No. 2 at a point one hundred and ninety-two feet north of the north side of the west end of Winter Street, and thence along Lowhill to a point eighty-two feet north of the north side of the west end of Winter Street, by a junction with Tramway No. 2.

Tramway No. 2C, in the township of West Derby, is proposed to be so laid in Lowhill that a less space than nine feet six inches will intervene between the outside of the footpath on the east side of Lowhill and the nearest rail of the tramway for its whole length.

Tramway or Second Line No. 2D.

Being a down line (one chain and ten yards or thereabouts in length), wholly in the township of West Derby and parish of Walton-on-the-Hill, and in the borough of Liverpool, commencing by a junction in Lowhill with Tramway No. 2 at a point about one hundred and twenty feet north of the north side of the west end of Gloucester Place, and thence along Lowhill to a point twenty-five feet north of the north side of the west end of Gloucester Place, by a junction with Tramway No. 2.

Tramway No. 2E.

Being a down line (one chain and six yards or thereabouts in length), wholly in the township of West Derby and parish of Walton-on-the-Hill, and in the borough of Liverpool, commencing in and at the south end of Lowhill, and curving to a junction with Tramway No. 1A in Prescot Street, opposite the west side of the north end of Hall Lane.

The first part of Tramway No. 2 is single for one furlong seven chains and eleven yards or thereabouts, with three lengths of less than three chains each, occupied also by Tramways 2C, 2D, and 2E. At the west end of West Derby Road, Tramway No. 2 forms, with Tramway No. 2B, a double line for five chains three yards or thereabouts. For nineteen yards or thereabouts it is then single, and for a length of two furlongs six chains nineteen yards or thereabouts it forms, with the whole of Tramway 2A, a double line.

The next part of Tramway No. 2 is a single line of five chains and two yards or thereabouts.

Tramway No. 3.

Being an up line (one mile four furlongs and eleven yards or thereabouts in length), partly in the parish of Liverpool, partly in the township of West Derby and parish of Walton-on-the-Hill, and wholly in the borough of Liverpool, commencing in London Road, in the parish of Liverpool, by a junction with Tramway No. 1, about fifteen feet west of the west side of Burgess Street, thence along the south side of London Road, thence along Pembroke Place, West Derby Street, Mount Vernon Road, Irvine Street, Holland Place, and Wavertree Road, to the boundary of the borough of Liverpool in Wavertree Road, on the east side of the bridge over the London and North-western Railway, in the township of West Derby.

A portion of Tramway No. 3, in the township of West Derby, is proposed to be so laid in Wavertree Road that a less space than nine feet six inches

will intervene between the outside of the footpath on the north side of Wavertree Road and the nearest rail of the tramway for a length of two chains and sixteen yards or thereabouts, between a point nearly opposite the west side of Juno Street and a point opposite the east side of Chatsworth Street.

A portion of Tramway No. 3, in the township of West Derby, is proposed to be so laid in Wavertree Road that a less space than nine feet six inches will intervene between the outside of the footpath on the north side of Wavertree Road and the nearest rail of the tramway for a length of two chains and sixteen yards or thereabouts, between a point nearly opposite the west side of Byford Street and a point nearly opposite the east side of Eastwood Street.

Tramway No. 3A.

Being a down line (three chains and eighteen yards or thereabouts in length), wholly in the township of West Derby and parish of Walton-on-the-Hill, and in the borough of Liverpool, commencing at a point on the centre line in Wavertree Road about three hundred and fifty-seven feet east of the east side of the north end of Speke Street, thence along the south side of Wavertree Road to a junction with Tramway No. 3 in Wavertree Road at a point about one hundred feet east of the east side of the north end of Speke Street.

Tramway No. 3A, in the township of West Derby, is proposed to be so laid in Wavertree Road that a less space than nine feet six inches will intervene between the outside of the footpath on the south side of Wavertree Road and the nearest rail of the tramway for its whole length.

Tramway or Second Line No. 3B.

Being a down line (two chains and sixteen yards or thereabouts in length), wholly in the township of West Derby and parish of Walton-on-the-Hill, and in the borough of Liverpool, commencing by a junction with Tramway No. 3 in Wavertree Road at a point nearly opposite the east side of the south end of Eastwood Street, thence along Wavertree Road to a junction with Tramway No. 3 at a point nearly opposite the west side of the south end of Byford Street.

Tramway No. 3B, in the township of West Derby, is proposed to be so laid in Wavertree Road that a less space than nine feet six inches will intervene between the outside of the footpath on the south side of Wavertree Road and the nearest rail of the tramway for its whole length.

Tramway or Second Line No. 3C.

Being a down line (one chain and twenty-one yards or thereabouts in length), wholly in the township of West Derby and parish of Walton-on-the-Hill, and in the borough of Liverpool, commencing by a junction with Tramway No. 3 in WavertreeRoad opposite a point about eighty-eight feet east of the east side of the north end of Tunnel Road, thence along Wavertree Road to a junction with Tramway No. 3, nearly opposite a point about twenty feet east of the west side of the north end of Tunnel Road.

Tramway or second line No. 3C, in the township of West Derby, is proposed to be so laid in Wavertree Road, for a length of about fifty feet, that a less

A.D. 1879.

Liverpool.

space than nine feet six inches will intervene between the outside of the footpath on the south side of Wavertree Road and the nearest rail of the tramway.

Tramway or Second Line No. 3d.

Being a down line (two chains and sixteen yards or thereabouts in length, wholly in the township of West Derby, in the parish of Walton-on-the-Hill and in the borough of Liverpool, commencing by a junction with Tramway No. 3 in Wavertree Road nearly opposite the east side of the north end of Chatsworth Street, thence along Wavertree Road to a junction with Tramway No. 3 nearly opposite the west side of the north end of Juno Street.

Tramway No. 3d, in the township of West Derby, is proposed to be so laid in Wavertree Road that a less space than nine feet six inches will intervene between the outside of the footpath on the south side of Wavertree Road and the nearest rail of the tramway for its whole length.

Tramway No. 3e.

Being a down line (seven furlongs one chain and fifteen yards or thereabouts in length), partly in the township of West Derby and parish of Walton-on-the-Hill, and partly in the parish of Liverpool, and wholly in the borough of Liverpool, commencing by a junction with Tramway No. 3 in Wavertree Road at a point ninety feet west of the west side of Overton Street, thence along Wavertree Road, Holland Place, Paddington, Crown Street, Pembroke Place, and London Road, to a junction with Tramway No. 1a in London Road at a point twenty feet west of the west side of Burgess Street.

The first part of Tramway No. 3 forms, with the last part of Tramway No. 3e, a double line of two furlongs eight chains seven yards or thereabouts.

The next part of Tramway No. 3, from the east end of Pembroke Place to Holland Place, is single for three furlongs three chains and one yard or thereabouts.

The next part of Tramway No. 3 from Holland Place to near Shenstone Street forms, with the first part of Tramway 3e, a double line of six chains twelve yards or thereabouts.

The next part of Tramway No. 3 in Wavertree Road from near Shenstone Street to near Botanic Road is single for three furlongs six chains and eighteen yards, with three lengths of less than three chains each, occupied also by Tramways 3b, 3c, and 3d.

The next part of Tramway No. 3 forms, with Tramway No. 3a, a double line for three chains eighteen yards or thereabouts.

The last part of Tramway No. 3 is a single line for one furlong two chains and five yards or thereabouts.

The middle portion of Tramway No. 3e, for three furlongs six chains and eighteen yards or thereabouts, from Holland Place to Pembroke Place is single.

Tramway No. 4.

Being a line situated wholly in the parish and borough of Liverpool (five furlongs four chains and nine yards or thereabouts in length), commencing in

St. George's Crescent at a point nearly in a line with the north boundary wall of St. George's Church, by a junction with Tramway No. 1 of the tramways constructed under the Liverpool Tramways Act, 1868, thence along Derby Square, James Street, crossing the south end of the Goree and the tramway of the Mersey Docks and Harbour Board, thence along the bridge over the George's Dock passage, thence along the George's Pierhead on the south-west and north sides of George's Dock, across the tramway of the Mersey Docks and Harbour Board, thence along George's Dock gates to the west end of Water Street, thence along Water Street across the end of Castle Street, and forming a junction at the west end of Dale Street with Tramway No. 1 of the tramways constructed under the Liverpool Tramways Act, 1868.

TRAMWAY OR SECOND LINE No. 4A.

Five chains and fifteen yards or thereabouts in length, wholly in the parish and borough of Liverpool, commencing by a junction with Tramway No. 4 on the George's Pierhead on the west side of George's Dock, opposite to and about twenty-four feet from the north-east corner of the boundary fence of the George's Baths, thence along the George's Pierhead, and forming a junction with Tramway No. 4 at a point nearly in a line with the boundary fence on the north side of George's Dock Quay.

The first part of Tramway No. 4 is single from St. George's Crescent to nearly opposite the north end of the George's Baths for two furlongs and five chains or thereabouts.

The middle portion of Tramway No. 4 forms, in conjunction with the whole of Tramway No. 4A, a double line for five chains and fifteen yards or thereabouts.

The last part of Tramway No. 4 is single for two furlongs three chains and sixteen yards or thereabouts from the north-west corner of the George's Dock to the west end of Dale Street.

Except as herein-before particularly described, no part of the tramways shall be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway.

For protection of London and North-western Railway Company.

7. The Promoters shall observe, perform, and comply with the following provisions; (that is to say,)

1. The Tramway No. 1A, where it will pass along Lime Street in front of the station and hotel of the London and North-western Railway Company (herein-after called "the railway company"), shall be so constructed and maintained that at no point between the north side of Lord Nelson Street and the south side of the hotel shall the eastern outside rail of the tramway be laid nearer to the western edge of the footways on the eastern side of Lime Street than thirty-one feet, and between the south side of the hotel and the termination of the tramway, as shown on the plans and sections, than thirty feet, and no refuge shall be erected or placed between the north side of Lord Nelson Street and the termination of the tramway, and within such respective spaces of thirty-one and

A.D. 1879.

Liverpool.

thirty feet: Provided, nevertheless, that the Promoters may, if they think fit, maintain, re-construct, or alter the refuge now standing nearly opposite the junction of Lord Nelson Street and Lime Street, but only on the condition that no portion thereof shall extend eastward of its present position:

2. In constructing the Tramways Nos. 3 and 3A respectively across the railway of the railway company the Promoters shall not alter or interfere with the structure of the bridge which carries the Wavertree Road over that railway or of the approaches thereto, and they shall so construct and maintain those tramways as not to injuriously affect the stability of the said bridge and approaches; and in the event of any injury being occasioned to the said bridge or approaches, or any part or parts thereof, by the construction of those respective tramways on or over the same (whether such injury shall occur either during or after the construction or in effecting the maintenance of those respective tramways), or in or by the working or user thereof, the railway company may, at the expense of the Promoters, restore the said bridge 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 railway company against all sums, costs, and expenses which they may pay or be put to in maintaining and repairing, in case of default by the Promoters, 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 railway company may recover from the Promoters all such sums, costs, and expenses as in this sub-section mentioned, together with full costs and charges, by all and the same means as any simple contract debt is recoverable.

For the protection of the Mersey Docks and Harbour Board, Tramway No. 4 to be made in positions approved by the Mersey Docks and Harbour Board, and in manner approved by their engineer.

8. i. The Tramway No. 4, so far as the same shall be made upon or across or so as to interfere with the lands of which the soil is vested in the Mersey Docks and Harbour Board, or the rails, bridges, or works of the said board, shall be constructed, made, and maintained in positions approved by the Mersey Docks and Harbour Board and in no other position or positions, and shall in all other respects be constructed and laid in a manner to be approved by the engineer for the time being of the Mersey Docks and Harbour Board, and the works in connexion therewith shall be executed to his reasonable satisfaction.

ii. Provided always, that no carriages shall be moved over the Tramway No. 4 by any steam power or any mechanical power without the consent thereto of the Mersey Docks and Harbour Board being first obtained, and no engine or engines shall at any time be used upon the same tramways and passing-place save such as shall be constructed in all respects and with all such appliances as shall be approved by an engineer to be appointed by the Board of Trade to determine in that behalf for preventing the risk of any fire being caused by sparks from or otherwise by or through the use of any such engine or engines.

iii. All traffic upon the Tramway No. 4 shall be so conducted as in no respect to prevent, impede, or interfere with the opening and working of the moveable bridge over the George's Dock Passage at any time or times when the same shall be deemed needful or convenient by the officers of the Mersey Docks and Harbour Board, and no carriage or engine using the same tramway shall at any time whilst waiting during any period of the said bridge being open, or during the opening or closing thereof, remain or be in such a position as in any way to obstruct, impede, or interfere with the working of the tramways of the Mersey Docks and Harbour Board, or of the traffic going to or from the George's Dock, and every person who shall in connexion with the working of the same tramway in any respect offend against the provisions of this section shall for every such offence be liable to a penalty of not exceeding ten pounds, to be recovered in the manner prescribed by the Mersey Dock Acts Consolidation Act, 1858, for the recovery of penalties imposed by that Act.

iv. No carriage or engine, or combination of carriages and engines, which may in using the Tramway No. 4 be brought either wholly or partly upon the bridge over the George's Dock Passage at one and the same time, shall, together with the load thereof, exceed ten tons in weight; and every person who shall, in connexion with the working of the same tramway, bring or place or permit to be brought or placed upon the said bridge any carriage or engine, or combination of carriages and engines, contrary to the provisions of this section, shall for each such offence be liable to a penalty of not exceeding fifty pounds, to be recovered in the manner prescribed by the Mersey Dock Acts Consolidation Act, 1858, for the recovery of penalties imposed by that Act.

v. The Mersey Docks and Harbour Board shall not, under any circumstances, be required to alter, strengthen, or make good the bridge over the George's Dock Passage, nor shall they be liable to pay any compensation for any loss, damage, or injury which may happen to any person, animal, carriage, engine, or thing using the said bridge in connexion with the Tramway No. 4, by reason of the condition or insufficiency of the said bridge.

vi. The Mersey Docks and Harbour Board shall not by reason of any of the works authorised by this Act be prevented from or retarded in carrying out any work or works which they may now or hereafter be authorised to carry out on or in relation to any land, tramways, or bridges belonging to the Mersey Docks and Harbour Board; and if in the carrying out any such work or works, or in relation thereto, it shall at any time or times hereafter become needful or convenient so to do, they may take up and remove any part or parts of the Tramway No. 4 between the points A and B on the amended deposited plans, and may permanently or temporarily stop, obstruct, or impede the traffic upon such portion of the same tramway or any part thereof, and they shall not be liable to pay any compensation in respect of any loss or damage that may arise from or by reason of any such acts: Provided always, that the Mersey Docks and Harbour Board may at any time or times in their discretion permit a diversion or diversions to be made either permanently or temporarily upon any of the lands, the soil of which is vested in them, of any part or parts of the said tramway, and the Corporation may construct the same accordingly, and

A.D. 1879.

Liverpool.

may alter the remaining portions of the said Tramway No. 4, so as to connect the same with such diverted portion of the said tramway.

vii. Nothing herein contained shall prejudice or affect the rights or liabilities of the Corporation, or the said board, or the public, with reference to any other matters than the tramways authorised by this Order.

Further provisions as to construction of tramways.

9. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall before they proceed to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Order.

As to rails of tramways.

10. The rails of the tramways shall be such as the Board of Trade may approve.

Penalty for not maintaining rails and road in good condition.

11. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and road.

12. In any case in which it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough that the Promoters have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade shall certify under the hand of a Secretary or Assistant Secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

Liverpool.

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 passing-places connecting the one tramway with the other, and by means of such passing-place or passing-places the traffic shall, when necessary, be diverted from one tramway to the other.

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

14. 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 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, by writing under his hand, addressed to the Promoters, express his objection thereto.

Temporary tramways may be made when necessary.

15. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid, it is, in the opinion of the Promoters, necessary or expedient temporarily to remove or discontinue the use of such tramway, or any part thereof, the Promoters may construct in the same or any adjacent road, and maintain, so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Application of road materials excavated in construction of works.

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

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

17. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed by the Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

Motive Power.

Carriages may be moved by animal, steam, or mechanical power.

18. The carriages used on the tramways may, subject to the provisions of this Order, be moved by animal power, and during a period of seven years after the opening of the same for public traffic, and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a Secretary or an Assistant Secretary of the said Board, by steam power or any mechanical power:

Provided always, that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the Schedule A. to this Order annexed, and to any

A.D. 1879.

Liverpool.

regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may, and which they are hereby empowered to make from time to time, as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam or any mechanical power on the tramways.

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

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

Byelaws.

20. Subject to the provisions of this Order, the Board of Trade may from time to time make, and when made may rescind, annul, or add to byelaws with regard to any of the tramways upon which steam or any mechanical power may be used under the authority of this Order, for all or any of the following purposes; that is to say,

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

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

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

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

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

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

As to recovery of penalties.

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

Amendment of the Tramways Act, 1870, as to byelaws by local authority.

22. The provisions of the Tramways Act, 1870, relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway, shall not authorise the Corporation to make any byelaw sanctioning a higher rate of speed than that authorised by this Order or by any regulation made by the Board of Trade under the authority of this Order, at which engines and carriages are to be driven or propelled on the tramways under the authority of this Order; but the Corporation may, if they think fit, make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders, byelaws.

23. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by a Secretary or an Assistant Secretary of the Board of Trade, and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order.

Traffic upon Tramways.

Traffic upon tramways.

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

Lessees not bound to carry animals, goods, &c.

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

Provision as to carriage of animals, goods, &c.

26. In case the lessees carry animals, goods, minerals, or parcels, they may, and when required by the Corporation shall, carry the same in separate carriages or separate parts of carriages set apart for that purpose, provided that this provision shall not apply to the carriage of passengers luggage.

Heavy traffic not to be carried between eight a.m. and eight p.m.

27. Only passengers and passengers luggage not exceeding fifty-six pounds in weight, and no animals, goods, minerals, or parcels, shall be conveyed on the tramways between the hours of eight in the morning and eight in the evening, without the previous consent of the Corporation.

Corporation may use tramways for sanitary purposes.

28. The Corporation 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 stuffs, road metal, and other materials required for the works of the Corporation.

As to use of steam or mechanical power by lessees.

29. The lessees under any lease made by the Promoters shall not use steam or any mechanical power on the tramways, or any part thereof, unless they are authorised to do so by special permission in such lease; and the Promoters may, with the consent of the Board of Trade, and subject to the

A.D. 1879.

Liverpool.

provisions of this Order, attach to such special permission such conditions and restrictions as they may think fit.

Tolls.

Tolls and charges.

30. 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 for any distance traversed in the same direction at one time the sum of threepence inside and twopence outside for each single journey of such passenger, whether with or without change of carriage:

For all animals, goods, minerals, and parcels conveyed upon the tramways, any tolls or charges not exceeding for any distance in the same direction the tolls and charges specified in the Schedule B. to this Order annexed, subject to the regulations in that behalf therein contained.

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

Passengers luggage.

31. Every passenger travelling upon the tramways may take with him his personal luggage, not exceeding twenty-eight pounds in weight, so carried as not to interfere with the space allowed for passengers, without any charge being made for the carriage thereof.

Cheap fares for labouring classes.

32. 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 artizans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the lessees nevertheless not being required to take any toll or charge less than one penny): Provided always, 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.

33. 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 entitled to demand and take such tolls and charges may by notice to be annexed to the list of tolls and charges appoint.

Periodical revision of tolls.

34. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough, or by the lessees, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the

tramways should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870; and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

Opening of Tramways to the Public.

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

35. 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 and subject to such conditions and restrictions as to motive power and otherwise as the Promoters may, subject to the provisions of this Order, 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 corporation, company, or person may use the tramways, or any part thereof, in accordance with the terms of such resolution, 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 or charges are authorised to be demanded and taken by this Order any tolls or charges not exceeding the tolls or charges by this Order authorised to be demanded and taken for such purposes.

Tolls if tramways open to be used by the public.

36. If the tramways, or any part thereof, be declared to be open to be used by the public, the Promoters may demand and take from any corporation, company, or person 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 corporation, company, or person or persons, any tolls or charges not exceeding for any distance traversed in the same direction at one time the sum of three halfpence inside and one penny outside for each single journey of such passenger, whether with or without change of carriage;

For any animals, goods, minerals, and parcels conveyed in or upon the carriages of such corporation, company, or person, any tolls or charges not exceeding for any distance in the same direction one half of the tolls and charges specified in the Schedule B. to this Order annexed, in respect of such animals, goods, minerals, and parcels so conveyed, subject to the regulations in that behalf therein contained;

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

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

37. Any corporation, company, or person so using the tramways, or any part thereof, declared to be open to be used by the public, and their officers

A.D. 1879.

Liverpool.

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 in or upon which any passengers, animals, goods, minerals, or parcels are conveyed by such corporation, company, or person upon the tramways, or such part thereof.

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

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

Section 36. (In default of payment of tolls, licensee's 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 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, declared to be open to be used by the public; and in construing those sections for the purposes aforesaid—

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

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

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

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

Miscellaneous.

Carriages or horses unfit for use may be removed.

39. The Corporation may cause to be removed from the tramways any carriage or horse which is certified by an officer to be appointed by the Corporation to be unfit for use upon the tramways: 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 lessee or other person owning or using such carriage or horse prior to any action being taken thereon by the Corporation: Provided further, that if any dispute arise between the Corporation and such person as to the fitness or unfitness of any such carriage or horse, the same shall be settled by two justices.

Power to enter into agreements with respect to traffic, &c.

40. Any lessees or licensees on the one hand, and any corporation, company, 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 corporation, company, or person any passengers, animals, goods, minerals, or

parcels, and the fixing, collecting, and apportionment of tolls, charges, rents, or other receipts arising from the tramways, upon such terms and conditions as may be agreed upon between such lessee or licensee and such corporation, company, or person, subject, nevertheless, to the control and supervision of the Promoters.

Provisions as to arbitration.

41. Where under the provisions of the Tramways Act, 1870, and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the 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.

42. 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 at the Town Hall in the borough, 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, or to the town clerk at the Town Hall.

The Corporation may borrow 45,000*l.*, to be repaid in 30 years.

43. The Corporation 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 forty-five 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 forty-five thousand pounds may be borrowed shall be thirty years; and for the purpose of such borrowing the Corporation may include in any mortgage of the borough fund or borough rate the rents reserved under any lease made under the authority of this Order, and the tolls, charges, and sums authorised to be taken or received by them under the provisions of this Order.

Saving for general Acts.

44. Notwithstanding anything in this Order contained, the Promoters and any corporation, company, or person using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, or to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power by any such general Act as aforesaid.

A.D. 1879.

Liverpool.

SCHEDULE A.

Break power of engines.

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

As to fittings of engines, &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

As to carriages.

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

Inspection of engines and carriages.

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

As to speed.

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

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

SCHEDULE B.

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

	Any distance. s.	d.
Animals.		
For every horse, mule, or other beast of draught or burden - -	0	6
For every ox, cow, bull, or head of cattle - - - -	0	6
For every calf, pig, sheep, or other small animal - - -	0	3
Goods.		
For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure, and		

	Any distance. s.	d.
all undressed materials for the repair of public roads or highways, per ton	0	3
For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron, not otherwise specially classed herein, and for heavy iron castings, including railway chairs, per ton	0	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	0	4
For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton	0	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 not exceed four tons, per ton	0	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 four tons, such sum as the persons or person conveying the same may think fit.		

Parcels.

For any parcel not exceeding seven pounds in weight	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight	0	5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight	0	5
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight	0	9

For any parcel exceeding fifty-six pounds in weight, such sum as the persons or person entitled to demand and take the same 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.

For a fraction of a ton tolls or charges may be demanded and taken according to the numbers of the quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

A.D. 1879.

Liverpool.

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.

Newcastle-upon-Tyne.

NEWCASTLE-UPON-TYNE TRAMWAYS.

Order authorising the Mayor, Aldermen, and Burgesses of the Borough of Newcastle-upon-Tyne to construct Tramways in the said borough.

Short title.

1. This Order may be cited as "The Newcastle-upon-Tyne Tramways Order, 1879."

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the Promoters of the undertaking), and of the Tramways Act, 1870, are hereby incorporated with this Order, except where the same are 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, and the expression "the North Road Tramways" shall mean so much of the tramways authorised by the Newcastle-upon-Tyne Tramways and Improvement Act, 1877, as are situate in the North Road between the junction of the Jesmond Road with the North Road and the boundary of the borough.

In this Order—

The expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Newcastle-upon-Tyne acting by the Council; and

The expression "the borough" shall mean the said borough of Newcastle-upon-Tyne.

Promoters.

The Promoters.

4. The Corporation shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may, by agreement, from time to time purchase and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes; provided that they shall not at any time hold more than five acres of land under the authority of this Order.

Construction of Tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the amended plans and sections deposited at the office of the Board of Trade 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.

The tramways authorised by this Order are—

Tramway No. 1 (a double line), five furlongs six chains and sixteen yards in length, in the borough of Newcastle-upon-Tyne, commencing in Elswick Road at a point in the centre of that road westward of and thirty-three yards distant from the south-west corner of the Crown Hotel, and from thence passing eastward along Elswick Road, and terminating in Westgate Road by a junction with Tramway No. 3 and No. 3B, and at a point southward of and twelve yards distant from the south-west corner of Buckingham Street:

Tramway No. 2 (a double line), two furlongs one chain and five yards in length, commencing in Westgate Road at a point north-westward of and sixteen yards distant from the north-east corner of Bentinck Road, and passing from thence eastward along Westgate Road, and terminating in that road at a point north-westward of and eleven yards distant from the north-west corner of Cromwell Street:

Tramway No. 3 (a single line), two furlongs eight chains and twenty yards in length, commencing in Westgate Road at the termination of Tramway No. 2, and passing thence in an easterly direction along that road, and terminating therein at a point southward of and seven yards distant from the south-west corner of Cross Villa Place No. 5 by a junction there with Tramway No. 4 at its commencement:

Tramway No. 3A, three chains in length, a second line wholly situated in Westgate Road, commencing at a point distant fourteen yards measured in a north-westward direction from the north-west corner of Elswick Street, and terminating in Westgate Road at a point sixty-seven yards south-eastward from its commencement:

Tramway No. 3B, four chains and three yards in length, a second line situate in Westgate Road, commencing at a point south-westward of and twenty-five yards distant from the south-west corner of Cottenham Street, and terminating at a point ninety yards distant in a south-easterly direction from its commencement:

Tramway No. 4 (a double line), two furlongs six chains and seven yards in length, commencing in Westgate Road by a junction with Tramway No. 3 at its termination, and passing thence in a south-east direction along that road, and terminating at a point north-eastward of and sixteen yards distant from the north-west corner of Westgate police station:

Tramway No. 5 (a single line), seven chains and one yard in length, commencing by a junction with the northernmost line of rails of Tramway

A.D. 1879.

Newcastle-upon-Tyne.

No. 4 at its termination, and passing thence in a north-easterly direction along Cross Street to the junction of that street with Fenkle Street, thence in a south-easterly direction along Fenkle Street, to the junction of that street with Clayton Street, and terminating by a junction in Clayton Street with the northernmost line of rails of Tramway No. 7, at a point eastward of and ten yards distant from the Albion Hotel:

Tramway No. 6 (a single line), six chains and nine yards in length, commencing in Westgate Street by a junction with the southernmost line of rails of Tramway No. 4, and passing along Westgate Road in a south-easterly direction into and along Clayton Street, and terminating in that street by a junction with the southernmost line of rails of Tramway No. 7 at a point twelve yards eastward of the south-east corner of the Albion Hotel:

Tramway No. 7 (a double line), one furlong five chains and five yards in length, commencing in Clayton Street by a junction with and forming a continuation of the said Tramways No. 5 and No. 6, and passing north-eastward along Clayton Street, and thence into and south-easterly along Newgate Street, and terminating by a junction with the existing line of Tramway in Grainger Street, at a point nine yards south-east of the south-east corner of Newgate Street:

Tramway No. 8 (a double line), one furlong nine chains and seven yards in length, commencing in Jesmond Road by a junction with the authorised line of tramway at a point north-westward of and twenty-two yards distant from the north-east corner of Osborne Terrace, passing thence along Osborne Road, and terminating at a point in that road north-westward of and twenty-eight yards distant from the north-west corner of the boundary wall of Blythswood:

Tramway No. 9 (a single line), two furlongs five chains and thirteen yards in length, commencing in Osborne Road by a junction with Tramway No. 8 at its termination, and terminating in that road at a point one hundred and thirty-six yards northward of and distant from the north-west corner of Fern Avenue:

Tramway No. 9A, five chains and sixteen yards in length, a second line situate in Osborne Road, commencing at a point southward of and one hundred and twenty-three yards distant from the north-west corner of Osborne Avenue, and extending northward to a point seven yards westward of and distant from the south-west corner of the said Osborne Avenue:

Tramway No. 9B, three chains and six yards in length, a second line, commencing at a point northward of and seventy yards distant from the north-west corner of Fern Avenue, and terminating at a point one hundred and thirty-six yards northward therefrom:

Tramway No. 10 (a double line), one chain and eight yards in length, commencing in New Bridge Street by a junction with the already authorised line of tramway and the proposed Tramway No. 20, at a point north-westward of and forty-five yards distant from the south-west

corner of the Tanners Arms public-house, and terminating at the point where the imaginary centre lines of Register Street and New Bridge Street meet:

Tramway No. 11 (a single line), three furlongs four chains and eight yards in length, commencing by a junction with Tramway No. 10 at its termination, and passing thence eastward along the Byker Bridge, and the road now in course of formation by the Byker Bridge Company, and along Wilfred Street and Shields Road, and terminating in Shields Road by a junction with Tramway No. 12 at a point westward of and sixty yards distant from the south-west corner of Toward Street:

Tramway No. 12 (a double line), three furlongs five chains and three yards in length, and wholly in the Shields Road, commencing by a junction with Tramway No. 11 at its termination, and terminating at a point westward of and twenty-five yards distant from the north corner of the Blue Bell public-house:

Tramway No. 17 (a double line), two furlongs and four chains in length, commencing in Jesmond Road by a junction with the already authorised line of tramway, at its termination at a point southward of and six yards distant from the south-east corner of All Saints Cemetery, and terminating at a point south-eastward of and twenty-seven yards distant from the toll-house adjoining to Saint Mary's Mount:

Tramway No. 18 (a single line), two furlongs three chains and five yards in length, commencing by a junction with Tramway No. 17 at its termination, and thence passing along the new Benton Bridge and roadway, and terminating at a point south-westward of and one hundred and seventy-six yards distant from the north-west corner of Heaton Road:

Tramway No. 19 (a double line), eight chains in length, in Benton Bank, commencing by a junction with Tramway No. 18 at its termination, and thence passing along Benton Bank, and terminating in Benton Bank at a point northward of and eight yards distant from the north-west corner of Heaton Road:

Tramway No. 20 (a single line), four furlongs eight chains and five yards in length, commencing in New Bridge Street by a junction with the existing line of tramway at a point southward of and ten yards distant from the south-east corner of Northumberland Street, and passing thence parallel with the already authorised line of tramway along New Bridge Street, Ridley Villas, Regent Terrace, and Red Barns, and terminating at Red Barns at a point eastward of and twenty-three yards distant from the south-east corner of the Tanners Arms public-house.

The foregoing tramways will be situate in or pass from, through, in, or into the ollowing parishes, parochial chapelries, and townships, namely, Saint Nicholas, Saint John, Saint Andrew, All Saints, Elswick, Westgate, Jesmond, Byker, and Heaton.

The Promoters may, subject to the provisions of this Order, and in accordance with the said plans and sections, continue, maintain, and repair the

A.D. 1879.

Newcastle-upon-Tyne.

tramway now laid in continuation of Tramway No. 1A, authorised by the Newcastle-upon-Tyne Tramways and Improvement Act, 1877; (that is to say,)

A Tramway No. 21 (a single line), one furlong eight chains and fourteen yards in length, situated in the borough, in the said parochial chapelry of Saint John, in the parish of Saint Nicholas, commencing by a junction with the existing authorised line of tramway at a point opposite the east end of Marlborough Crescent, and passing thence along Scotswood Road and Neville Street to, and terminating by, a junction with the existing authorised line of tramway, at a point twenty-three yards distant from the south-west corner of the Neville Hotel.

For the protection of the North-eastern Railway Company.

7. The Promoters shall so construct and maintain the tramways numbered respectively 8, 12, and 20, in the Jesmond Road, Shields Road, and New Bridge Street respectively, where such roads and street respectively are carried by means of a bridge over the Blyth and Tyne riverside and quayside branches respectively of the North-eastern Railway as not to injuriously affect the said bridges or the approaches thereto, and in the event of any injury being occasioned to such bridges and approaches, or any part or parts thereof respectively, by the construction of such tramways on or over the same, whether such injury occur either during or after the construction of, or in maintaining such tramways, the North-eastern Railway Company may, at the expense of the Promoters, restore such bridges and approaches, or the part or parts which may be injured, to as good a state and condition as they were in 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 bridges and approaches in manner aforesaid, and in maintaining and repairing (in case of default by the Promoters) of so much of the roads over the said bridges 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 the protection of the Byker Bridge Company.

8. For the protection of the Byker Bridge Company (in this section called "the Company"), and of their bridge or viaduct, authorised by the Byker Bridge (Newcastle-upon-Tyne) Act, 1874 (in this section called "the bridge"), the following provisions shall, notwithstanding anything in this Order contained, apply and have effect:—

The Tramway No. 11 shall, unless the Company otherwise consent under their common seal, be so laid that a space not less than 15 feet 6 inches throughout shall intervene between the nearest rail of the tramway and the outside of the footpath on the south side of the said bridge.

The Promoters may construct a double line of rails or passing-places upon both or either of the approaches to the bridge, and shall construct a double line or passing-place upon one of such approaches; provided that if the Promoters construct a double line or passing-place on the eastern approach, or any part thereof, the Promoters shall pay to the Company the cost of paving a portion

of roadway, seven feet in width, of the eastern approach, for a distance co-extensive with the length of such double line or passing-place, and the Company shall provide the land for and form the said portion of roadway seven feet in width of the said approach; provided further, that if the Promoters construct a double line or passing-place on the western approach, or any part thereof, the Promoters shall, at their own expense, widen the existing approach roadway to a width of thirty feet, exclusive of footpath, for a distance co-extensive with the length of such double line or passing-place, and shall provide the requisite land for the purpose; provided lastly, that if the Promoters, in accordance with the provisions of this Order, be desirous at any time hereafter of constructing a double line or passing-place upon any part of the said bridge itself in continuation of a double line or passing-place formed upon either of the said approaches, in pursuance of the powers herein contained, they shall be at liberty to do so; provided that the Promoters shall, at their own expense, first widen the roadway of the said bridge for a distance co-extensive with the length of double line or passing-place by seven feet, exclusive of the present footpath, in such manner as shall be approved by the engineer for the time being of the Company.

The Promoters shall not, unless with the consent of the Company in writing under their common seal, make in or upon the bridge or the approaches thereto any tramway, crossing, passing-place, siding, junction, or work, except as aforesaid.

The Promoters shall not commence the construction of any work affecting any part of the bridge or approaches until they shall have submitted plans and specifications thereof to the Company, and until such plans and specifications have been approved in writing by or on behalf of the Company, and the Company may prescribe the situation in which such tramways, so far as they will be in or upon the bridge and approaches, shall be laid and maintained, and such tramways shall be made and completed in accordance with such plans and specifications as approved by the Company: Provided that if the Promoters and the Company fail to agree with respect to such plans and specifications, the same shall be submitted for approval to an engineer appointed for that purpose by the President for the time being of the Institution of Civil Engineers, or, failing him, by the Board of Trade, on the application of either party, and the plans and specifications so approved shall be deemed to be approved by the Company for the purpose of this section.

Provided also, that if the Company do not within one month from the delivery to them of such plans and specifications require any alteration thereof the Company shall be deemed to have approved the same for the purpose of this section.

If in the exercise of any of the powers conferred by this Order any damage or injury be done or be caused to the bridge, or the asphalte superstructure thereof, or to any drains, or parts thereof respectively, or if any drains, man-holes, or pipes upon the bridge or approaches be interfered with, the same shall be forthwith repaired or restored by the Promoters, and if the Promoters fail to make good any such damage, injury, or interference, the Company may execute

A.D. 1879.

Newcastle-upon-Tyne.

all works and do all things necessary for that purpose, and recover the costs thereof from the Promoters in like manner as any simple contract debt.

Nothing in this Order contained shall prejudice or affect any power of the Company for the collection and recovery of tolls under the Byker Bridge (Newcastle-upon-Tyne) Act, 1874, but the Company and the Promoters from time to time may enter into agreements for the payment of an annual or other sum of money by the Promoters to the Company by way of composition for tolls in respect of the use of the said bridge and approaches by the Promoters and may vary such agreements.

Further provisions as to construction of tramways.

9. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall before they proceed to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Order.

As to rails of tramways.

10. The rails of the tramways shall be such as the Board of Trade may approve.

Penalty for not maintaining rails and road in good condition.

11. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and road.

12. In any case in which it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough that the Promoters have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade shall certify under the hand of a Secretary or Assistant Secretary of the Board that the default mentioned in such representation has been proved

to the satisfaction of the Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

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 passing-places connecting the one tramway with the other, and by means of such passing-place or passing-places the traffic shall, when necessary, be diverted from one tramway to the other.

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

14. 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 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, by writing under his hand, addressed to the Promoters, express his objection thereto.

Temporary tramways may be made when necessary.

15. Where, by reason of the execution of any work affecting the surface of soil of any road along which any of the tramways are laid, it is, in the opinion of the Promoters, necessary or expedient temporarily to remove or discontinue the use of such tramway, or any part thereof, the Promoters may construct in the same or any adjacent road, and maintain, so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Application of road materials excavated in construction of works.

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

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

17. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed by the Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

Motive Power.

Carriages on the North Road tramways may be moved by animal, steam, or mechanical power.

18. The carriages used on the North Road tramways may, subject to the provisions of this Order, be moved by animal power, and during a period of seven years after the opening of the same for public traffic, and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a Secretary

A.D. 1879.

Newcastle-upon-Tyne.

or an Assistant Secretary of the said Board, by steam power, or any mechanical power, but the carriages used on the tramways by this Order authorised shall be moved by animal power only.

Provided always, that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the Schedule A. to this Order annexed, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may, and which they are hereby empowered to, make from time to time, as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam or any mechanical power on the North Road tramways.

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

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

Byelaws.

20. Subject to the provisions of this Order, the Board of Trade may from time to time make, and when made may rescind, annul, or add to, byelaws with regard to the North Road tramways upon which steam or any mechanical power may be used under the authority of this Order, for all or any of the following purposes; that is to say,

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

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

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

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

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

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

As to recovery of penalties.

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

Amendment of the Tramways Act, 1870 as to byelaws by local authority.

22. The provisions of the Tramways Act, 1870, relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway, shall not authorise the Corporation to make any byelaw sanctioning a higher rate of speed than that authorised by this Order or by any regulation made by the Board of Trade under the authority of this Order, at which engines and carriages are to be driven or propelled on the North Road tramways under the authority of this Order; but the Corporation may, if they think fit, make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders, byelaws.

23. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by a Secretary or an Assistant Secretary of the Board of Trade, and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order.

Traffic upon Tramways.

Traffic upon tramways.

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

Lessees not bound to carry animals, goods, &c.

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

Provisions as to carriage of animals, goods, &c.

26. In case the lessees carry animals, goods, minerals, or parcels, they may, and when required by the Corporation shall, carry the same in separate carriages or separate parts of carriages set apart for that purpose, provided that this provision shall not apply to the carriage of passengers luggage.

Heavy traffic not to be carried between eight a.m. and eight p.m.

27. Only passengers and passengers luggage not exceeding fifty-six pounds in weight, and no animals, goods, minerals, or parcels, shall be conveyed on the tramways between the hours of eight in the morning and eight in the evening, without the previous consent of the Corporation.

Corporation may use tramways for sanitary purposes.

28. The Corporation 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 stuffs, road metal, and other materials required for the works of the Corporation.

A.D. 1879.

Newcastle-upon-Tyne.

As to use of steam or mechanical power by lessees.

29. The lessees under any lease made by the Promoters shall not use steam or any mechanical power on the tramways, or any part thereof, unless they are authorised to do so by special permission in such lease; and the Promoters may, with the consent of the Board of Trade, and subject to the provisions of this Order, attach to such special permission such conditions and restrictions as they may think fit.

Tolls.

Tolls and charges.

30. 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 three miles any sum not exceeding threepence may be charged:

For all animals, goods, minerals, and parcels conveyed upon the tramways, any tolls or charges not exceeding the tolls and charges specified in the Schedule B. to this Order annexed, subject to the regulations in that behalf therein contained.

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

Passengers luggage.

31. Every passenger travelling upon the tramways may take with him his personal luggage, not exceeding twenty-eight pounds in weight, so carried as not to interfere with the space allowed for passengers, without any charge being made for the carriage thereof.

Cheap fares for labouring classes.

32. 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 artizans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the lessees nevertheless not being required to take any toll or charge less than one penny): Provided always, 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.

33. 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 entitled to demand and take such tolls and charges may by notice to be annexed to the list of tolls and charges appoint.

Periodical revision of tolls.

34. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade

by twenty inhabitant ratepayers of the borough, or by the lessees, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870; and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

Opening of Tramways to the Public.

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

35. 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 and subject to such conditions and restrictions as to motive power and otherwise as the Promoters may, subject to the provisions of this Order, 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 corporation, company, or person may use the tramways, or any part thereof, in accordance with the terms of such resolution, 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 or charges are authorised to be demanded and taken by this Order any tolls or charges not exceeding the tolls or charges by this Order authorised to be demanded and taken for such purposes.

Tolls if tramways open to be used by the public.

36. If the tramways, or any part thereof, be declared to be open to be used by the public, the Promoters may demand and take from the corporation, company, or person 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 corporation, company, or person any tolls or charges not exceeding one half of the tolls and charges by this Order authorised to be demanded and taken by such corporation, company, or person for such passenger;

For any animals, goods, minerals, and parcels conveyed in or upon the carriages of such corporation, company, or person, any tolls or charges not exceeding one half of the tolls and charges specified in the Schedule B. to this Order annexed, in respect of such animals, goods, minerals, and parcels so conveyed, subject to the regulations in that behalf therein contained;

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

A.D. 1879.

Newcastle-upon-Tyne.

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

37. Any corporation, company, or person so using the tramways, or any part thereof, declared to be 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 in or upon which any passengers, animals, goods, minerals, or parcels are conveyed by such corporation, company, or person upon the tramways, or such part thereof.

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

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

Section 36. (In default of payment of tolls, licensee's 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 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, declared to be open to be used by the public; and in construing those sections for the purposes aforesaid—

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

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

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

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

Miscellaneous.

Promoters not to be liable for any damage from mining operations.

39. The Promoters or their lessees shall not be liable for any accident, damages, or injury arising from or consequent on the working of any mines or minerals under or in the neighbourhood of the tramways.

Power to enter into agreements with respect to traffic, &c.

40. Any lessees or licensees on the one hand, and any corporation, company, 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 corporation, company, or person any passengers, animals, goods, minerals, or parcels, and the fixing, collecting, and apportionment of tolls, charges, rents, or other receipts arising from the tramways, upon such terms and conditions as may be agreed upon between such lessee or licensee and such corporation, company, or person, subject, nevertheless, to the control and supervision of the Promoters.

Provisions as to arbitration.

41. Where under the provisions of the Tramways Act, 1870, and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the 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.

42. 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 at the Town Hall in the borough, 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, or to the town clerk at the Town Hall.

The Corporation may borrow 50,000*l.* to be repaid in 30 years.

43. The Corporation may, under and according to the provisions contained in section twenty of the Tramways Act, 1870, borrow for the purpose of this Order, in addition to any sum or sums of money they are already authorised to borrow, any sum or sums of money not exceeding fifty thousand pounds, on the security of any rates which they are or may be empowered to levy, or over which they may have control, and the time for which such sum of fifty thousand pounds may be borrowed shall be thirty years; and for the purpose of such borrowing the Corporation may include in any mortgage of such rates as aforesaid the moneys coming to them out of the rents reserved under any lease made under the authority of this Order, and the tolls, charges, and sums authorised to be taken or received by them under the provisions of this Order.

Saving for general Acts.

44. Notwithstanding anything in this Order contained, the Promoters and any corporation, company, or person using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, or to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power by any such general Act as aforesaid.

SCHEDULE A.

Break power of engines.

Every engine used on the North Road tramways shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled

A.D. 1879.

Newcastle-upon-Tyne.

by such engine to a stand, as the Board of Trade may from time to time think sufficient.

As to fittings of engines, &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

As to carriages.

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

Inspection of engines and carriages.

The Board of Trade shall, on the application of the Corporation, and may, on complaint made by any person, from time to time inspect any engine or carriage used on the said tramways and the machinery therein, and may whenever they think fit prohibit the use on the said tramways of any such engine or carriage which in their opinion may not be safe for use on the tramways.

As to speed.

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

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

SCHEDULE B.

Tolls and Charges for Animals, Goods, &c.

Animals.

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

Goods and Minerals.

For all coal, culm, cannel, limestone, chalk, lime, slate, clay, iron-stone, undressed or scrubbed stones for building, pitching, and paving, slag, stone, salt, sand, cinders, and all undressed materials for the repair of public roads, per ton per mile -		0	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				

	£	s.	d.
railway chairs), tiles, bricks, coke, charcoal, dung, manure, and compost, per ton per mile - - - - -	0	0	4
For all timber or wood, per ton per mile - - - -	0	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 per mile - - -	0	0	5
For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile - - - - - - -	0	0	6
For every carriage of whatever description, per mile - -	0	1	0

Small Parcels.

	Any distance.		
For any parcel not exceeding in weight seven pounds - -	0	0	3
For any parcel exceeding seven and not exceeding fourteen pounds in weight - - - - - - -	0	0	5
For any parcel exceeding fourteen and not exceeding twenty-eight pounds in weight - - - - - -	0	0	7
For any parcel exceeding twenty-eight but not exceeding fifty-six pounds in weight - - - - -	0	0	9
For any parcel exceeding fifty-six but not exceeding five hundred pounds in weight, the person conveying the same under the provisions of this Order may demand and take any sum he thinks proper.			

Regulations as to Tolls.

In respect of tolls and charges for animals, merchandise, goods, and minerals conveyed upon the tramways for any less distance than three miles, tolls and charges as for three miles may be demanded and taken.

For a fraction of a mile beyond three miles, or beyond any greater number of miles, tolls and charges may be demanded and taken for animals, merchandise, 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 tolls and charges may be demanded and taken 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 terms shall apply only to single parcels in separate packages.

A.D. 1879.

Newcastle-upon-Tyne.

For the carriage of 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, the Promoters may demand such sum per ton not exceeding three shillings as they may think fit.

For the carriage of any boiler, cylinder, or 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 may think fit.

North London Suburban.

NORTH LONDON SUBURBAN TRAMWAYS.

Order authorising the construction of Tramways from Stamford Hill in the county of Middlesex to Cheshunt in the county of Hertford.

Short title.

1. This Order may be cited as "The North London Suburban Tramways Order, 1879."

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the Promoters of the undertaking), and of the Tramways Act, 1870, are hereby incorporated with this Order, except where the same are 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. The North London Suburban Tramways Company, Limited, shall be the Promoters for the purpose of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may by agreement from time to time purchase and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold more for such purposes than five acres of land.

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:

Provided that nothing in this Order shall take away or abridge any power to open or break up any road along or across which any tramway is laid, or any other power vested in any local authority or road authority, either by such local authority or road authority or their agents, contractors, or nominees.

The tramways authorised by this Order are:—

Tramway No. 1, a single line, eleven chains ninety links in length, commencing in Stamford Hill by a junction with the existing tramways of the North Metropolitan Tramways Company, at the termination thereof on Stamford Hill, and terminating opposite the stone denoting the boundary of the parish of St. John at Hackney.

Tramway No. 1A, a passing-place, four chains in length, wholly situate in Stamford Hill, commencing at a distance of about one chain from the commencement of Tramway No. 1, and terminating by a junction with the same tramway about one chain southward of Ravensdale Road.

Tramway No. 2, a single line, two miles two furlongs four chains and fifty links in length, commencing by a junction with Tramway No. 1 at its termination, and terminating in Upper Fore Street at a point about two chains northward from the junction of that street with Park Road.

Tramway No. 2A, a passing-place, two-and-a-half chains in length, wholly situate in the High Road, commencing by a junction with Tramway No. 2, about half-a-chain northward of St. Anne's Road, and terminating by a junction with Tramway No. 2 at a point about two chains south of Sherborne Road.

Tramway No. 2B, a passing-place, two-and-a-half chains in length, wholly situate in the High Road, commencing and terminating by junctions with Tramway No. 2 at points respectively about seven-and-a-half chains and five chains south of Seven Sisters Road.

Tramway No. 2C, a passing-place, two-and-a-half chains in length, wholly situate in High Street, Tottenham, commencing by a junction with Tramway No. 2, at a point about two-and-a-half chains southward of the southern extremity of the Green, and terminating opposite the said end of the Green.

Tramway No. 2D, a passing-place, two-and-a-half chains in length, wholly situate in High Street, Tottenham, commencing and terminating by junctions with Tramway No. 2, at points respectively half-a-chain and three chains northwards of Somerset Road.

Tramway No. 2E, a passing-place, four chains in length, wholly situate in High Road, Tottenham, commencing and terminating by junctions with Tramway No. 2, at points respectively one chain south and three-and-a-half chains north of Bruce Grove.

Tramway No. 2F, a passing-place, two-and-a-half chains in length, wholly situate in High Road, Tottenham, commencing and terminating by junctions with Tramway No. 2, at points respectively one chain south and one-and-a-half chains north of Lansdowne Road.

A.D. 1879.

North London Suburban.

Tramway No 2G, a passing-place, two-and-a-half chains in length, wholly situate in High Road, Tottenham, commencing and terminating by junctions with Tramway No. 2, at points respectively about one chain south and one-and-a-half chains north of Church Road.

Tramway No. 2H, a passing-place, two-and-a-half chains in length, wholly situate in High Road, Tottenham, commencing by a junction with Tramway No. 2 opposite Northumberland Park Road, and terminating by a junction with Tramway No. 2 about two-and-a-half chains north of that road.

Tramway No. 3, a single line, two miles three furlongs ten links in length, commencing by a junction with Tramway No. 2 at its termination, and thence passing through Upper Fore Street, Lower Fore Street, New Road, and Hertford Road, and terminating in the last-mentioned road at or near the public-house called the "Boundary House."

Tramway No. 3A, a passing-place, two-and-a-half chains in length, wholly situate in Upper Fore Street, commencing by a junction with Tramway No. 3 at a point about two-and-a-half chains south of Grove Street, and terminating by a junction with the same tramway opposite Grove Street.

Tramway No. 3B, a passing-place, two-and-a-half chains in length, wholly situate in Upper Fore Street, commencing and terminating by junctions with Tramway No. 3 at points respectively half-a-chain south and two chains north of Silver Street.

Tramway No. 3C, a passing-place, two-and-a-half chains in length, wholly situate in Lower Fore Street, commencing and terminating by junctions with Tramway No. 3 at points respectively five chains and two-and-a-half chains south of Sebastopol Road.

Tramway No. 3D, a passing-place, two-and-a-half chains in length, wholly situate in Lower Fore Street and New Road, commencing and terminating by junctions with Tramway No. 3 at points respectively six chains and eight-and-a-half chains north of Plevna Road.

Tramway No. 3E, a passing-place, two-and-a-half chains in length, wholly situate in the Hertford Road, commencing and terminating by junctions with Tramway No. 3 at points respectively nine chains and eleven-and-a-half chains north of Bouncies Lane.

Tramway No. 3F, a passing-place, two-and-a-half chains in length, wholly situate in the Hertford Road, commencing and terminating by junctions with Tramway No. 3 at points respectively six chains and eight-and-a-half chains north of the northern end of the "Cock" public-house.

Tramway No. 3G, a passing-place, two-and-a-half chains in length, wholly situate in the Hertford Road, commencing and terminating by junctions with Tramway No. 3 at points respectively two chains and four-and-a-half chains north of the road passing the house known as Causeyware Hall, and leading to Cuckoo Hall Farm.

Tramway No. 4, a single line, three miles four chains five links in length, commencing by a junction with Tramway No. 3 at its termination, and terminating at the imaginary line dividing the parishes of Enfield and Cheshunt, at or near the house known as Boundary House.

Tramway No. 4A, a passing-place, two-and-a-half chains in length, wholly situate in High Street, Ponders End, commencing and terminating by junctions with Tramway No. 4 at points respectively about ten-and-a-half chains and thirteen chains north of the commencement of Tramway No. 4.

Tramway No. 4B, a passing-place, two-and-a-half chains in length, wholly situate in High Street, Ponders End, commencing and terminating by junctions with Tramway No. 4 at points respectively ten chains and twelve-and-a-half chains north of South Street.

Tramway No. 4C, a passing-place, two-and-a-half chains in length, wholly situate in High Street, Ponders End, commencing and terminating by junctions with Tramway No. 4 at points respectively six-and-a-half chains and nine chains north of Nag's Head Lane.

Tramway No. 4D, a passing-place, two-and-a-half chains in length, wholly situate in Enfield Highway, commencing and terminating by junctions with Tramway No. 4 at points respectively two chains and four-and-a-half chains north of the milestone in that road denoting nine miles from London.

Tramway No. 4E, a passing-place, two chains in length, wholly situate in Enfield Highway, commencing by a junction with Tramway No. 4 at a point two chains south of Green Street, and terminating by a junction with Tramway No. 4 opposite that street.

Tramway No. 4F, a passing-place, two-and-a-half chains in length, wholly situate in Enfield Highway, commencing by a junction with Tramway No. 4 opposite Saint James's Terrace, and terminating by a junction with the same tramway two-and-a-half chains north of that terrace.

Tramway No. 4G, a passing-place, two-and-a-half chains in length, wholly situate in Enfield Highway, commencing and terminating by junctions with Tramway No. 4 at points respectively half-a-chain and three chains north of Jasper Road.

Tramway No. 4H, a passing-place, two-and-a-half chains in length, wholly situate in Enfield Wash, commencing and terminating by junctions with Tramway No. 4 at points respectively fifteen chains and twelve-and-a-half chains south of Ordnance Road.

Tramway No. 4I, a passing-place, two-and-a-half chains in length, wholly situate in Enfield Wash, commencing and terminating by junctions with Tramway No. 4 at points respectively six-and-a-half chains and nine chains north of Ordnance Road.

Tramway No. 4J, a passing-place, two-and a-half chains in length, wholly situate in Freezywater, commencing and terminating by junctions with Tramway No. 4 at points respectively seventeen chains and fourteen-and-a-half chains south of Painter's Lane.

A.D. 1879.

North London Suburban.

Tramway No. 4K, a passing-place, two-and-a-half chains in length, wholly situate in Freezywater, commencing and terminating by junctions with Tramway No. 4 at points respectively five chains and seven-and-a-half chains north of Painter's Lane.

Tramway No. 5, a single line, one mile three furlongs two chains seventy-five links in length, commencing by a junction with Tramway No. 4 at its termination, and terminating at the junction of Windmill Street with Turner's Hill.

Tramway No. 5A, a passing-place, two chains in length, wholly situate in Waltham Cross, commencing and terminating by junctions with Tramway No. 5 at points respectively fourteen-and-a-half chains and sixteen-and-a-half chains north of the commencement of Tramway No. 5.

Tramway No. 5B, a passing-place, two-and-a-half chains in length, wholly situate in Waltham Cross, commencing by a junction with Tramway No. 5 opposite Eleanor Road, and terminating by a junction with the same tramway two-and-a-half chains north of that road.

Tramway No. 5C, a passing-place, two-and-a-half chains in length, wholly situate in Crossbrook Street, commencing and terminating by junctions with Tramway No. 5 at points respectively one chain and three-and-a-half chains north of Theobald's Lane.

Tramway No. 5D, a passing-place, two-and-a-half chains in length, wholly situate in Turner's Hill, commencing by a junction with Tramway No. 5 at a point about half-a-chain south of the road known as Russell's Ride, and terminating about two chains north of that road.

Tramway No. 5E, a passing-place, two chains in length, wholly situate in Turner's Hill, commencing and terminating by junctions with Tramway No. 5 at points respectively six chains and four chains south of Windmill Street.

Which said tramways will pass from, through, or into, or be situate in the parishes of St. John at Hackney, Tottenham, Edmonton, and Enfield in the county of Middlesex, and Cheshunt in the county of Hertford.

Further provisions as to construction of tramways.

7. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act:

Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Order.

Promoters to submit plans, &c. to county surveyor.

8. Before laying any of the tramways over any bridge or roadway repairable by the justices of the peace for the county of Middlesex the Promoters shall submit plans and specifications of the works necessary for the same to the surveyor of county bridges for the said county for his approval, and in the event of his not approving the same within one calendar month after the plans and specifications have been delivered to him, then the tramways shall be laid down over such bridge or roadway according to plans and specifications to be approved by an engineer to be appointed by the Board of Trade on the application of either party, and the laying down of the tramways over such bridge or roadway shall be commenced, carried on, and completed under the superintendence and to the reasonable satisfaction of the said surveyor, the costs of such superintendence to be defrayed by the Promoters.

If damage done to bridges Promoters to pay.

9. If any damage be occasioned to any bridge or roadway repairable by the justices of the peace for the county of Middlesex, or the county of Hertford, or any of the fences, walls, buttresses, retaining walls, or supports thereof, by any car, carriage, or other vehicle of the Promoters, or by the repairing or relaying of the rails, the Promoters shall, at their own expense, repair or make good any such damage under the superintendence and to the reasonable satisfaction of the respective surveyors of county bridges for the said county, or counties, the costs of such superintendence to be paid by the Promoters.

As to repair of roadway over certain bridges.

10. The Promoters shall, at their own expense, repair and at all times keep in good condition the whole of the fabric, walls, fences, roadway over, and the approaches for a distance of one hundred yards on each side of the two bridges known as the Angel and Enfield bridges in the county of Middlesex.

Mode of formation of tramways.

11. The rails of the tramways shall be such as the Board of Trade may approve; and the Board of Trade may from time to time, upon the application of the road authority, require the Promoters to adopt and apply such improvements in the tramway, 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.

Construction of tramways in the parish of Edmonton.

12. The Promoters shall, in constructing the tramways in the parish of Edmonton, use such materials and such mode of construction as well for the foundation as for the surface of the road as the Edmonton Local Board of Health require, and shall construct, complete, and maintain the same.

Penalty for not maintaining rails and road in good condition.

13. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of

A.D. 1879.

North London Suburban.

section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and road.

14. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade shall certify under the hand of a Secretary or Assistant Secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

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

15. 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 passing-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.

16. 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 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.

17. 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, carriage-houses, sheds, or works of the Promoters, subject to the previous approval of the road authority, to be signified in writing under their seal: 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, by writing under his hand addressed to the Promoters, express his objection thereto.

Temporary tramways may be made when necessary.

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

the opinion of the road authority, necessary or expedient temporarily to remove or discontinue the use of such tramway, or any part thereof, the Promoters may, subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make, construct in the same or any adjacent road, and, with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain, so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of 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.

19. 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 such road, and the maintenance, for six months after completion of any of the tramways within the district of such road authority, of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided, that if within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus 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.

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

20. No part of the tramway shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed by the Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

Traffic upon Tramways.

Traffic upon tramways.

21. The tramways may be used for the purpose of conveying passengers and parcels.

A.D. 1879

North London Suburban.

Tolls.

Tolls.

22. 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 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.

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; 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.

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 two carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Promoters think most convenient for artizans, 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 parcels.

25. The Promoters may demand and take in respect of any parcels conveyed by them on the tramways, including the tolls and charges for the use of the tramways, and for waggons or trucks, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding the tolls and charges specified in the Schedule to this Order annexed.

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.

Periodical revision of tolls.

27. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, or by the Promoters, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways

should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870; and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

Miscellaneous.

Provisions as to arbitration.

28. Where under the provisions of the Tramways Act, 1870, and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply in every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and delivery of notices.

29. 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.

30. The Promoters and any local or road authority may, subject to the provisions of this Order, from time to time enter into any contracts and agreements with respect to the laying down, maintaining, renewing, repairing, working, and using of the tramways situated within the district of such local or road authority, and the rails, plates, sleepers, and works connected therewith, and the facilitating the passage of the traffic over and along the same.

Power to enter into traffic arrangements with the North Metropolitan Tramways Company.

31. 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, and rescind contracts, agreements, and arrangements with the North Metropolitan Tramways Company (herein-after referred to as "the Company") with respect to the following purposes, or any of them; (that is to say,)

The working, use, maintenance, and management by the Promoters and the Company, or either of them, of their respective tramways and works, or any part or parts thereof respectively;

The providing and maintenance of rolling and working stock necessary for such working;

A.D. 1879.

North London Suburban.

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

The management, interchange, transmission, collection, and delivery of traffic upon or 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, or any part or parts thereof.

Power to hold patents.

32. The Promoters may, subject to the provisions of this Order (but only for the purposes of the undertaking and not so as to acquire any exclusive right therein), acquire, hold, and use any patent or other rights and any licenses to use patent rights in relation to any apparatus, material, or motive power used on or in connexion with tramways.

Saving for general Acts.

33. Notwithstanding anything in this Order contained, the Promoters and any persons using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls and charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

SCHEDULE.

LIST OF TOLLS FOR 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.		

A.D. 1879.

Oxford.

OXFORD TRAMWAYS.

Order authorising the construction of Tramways in the city of Oxford and in the suburbs thereof.

Short title.

1. This Order may be cited as "The Oxford Tramways Order, 1879."

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the Promoters of the undertaking), and of the Tramways Act, 1870, are hereby incorporated with this Order, except where the same are 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 term "person" shall include any corporation.

Promoters.

The Promoters.

4. John Gilbert Meiggs and George Earl Church, and the survivor of them, and the executors or administrators of such survivor, their or his assigns, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may, by agreement, from time to time purchase and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold for such purposes more than five acres of land.

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 amended plans and sections deposited at the office of the Board of Trade 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 Nos. 1 to 1J inclusive, forming a tramway route one mile six furlongs and thirty links in length, and consisting of seven furlongs three chains and seventy links of double line, and six furlongs six chains and sixty links of single line. These tramways are particularised as follows:

Tramway No. 1.—A single line one mile six furlongs and thirty links in length, partly in the parishes of St. Thomas, St. Peter le Bailey, St. Martin, All Saints, St. Mary the Virgin, St. Peter in the East, and St. Clement, in the city of Oxford, and partly in the parish of Cowley, in the county of Oxford, commencing at a point on the Botley Road opposite the junction

A.D. 1879.

Oxford.

of the approach road to the Great Western Railway Station with the said Botley Road, in the said parish of St. Thomas, passing along Botley Road, Parkend Street, Pacey's Bridge, New Road, Queen Street, Carfax, High Street, Magdalen Bridge, The Plain, and Cowley Road, and terminating at a point on the said Cowley Road at or near the junction with the said Cowley Road of the footpath called "Divinity Walk," where the limits of the Local Board of Health cross the said Cowley Road:

Tramway No. 1A.—A single or second line four chains and thirty-five links in length, wholly in the said parish of St. Thomas, commencing in Botley Road by a junction with Tramway No. 1, fifteen yards from its starting point, and terminating four chains and thirty-five links easterly from its commencement by a junction with Tramway No. 1:

Tramway No. 1B.—A single or second line eight chains and fifteen links in length, wholly in the said parish of St. Thomas, commencing in Park End Street by a junction with Tramway No. 1, forty-six yards west of the centre of Pacey's Bridge, and terminating eight chains and fifteen links easterly from its commencement by a junction with Tramway No. 1:

Tramway No. 1C.—A single or second line two chains and thirty links in length, wholly in the said parish of St. Peter le Bailey, commencing in the New Road by a junction with Tramway No. 1, twenty-six yards west of Castle Street, and terminating two chains and thirty links easterly from its commencement by a junction with Tramway No. 1:

Tramway No. 1D.—A second or single line five furlongs two chains in length, in the said parishes of All Saints, St. Mary the Virgin, St. Peter in the East, and St. Clement, commencing in High Street by a junction with Tramway No. 1, forty-five yards east of the centre of Carfax, and terminating five furlongs two chains easterly from commencement by a junction with Tramway No. 1:

Tramway No. 1H.—A single or second line two chains and thirty links in length, wholly in the said parish of St. Clement, commencing on the Cowley Road by a junction with Tramway No. 1, twenty yards east of William Street, and terminating two chains and thirty links easterly from its commencement by a junction with Tramway No. 1:

Tramway No. 1I.—A single or second line two chains and thirty links in length, wholly in the said parish of Cowley, commencing on the Cowley Road by a junction with Tramway No. 1 opposite to the east side of James Street, and terminating two chains and thirty links easterly from its commencement by a junction with Tramway No. 1:

Tramway No. 1J.—A single or second line two chains and thirty links in length, wholly in the said parish of Cowley, commencing on the Cowley Road by a junction with Tramway No. 1 opposite East Avenue, and terminating two chains and thirty links easterly from its commencement by a junction with Tramway No. 1.

Tramways Nos. 2 and 2A inclusive, forming a tramway route one furlong thirty links in length, and consisting of four chains of double line, and six

chains and thirty links of single line. These tramways are particularised as follows:

Tramway No. 2.—A single line one furlong and thirty links in length, wholly in the parish of Iffley, in the county of Oxford, commencing at Divinity Walk aforesaid by a junction with Tramway No. 1, passing along the Cowley Road, and terminating at a point opposite the Magdalen Road:

Tramway No. 2A.—A single or second line four chains in length, wholly in the said parish of Iffley, commencing on the Cowley Road by a junction with Tramway No. 2, seventy-two yards east of Leopold Street, and terminating four chains easterly from its commencement by a junction with Tramway No. 2:

Tramway No. 3.—A single line nine chains in length, partly in the said parish of Iffley, and partly in the said parish of Cowley, commencing on the Cowley Road by a junction with Tramway No. 2, ten yards east of Leopold Street, passing along Leopold Street, and terminating nine chains from its commencement:

Tramway No. 4.—A single line, five chains and fifty links in length, wholly in the said parish of Cowley, commencing on the Cowley Road by a junction with Tramway No. 1, ten yards east of Randolph Street, passing along Randolph Street, and terminating five chains and fifty links from its commencement.

Tramways Nos. 5 to 5H inclusive, forming a tramway route one mile one furlong one chain and eighty links in length, and consisting of two furlongs and ten links of double line, and seven furlongs one chain and seventy links of single line. These tramways are particularised as follows:

Tramway No. 5.—A single line, one mile one furlong one chain and eighty links in length, partly in the parishes of St. Aldate, St. Martin, St. Michael, St. Mary Magdalen, and St. Giles, all in the city of Oxford, partly in the parish of St. Giles, in the county of Oxford, commencing in St. Aldate's Street, seventy-five yards south of the centre of Carfax, passing along St. Aldate's Street, Carfax, Cornmarket Street, Magdalen Street, St. Giles's Street, St. Giles's Road East, and Banbury Road, and terminating at the junction of the last-named road with Rackham's Lane:

Tramway No. 5A.—A second or single line one chain and thirty links in length, partly in the said parish of St. Aldate and partly in the said parish of St. Martin, commencing in St. Aldate's Street by a junction with Tramway No. 5, thirty-three yards north of Blue Boar Lane, and terminating one chain and thirty links northerly from its commencement by a junction with Tramway No. 5:

Tramway No. 5B.—A second or single line two chains and thirty links in length, wholly in the said parish of St. Michael, commencing in Cornmarket Street by a junction with Tramway No. 5, ten yards north of Market Street, and terminating two chains and thirty links northerly from its commencement by a junction with Tramway No. 5:

Tramway No. 5C.—A second or single line five chains in length, wholly in the said parish of St. Mary Magdalen, commencing in Magdalen Street by

A.D. 1879.

Oxford.

a junction with Tramway No. 5, seventy-nine yards north of George Street, and terminating five chains northerly from its commencement by a junction with Tramway No. 5:

Tramway No. 5D.—A second or single line two chains and thirty links in length, wholly in the said parish of St. Giles, commencing in St. Giles's Street by a junction with Tramway No. 5, opposite Alfred Street, and terminating two chains and thirty links northerly from its commencement by a junction with Tramway No. 5:

Tramway No. 5E.—A second or single line two chains and thirty links in length, wholly in the said parish of St. Giles, commencing on the St. Giles's Road East by a junction with Tramway No. 5, twenty-three yards south of Keble Road, and terminating two chains and thirty links northerly from its commencement by a junction with Tramway No. 5:

Tramway No. 5F.—A second or single line two chains and thirty links in length, wholly in the said parish of St. Giles, commencing on St. Giles's Road East by a junction with Tramway No. 5, fifty-five yards south of the north end of the Park Nursery Gardens, and terminating two chains and thirty links northerly from its commencement by a junction with Tramway No. 5:

Tramway No. 5G.—A second or single line two chains and thirty links in length, wholly in the said parish of St. Giles, commencing on the Banbury Road by a junction with Tramway No. 5, twenty yards north of Bevington Road, and terminating two chains and thirty links northerly from its commencement by a junction with Tramway No. 5:

Tramway No. 5H.—A second or single line two chains and thirty links in length, wholly in the said parish of St. Giles, commencing on the Banbury Road by a junction with Tramway No. 5, ten yards north of Canterbury Road, and terminating two chains and thirty links northerly from its commencement by a junction with Tramway No. 5.

Tramways Nos. 6 to 6E inclusive, forming a tramway route six furlongs two chains and twenty-five links in length, and consisting of one furlong one chain fifty links of double line, and five furlongs and seventy-five links of single line. These tramways are particularised as follows:

Tramway No. 6.—A single line six furlongs two chains and twenty-five links in length, wholly in the said parish of St. Giles, commencing by a junction with Tramway No. 5 at its termination opposite Rackham's Lane, passing along Banbury Road, and terminating ten yards south of the junction of South Parade, Summertown, with the said Banbury Road:

Tramway No. 6A.—A second or single line two chains and thirty links in length, wholly in the said parish of St. Giles, commencing on the Banbury Road by a junction with Tramway No. 6, eight yards north of Rackham's Lane, and terminating two chains and thirty links northerly from its commencement by a junction with Tramway No. 6:

Tramway No. 6B.—A second or single line two chains and thirty links in length, wholly in the said parish of St. Giles, commencing on the Banbury Road by a junction with Tramway No. 6, two hundred and twenty yards

north of Rackham's Lane, and terminating two chains and thirty links northerly from its commencement by a junction with Tramway No. 6:

Tramway No. 6C.—A second or single line two chains and thirty links in length, wholly in the said parish of St. Giles, commencing on the Banbury Road by a junction with Tramway No. 6, two hundred and twenty yards south of the lane leading to Marston Ferry, and terminating two chains and thirty links northerly from its commencement by a junction with Tramway No. 6:

Tramway No. 6D.—A second or single line two chains and thirty links in length, wholly in the said parish of St. Giles, commencing on the Banbury Road by a junction with Tramway No. 6, one hundred and sixty-seven yards north of the lane leading to Marston Ferry, and terminating two chains and thirty links northerly from its commencement by a junction with Tramway No. 6:

Tramway No. 6E.—A second or single line two chains and thirty links in length, wholly in the said parish of St. Giles, commencing on the Banbury Road by a junction with Tramway No. 6, opposite Diamond Street, Summertown, aforesaid, and terminating two chains and thirty links northerly from its commencement by a junction with Tramway No. 6:

Tramway No. 8.—A single line ninety links in length, wholly in the said parish of St. Martin, commencing by a junction in Queen Street with Tramway No. 1, sixteen yards west of the centre of Carfax, and terminating by a junction with Tramway No. 5 in St. Aldate's Street, sixteen yards south from the centre of Carfax:

Tramway No. 9.—A single line ninety links in length, wholly in the said parish of St. Martin, commencing by a junction in St. Aldate's Street with Tramway No. 5, twelve yards south of the centre of Carfax, and terminating by a junction with Tramway No. 1 in High Street, eleven yards east of the centre of Carfax.

The portion of Tramway No. 5 running through Magdalen Street, and Tramway No. 5C, shall be laid as near as possible to the east side of that street; and Tramway No. 1A, and so much of Tramway No. 1 as is conterminous with the same, shall be laid as near as possible to the south side of the street there; and Tramway No. 1C, and so much of Tramway No. 1 as is conterminous with the same, shall be laid as near as possible to the north side of the street: Provided that in each case it be not less than nine feet six inches from the outside of the footpath.

All the said lines will (except at the passing-places or second lines aforesaid, and over Pacey's Bridge, and from Carfax eastward over Magdalen Bridge to Cowley Road, in all of which places a double line of rails will be laid) consist of a single pair of rails. Wherever a double line of rails is laid the distance between the lines shall not exceed four feet.

Gauge of tramways.

7. The tramways shall be constructed on a gauge of four feet or such other gauge as the Board of Trade may approve: Provided always, that so much of section thirty-four of the Tramways Act, 1870, as limits the extent of the

A.D. 1879.

Oxford.

carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways.

Mode of formation of tramways.

8. The rails of the tramways shall be laid either on four and a half inches of cement concrete or on six inches of blue lias lime concrete, and the road between the rails and eighteen inches on each side shall be pitched with granite to the satisfaction of the road authority, and in accordance with a plan already agreed on, signed by the chairman of the local board for the district of Oxford, and marked A, and the solicitor of the Promoters, and deposited at the office of the Board of Trade, except the portion of the roadway opposite St. Martin's, All Saints', and St. Mary's churches and the University Schools in High Street, where the roadway between the rails shall, if required by the road authority, be laid with wood or other silent material.

The Promoters shall, at their own cost, take up and relay with the present granite cubes on four and a half inches of cement concrete that part of the roadway at Carfax which is shown on the plan marked B, signed by the chairman of the local board for the district of Oxford, and the solicitor of the Promoters, and deposited at the office of the Board of Trade, and tinted light grey on the said plan, and shall further lay in like manner with new granite cubes on concrete the parts in the said plan tinted dark grey, now macadamized, for which purpose new granite cubes will be required, and shall further lay in like manner as for the tramways generally, and maintain in perpetuity, the pitching of the parts of the roadway shaded with dark grey lines on the said plan. The Promoters shall further set back to the red dotted lines the pavements shown on the south-east and south-west sides of the said plan marked B, and lay in like manner as herein-before provided with granite cubes the parts coloured red on the said plan, and for that purpose the Promoters shall be at liberty to use as much as is necessary of the present granite cubes removed as above, provided that all surplus cubes taken up as herein-before provided shall remain the property of the road authority.

The works by this Order authorised shall be commenced at the extremities of the lines, and continued inwards towards the centre of the city.

Further provisions as to construction of tramways.

9. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act: Provided always, that the word "materials" in this enactment does

not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Order.

As to rails of tramways.

10. The rails of the tramways shall be such as the Board of Trade may approve: Provided that the Board of Trade may from time to time, upon the application of the road authority, require the Promoters to adopt and apply such improvements in the tramway, 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.

Alteration of private cellars, vaults, &c.

11. If in constructing any of the tramways it is necessary to alter or reconstruct any vault, cellar, archway, or culvert under any road, or to execute any work for properly maintaining the same, the Promoters shall at their own expense execute all such work to the reasonable satisfaction of the owners of such vaults, cellars, arches, and culverts respectively, and shall save harmless and indemnify the road authority and all other bodies and persons from all claims for damage or injury, or otherwise, in respect of any such alteration or reconstruction of any such vault, cellar, archway, or culvert.

Removal of man-holes and ventilators.

12. The road authority may remove, at the sole cost in all respects of the Promoters, any man-hole, ventilator, or other communication with any sewer which is situate under that part of any road which the Promoters are by section twenty-eight of the Tramways Act, 1870, or this Order required to maintain and repair, and may, at the like costs, reconstruct and relay any such man-hole, ventilator, and other communication respectively in other parts of the said road.

Repair of Pacey's Bridge, Magdalen Bridge, and other roads.

13. The Promoters shall lay with granite upon four and a half inches of cement concrete, to the satisfaction of the road authority, the roadway over Pacey's Bridge and the approaches thereto throughout its whole width for a total length of ninety yards, and also in like manner the whole of the roadway over Magdalen Bridge for a length of one hundred and fifty yards if the tramways shall be constructed before the bridge is widened, and the provisions of section twenty-eight of the Tramways Act, 1870, with reference to the repairs by the Promoters of certain parts of the road along which tramways are laid, shall extend and apply to the whole of the roadway so laid; and if the road authority shall deem it necessary to lay with granite the sides of Park End Street and Cornmarket Street, where there is a less distance than nine feet six inches from the nearest rail to the footpath, the Promoters shall bear one third of the costs of such work.

Penalty for not maintaining rails and road in good condition.

14. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not

A.D. 1879.

Oxford.

exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues; and such penalty may be recovered as by section fifty-six of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and road.

15. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade shall certify under the hand of a Secretary or Assistant Secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

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

16. 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.

17. The Promoters may, with the previous 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-houses, 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, 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, junctions, 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.

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

19. 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 shall be and remain the property of the road authority, and the Promoters shall allow the same to be removed, and the same shall be removed by the road authority, or by such person or persons as they may appoint.

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

20. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed by the Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

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

21. 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 or interruption of traffic which may arise from any works executed or to be executed by the road authority, or from the use of any implements or materials used in the maintenance thereof, or by reason of any accident which may happen to any bridge or road under the control of the road authority, except where such damage or interruption of traffic results from wilful negligence or improper conduct in the execution of such works or in the use of such implements and materials.

As to cleansing of tramway.

22. The road authority of every road in which any tramway is laid may cleanse the same without reference to the tramways, but whatever cleansing, owing to snow or other matters impeding the traffic, is requisite for the proper working the tramways shall be executed by and at the risk of the Promoters, who shall remove the snow or other matter from off the road forthwith, and not place it on any other part of the road.

A.D. 1879.

Oxford.

Traffic upon Tramways.

Traffic upon tramways.

23. The tramways may be used for the purpose of conveying passengers, animals, goods, minerals, and parcels: Provided that the Promoters shall not convey or permit to be conveyed upon any part of the tramways any animals, minerals, or goods (except small parcels or passengers luggage) without the previous consent in writing of the road authority.

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

24. 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.

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

25. In case the Promoters, with the consent in writing of the road authority, carry animals, goods, minerals, or parcels, they may, and when required by the road authority shall, carry the same in separate carriages or separate parts of carriages set apart for that purpose, provided that this provision shall not apply to the carriage of passengers luggage.

Carriages unfit for use.

26. No carriage shall be used by the Promoters upon the tramways if such carriage has been certified by an officer appointed for that purpose by the road authority to be unfit for use.

Tolls.

Tolls.

27. The Promoters may demand and take for every passenger travelling upon any of the tramways, or any part thereof, including tolls or charges 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 twopence for any distance not exceeding one mile, and threepence for any distance over one mile.

Passengers luggage.

28. Every passenger travelling upon the tramway may take with him his personal luggage, not exceeding twenty-eight pounds in weight, without any charge being made for the carriage thereof; all such personal luggage to be carried 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.

29. The Promoters, 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 five in the evening respectively, as the Promoters, with the approval of the road authority, think most convenient for artizans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile, the Promoters nevertheless not being required to take any toll or charge less than one penny: Provided that, in case of any dispute between the Promoters and the road authority, or of any complaint made to the Board of Trade, as to 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.

30. 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 and charges for the use of the tramways, and of waggons or trucks, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding the tolls and charges specified in the Schedule to this Order annexed, subject to the regulations in that behalf therein contained.

Tolls for animals, goods, &c.

31. 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 and charges appoint.

Payment of tolls.

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

Periodical revision of tolls.

Miscellaneous.

33. The Promoters shall pay all costs, charges, and expenses incurred by the local board for the district of Oxford in relation to this Order.

Costs of Oxford Local Board.

34. 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.

Provisions as to arbitration.

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

Form and delivery of notices.

(1.) Every notice 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:

A.D. 1879.

Oxford.

(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 agreements with respect to traffic, &c.

36. The Promoters or any person using the tramways under the authority of this Order on the one hand, and any other 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 other person, any passengers, animals, goods, minerals, or parcels, and the fixing, collecting, and apportionment of tolls, charges, rents, or other receipts arising in respect of such traffic.

Saving for general Acts.

37. Notwithstanding anything contained in this Order, the Promoters and any person using any tramways to which the same applies shall be subject and liable to the provisions of any general Act which may hereafter be passed during this or any future session of Parliament relating to the tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, by any such general Act as aforesaid.

SCHEDULE.

Tolls and Charges for Animals, Goods, &c.

	Per Mile. s.	d.
Animals.		
For every horse, mule, or other beast of draught or burden, per head -	0	3
For every ox, cow, bull, or head of cattle, per head - - -	0	3
For calves, pigs, sheep, and small animals head - - -	0	2
Goods.		
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	4
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	4
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	4

	Per Mile. s.	d.
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	6
For all wools, cotton, drugs, manufactured goods, fish, and all other wares, merchandise, articles, matters, or things, per ton - -	0	6

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 per ton - - - - -	1	6
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 may think fit.		

Tolls for Small Parcels.

For any parcel not exceeding seven pounds in weight - -	0	1
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - -	0	1½
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - -	0	2
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - - -	0	3
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.

A.D. 1879.

Staffordshire.

STAFFORDSHIRE TRAMWAYS.

Order authorising the construction of Tramways in the parishes of Darlaston and Wednesbury in the county of Stafford.

Short title.

1. This Order may be cited as "The Staffordshire Tramways Order, 1879."

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the Promoters of the undertaking), and of the Tramways Act, 1870, are hereby incorporated with this Order, except where the same are 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. The Staffordshire Tramways Company (Limited) shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may by agreement from time to time purchase and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold for such purposes more than five acres of land.

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 1 to 1G inclusive, forming a tramway route one mile two furlongs two chains and fifty links in length, and consisting of one furlong nine chains and fifty links of double line, and one mile three chains of single line. These tramways are particularised as follows:

Tramway No. 1 (single line), one mile two furlongs two chains and fifty links in length.—A tramway commencing in the parish of Wednesbury at a point in Moxley, at the junction of Darlaston Road with the Ley Road, by a junction with the authorised tramways of the Wolverhampton Tramways Companies, Limited, passing thence into and along Ley Road and Wednesbury Road, and terminating therein in the parish of Wednesbury at the junction of Dudley Street with the Wednesbury Road.

Tramway No. 1A (single or second line), three chains in length.—A tramway wholly situate in the Ley Road and parish of Wednesbury, commencing by a junction with Tramway No. 1 at a point one chain eastward from the "Britannia" public-house, passing thence in an easterly direction along the Ley Road, and terminating by a junction with Tramway No. 1 at a point three chains from its commencement.

Tramway No. 1B (single or second line), three chains in length.—A tramway wholly situate in the Ley Road and parish of Wednesbury, commencing and terminating by junctions with Tramway No. 1 at points respectively nine chains and twelve chains eastward from the centre of the bridge carrying Ley Road over the Birmingham Navigation Canal.

Tramway No. 1C (single or second line), three chains in length.—A tramway wholly in the Wednesbury Road, otherwise Holyhead Road, and parish of Wednesbury, commencing and terminating by junctions with Tramway No. 1 at points respectively fourteen chains and seventeen chains eastward from the termination of Tramway No. 1B.

Tramway No. 1D (single or second line), three chains in length, wholly in the Wednesbury Road, otherwise Holyhead Road, and parish of Wednesbury, commencing and terminating by junctions with Tramway No. 1 at points respectively fifteen chains and twelve chains westward from the centre of the bridge carrying the Wednesbury Road over the Darlaston branch of the London and North-western Railway.

Tramway No. 1E (single or second line), three chains in length, wholly in the Wednesbury Road, otherwise Holyhead Road, and parish of Wednesbury, commencing and terminating by junctions with Tramway No. 1 at points respectively one and a half chains westward and one and a half chains eastward from the centre of the bridge carrying the Wednesbury Road over the Darlaston branch of the London and North-western Railway.

Tramway No. 1F (single or second line), three chains in length.—A tramway wholly in the Holyhead Road, otherwise Wednesbury Road, and parish of Wednesbury, commencing and terminating by junctions with Tramway No. 1 at points respectively four and a half chains and one and a half chains westward from Meeting Street, Wednesbury.

Tramway No. 1G (single or second line), one chain and fifty links in length.—A tramway wholly in the Holyhead Road, Wednesbury, commencing by a junction with Tramway No. 1 at a point one and a half chains westward from Dudley Street, and terminating at the junction of Dudley Street and Holyhead Road, Wednesbury.

Tramways Nos. 2 to 2G inclusive, forming a tramway route two miles four chains and seventy-five links in length, and consisting of five furlongs eight chains and eighty links of double line, and one mile two furlongs five chains and ninety-five links of single line. These tramways are particularised as follows:

Tramway No. 2 (single line), two miles four chains and seventy-five links in length.—A tramway commencing in the parish of Wednesbury, at a point

A.D. 1879.

Staffordshire.

in Moxley, at the junction of Darlaston Road with the Ley Road, by a junction with the authorised tramways of the Wolverhampton Tramways Company, Limited, passing thence eastward along the Darlaston Road into and along Pinfold Street, Darlaston, and the road leading from Darlaston to Wednesbury, Trouse Lane, High Bullen, and Dudley Street, Wednesbury, and terminating therein at the junction of Dudley Street with the Holyhead Road, in the parish of Wednesbury, by a junction with Tramway No. 1G.

Tramway No. 2A (single or second line), three chains in length.—A tramway wholly in the Darlaston Road, commencing by a junction with Tramway No. 2 at a point one chain eastwards from the "Britannia" public-house, Moxley, and terminating by a junction with Tramway No. 2 at a point three chains from its commencement.

Tramway No. 2B (single or second line), three chains in length.—Wholly in the Darlaston Road and parish of Darlaston, commencing and terminating by junctions with Tramway No. 2 at points respectively two chains westward and one chain eastward from the "Red Lion" public-house.

Tramway No. 2C (single or second line), three chains in length.—A tramway wholly in the Darlaston Road and parish of Darlaston, commencing and terminating by junctions with Tramway No. 2 at points respectively nine chains and six chains westward from the "Three Fishes" public-house.

Tramway No. 2D (single or second line), six chains in length.—A tramway commencing in Darlaston Road at its junction with Dangerfield Lane, by a junction with Tramway No. 2, passing thence northward along Darlaston Road and Pinfold Street, Darlaston, and terminating therein by a junction with Tramway No. 2 at a point opposite the "Noah's Ark" public-house.

Tramway No. 2E (single or second line), nine chains in length.—A tramway commencing by a junction with Tramway No. 2 at a point in Pinfold Street, Darlaston, opposite the "Black Horse" public-house, passing thence eastward along Pinfold Street into and along the road leading from Darlaston to Wednesbury, and terminating therein by a junction with Tramway No. 2 at a point two chains seventy links northward from the centre of the bridge carrying the said road over the Darlaston branch of the London and North-western Railway.

Tramway No. 2F (single or second line), three chains in length.—A tramway wholly in the road leading from Darlaston to Wednesbury, in the parish of Wednesbury, commencing and terminating by junctions with Tramway No. 2 at points respectively opposite to and three chains southward from the "King's Hill" tavern.

Tramway No. 2G (single or second line), three furlongs one chain eighty links in length.—A tramway wholly in the parish of Wednesbury, commencing in the said road leading from Darlaston to Wednesbury by a junction with Tramway No. 2 at a point opposite Old Union Street, Wednesbury, passing thence southward along the road leading from Darlaston to Wednesbury into and along Trouse Lane, High Bullen,

and Dudley Street, Wednesbury, and terminating at the junction of Dudley Street with the Holyhead Road by a junction with Tramway No. 1G.

The tramways and works herein-before described will be made and pass from, in, through, or into, or be situated in the parishes of Darlaston and Wednesbury, both in the county of Stafford.

As to crossing tramways on the level.

7. In the construction of any of the tramways across the rails of any tramway not belonging to the Promoters, now laid upon the level of any 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 proprietor of such tramway and of the Promoters, and under the superintendence and to the reasonable satisfaction of the engineer for the time being of the said proprietor, 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 such of the tramways as are laid at the said level crossing shall be maintained and kept in constant and efficient repair to the reasonable satisfaction of the engineer for the time being of the said proprietor. The Promoters shall not stop on or otherwise interfere with or obstruct the traffic upon the tramway of the said proprietor at such level crossing, and the Promoters shall in respect of the traffic upon the tramways at such level crossing be subject to such rules, byelaws, and regulations relating thereto as may be agreed upon between them and the said proprietor. 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 tramway or works of the said proprietor be injured or damaged, such injury or damage shall be forthwith made good by the Promoters at their own expense. In the event of any difference between the said proprietor, or his 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.

For protection of London and North-western Railway Company.

8. The Promoters shall construct and maintain the Tramways Nos. 1 and 1E where the same will cross over the Darlaston branch railway of the London and North-western Railway Company in the position shown on the plans deposited for the purposes of this Order, and shall construct and maintain the Tramway No. 2 where it will cross over the said branch railway in the centre of the road, and in effecting such constructions and maintenance they shall not in any way alter or interfere with the structure of the bridges over which those tramways are intended to be carried across the said branch railway, or of the immediate approaches thereto, and they shall so construct and maintain those tramways in the road over those bridges, and the approaches thereto, so as not to injuriously affect such bridges and approaches, and in the event of any injury being occasioned to such bridges and approaches, or any of them, or any part or parts thereof, by the construction of those tramways on or over the same respectively, or in effecting the maintenance, repairs, or renewals thereof, or in or by the working and user thereof (and whether such injury shall occur during or after such construction), the said Railway Company may, at the

A.D. 1879.

Staffordshire.

expense of the Promoters, restore such bridges 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 them 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 bridges and the approaches thereto as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870, and the said Railway Company may recover from them all such sums, costs, and expenses, with full costs and charges, in like manner as any simple contract debt is recoverable.

Protecting bridges over Birmingham canals.

9. Wheresoever any of the tramways are constructed upon any 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.

10. 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 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 eighteen 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 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 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.

11. 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.

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

A.D. 1879.

Staffordshire.

For protection of Corporation of Birmingham.

13. The construction of the tramways and the exercise by the Promoters of the powers by this Order conferred shall be subject to the following provisions for the protection of the mayor, aldermen, and burgesses of the borough of Birmingham (herein-after in this section referred to as "the Corporation"); (that is to say,)

(1.) The word "street" in this section shall be deemed to include any street, road, highway, lane, bridge, passage, or place, and the footways thereof respectively:

(2.) The Promoters shall not break up any street or interfere with any drain or watercourse, or any gas main, pipe, or apparatus of the Corporation until they have given to the town clerk three clear days notice in writing of their intention to commence the intended works, and a similar notice to the gas engineer of the Corporation, accompanied by plans and sections and other necessary particulars showing the works proposed to be executed by the Promoters, so far as they affect the streets, drains, watercourses, gas mains, pipes, and apparatus proposed to be interfered with:

(3.) If by reason of the execution of any of the powers of this Order the Corporation necessarily incur any cost in altering any existing drain, watercourse, gas main, pipe, or apparatus, the Promoters shall repay to the Corporation such additional cost, which shall be a debt due from the Promoters to the Corporation, and be recoverable accordingly:

(4.) If by reason of the execution of any of the powers of this Act any increased length of drains, watercourse, gas mains, or pipes, or any additional apparatus become necessary, the same shall be forthwith constructed and laid by the Promoters, upon such plan and in such manner as may be approved of by the said gas engineer:

(5.) All works done by the Corporation by virtue of the power conferred by section thirty-two of the Tramways Act, 1870, shall be done under the superintendence and to the reasonable satisfaction of the engineer of the Promoters, and according to such plans, in such manner, and at such times only as may be reasonably approved by the said engineer, and shall also be so done as not to interrupt the traffic passing on the tramway.

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

14. The sole responsibility of maintaining and working 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 road authority, or from the use of any implements or materials they may use in the maintenance thereof, except where such damage results from wilful negligence in the execution of such works, or in the use of such implements or materials.

As to future extension of the tramways within the borough.

15. If the Local Board for the district of Wednesbury at any time give six months notice to the Promoters requiring the lines of the tramway to be extended to other districts or places within the parish of Wednesbury, the Promoters shall and they are hereby required to take all steps necessary for an application to the Board of Trade for a Provisional Order, or to Parliament

for an Act of Parliament, to enable them to comply with such notice, and for the purposes of such application the consent of such Local Board shall be deemed to have been given: Provided that the said Local Board shall not require extensions except in the following streets or roads, namely: Holyhead Road to Bridge Street, Lower High Street, Market Place, Upper High Street, and High Bullen, and that such extensions shall not in the whole exceed one thousand three hundred yards in length of additional tramway; and that if in the opinion of the Promoters such request is on account of the pecuniary position of the Promoters or for any other cause whatever unreasonable, and any difference thereupon arise between the said Local Board and the Promoters, the question in difference shall be determined by arbitration in manner provided by the Companies Clauses Consolidation Act, 1845, for the settlement of disputes by arbitration; and in the event of any such extensions being authorised by Provisional Order or by Act of Parliament, the Promoters may abandon and remove any of the tramways authorised by this Order which are rendered unnecessary by reason of such extension.

Promoters responsible for injury to sewers.

16. If at any time after the passing of the Act confirming this Order any of the sewers, whether public or private, or any other works of or belonging to or under the control of the road authority, are in any way injured or damaged by or in consequence of any act, deed, matter, or thing done by the Promoters or their servants, the Promoters shall be responsible to the road authority for such injury or damage, and shall, after notice to them by the clerk or engineer of the road authority, make good any injury or damage caused by such act, deed, matter, or thing, at their own cost, to the satisfaction of the road authority or their engineer, and in default thereof the road authority are hereby empowered, at the cost and risk of the Promoters, to do the necessary and requisite work in order to the thorough and efficient amendment and re-instatement of such sewers or other works, and to charge the costs thereof to the Promoters; and, in default of payment by the Promoters on demand, the road authority may reimburse themselves out of the sum of five hundred pounds to be secured to the Local Board of Health for the district of Wednesbury by the Promoters in pursuance of this Order, or out of the interest which may arise and accrue therefrom.

Cleansing of roads.

17. The control over the surface of every road in which any of the tramways are laid shall continue in the road authority of the district in which such road is situate, and such road authority may cleanse the same without reference to the tramways, but whatever cleansing, owing to snow or other matters impeding the traffic, is 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.

Security to road authorities.

18. As security to the road authorities for the due fulfilment by the Promoters of the obligations to which under the provisions of this Order they are liable to, the Promoters shall, in addition to complying with the provisions

A.D. 1879.

Staffordshire.

of section twelve of the Tramways Act, 1870, within one month after being required by the road authority so to do, give security to the satisfaction of the Local Board of Health for the district of Wednesbury to the amount of five hundred pounds that they will pay and make good to the road authorities any claim which may arise at their instance against the Promoters, and if any difference arise between any road authority and the Promoters in relation to any such claim, the question in difference shall be determined by arbitration in manner provided by the Companies Clauses Act, 1845, for the settlement of disputes by arbitration: Provided that so long as no claim be established at the instance of the road authority against the Promoters, the interest on the security shall be payable to and receivable by the Promoters after the due payment of all costs, charges, expenses, and penalties provided by this Order to be paid and payable thereout.

Further provisions as to construction of tramways.

19. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the work shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Order.

Rails of tramways.

20. The rails of the tramways shall be such as the Board of Trade may approve: Provided that the Board of Trade may from time to time, upon the application of the road authority, require the Promoters to adopt and apply such improvements in the tramway, 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.

21. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty

not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and road.

22. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade shall certify under the hand of a Secretary or Assistant Secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

Passing-places to be constructed where less than a certain width left between footpath and tram way.

23. 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 tramways 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 passing-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.

24. 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 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.

25. The Promoters may from time to time hereafter, with the consent of the road authority, make all such crossings, passing-places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Order, as may from time to time be necessary or convenient to the efficient working of the tramways, or any of them, or for providing access to any stables or carriage-houses, 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, by writing under his hand, addressed to the Promoters, express his objection thereto.

Temporary tramways may be made when necessary.

26. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid, it is, in the opinion of the road authority, necessary or expedient temporarily to remove or discontinue the use of such tramway, or any part thereof, the Promoters shall

A.D. 1879.

Staffordshire.

within seven days after receiving a notice from any road authority, discontinue or take up such tramway for such time as may be necessary for the execution of the said work: Provided always, that 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.

27. 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 such road, and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway of such road 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 such yard or depôt as the road authority or the surveyor for the time being of such road authority may 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 all differences between the Promoters and any road authority.

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

28. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic, in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed by the Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

As to brake power.

29. Every carriage used on the tramways shall be constructed with sufficient brake power, and shall be used singly, and not in connexion with or attached to any other carriage.

Traffic upon Tramways.

Traffic upon tramways.

30. The tramways may be used for the purpose of conveying passengers and parcels.

Promoters not bound to carry parcels.

31. The Promoters shall not be bound to carry, unless they think fit, any parcels, other than passengers luggage not exceeding twenty-eight pounds in weight, provided that no preference shall be given by the Promoters to any person or persons in respect of the carriage of any such parcels.

Tolls.

Tolls.

32. 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 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.

Passengers luggage.

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

34. 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 two carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Promoters think most convenient for artizans, 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 parcels.

35. The Promoters may demand and take in respect of any parcels conveyed by them on the tramways, except as is by this Order specially provided, including the tolls and charges for the use of the tramways, and for waggons or trucks, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding the tolls and charges specified in the Schedule to this Order annexed, subject to the regulations in that behalf therein contained.

Payment of tolls.

36. 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 and charges appoint.

Periodical revision of *tolls*.

37. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, or by the Promoters, that under the circumstances then existing all or any of the tolls and charges demanded and taken in

A.D. 1879.

Staffordshire.

respect of the traffic on the tramways or on such portion of the tramways should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870; and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

Miscellaneous.

Provisions as to arbitration.

38. Where under the provisions of the Tramways Act, 1870, and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the 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.

39. 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.

40. 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.

Saving for general Acts.

41. Notwithstanding anything in this Order contained, the Promoters and any persons using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, or to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways

of animal power, steam power, or any mechanical power, by any such general Act as aforesaid. A.D. 1879. *Staffordshire.*

SCHEDULE.

Tolls and Charges for Parcels.

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

For any parcel exceeding fifty-six pounds in weight, such sums as the 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.

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

STOKE-UPON-TRENT, FENTON, LONGTON, AND DISTRICT TRAMWAYS.

Stoke-upon-Trent, &c.

Order authorising the construction of Tramways in the townships of Shelton, Penkhull-with-Boothen, Fenton Vivian, Fenton Culvert, and Lane End or Longton, all in the parish of Stoke-upon-Trent in the county of Stafford.

1. This Order may be cited as "The Stoke-upon-Trent, Fenton, Longton, and District Tramways Order, 1879." Short title.

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

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: Interpretation.

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

A.D. 1879.

Stoke-upon Trent, &c.

Promoters.

The Promoters.

4. The North Staffordshire Tramways Company, Limited, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may by agreement from time to time purchase and acquire such lands as they may require for the purposes of the undertaking, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold more than five acres of land.

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—

No. 1. A Tramway (single line), two miles four furlongs five chains and forty-two links in length, commencing in Liverpool Road, Stoke-upon-Trent, at the junction of that road with the Shelton Old Road, passing thence southward along Liverpool Road, High Street, and Church Street, Stoke-upon-Trent; High Street West, High Street East, Market Street, and King Street, Fenton; and Church Street, Longton; and terminating therein opposite to the eastern pier of the front entrance gateway to Bank House.

No. 2. A Tramway (single line), five furlongs and six chains in length, commencing in High Street, Stoke-upon-Trent, by a junction with Tramway No. 1, at the junction of High Street, Stoke-upon-Trent, with London Road, passing thence in a south-easterly direction along London Road, and terminating therein at a point opposite James Street.

No. 2A. A Tramway (single line), one chain and fifty links in length, commencing in High Street, Stoke-upon-Trent, at or near the junction of High Street with London Road, and terminating in London Road by a junction with Tramway No. 2.

No. 3. A Tramway (single line), one furlong six chains and twenty-two links in length, commencing at or near the junction of Wharf Street with Glebe Street, Stoke-upon-Trent, and passing along Glebe Street, in a south-westerly direction, and terminating in Church Street, by a junction with Tramway No. 1, at a point opposite the north-western corner of Boothen Road.

No. 4. A Tramway (single line), one furlong six chains and ten links in length, commencing by a junction with Tramway No. 3, at a distance of twelve yards or thereabouts from the commencement thereof, passing thence southerly along Wharf Street into High Street West, Fenton; and terminating therein by a junction with Tramway No. 1, at a point

opposite to the south-eastern corner of the pier of the bridge over the River Trent.

Stoke-upon-Trent, &c.

All the before-mentioned tramways will be made, and pass from, in, through, or into the following parish, townships, or extra-parochial places, or some or one of them, that is to say, the townships of Shelton, Penkhull-with-Boothen, Fenton Vivian, Fenton Culvert, and Longton or Lane End, all in the parish of Stoke-upon-Trent.

Protecting bridges over the canals of the North Staffordshire Railway Company.

7. Wheresoever any of the tramways shall be constructed upon a bridge carrying a road over the Newcastle-under-Lyme Canal or the Trent and Mersey Canal of the North Staffordshire Railway Company (in this Order referred to as "the Railway Company") the following provisions shall apply:

1. The Promoters shall give fourteen days notice in writing to the Railway 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 Railway 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 North Staffordshire Railway 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 Railway Company for the purpose of erecting, constructing, raising, lowering, repairing, altering, rebuilding, or removing any bridge over either of the said canals, 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 Railway 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 Railway 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 Railway Company to commence such work, specifying the time at which they will begin to do so, such notice to be given eighteen hours at least before the commencement of the work.
4. The Railway 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 Railway Company of any such work

A.D. 1879.

Stoke-upon-Trent, &c.

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 Railway 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 Railway Company, as the case may be, with all reasonable expedition.

6. The Railway 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 Railway 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 the North Staffordshire Railway Company.

9. If any difference arises between the Promoters and the Railway Company with respect to any interference or control exercised or claimed to be exercised by the Promoters, or on their behalf, or by the Railway 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 Railway 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 Railway 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 Railway Company, and the expenses of the reference shall be borne and paid as the referee directs.

Rights of the Railway 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 Railway 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 Railway Company shall be entitled to the protection and benefit of every provision for the protection and benefit of canal companies or proprietors of canals contained in the Tramways Act, 1870, and in this Order, or either of them.

For protection of North Staffordshire Railway Company.

11. The Promoters shall so construct and maintain the Tramway No. 1, in High Street, where such street is carried by means of a bridge over the Biddulph branch railway of the Railway Company as not to injuriously affect the said

bridge, or the approaches thereto, 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 occur either during or after the construction of, or in maintaining that tramway, the railway 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 the railway 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 the railway 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.

As to crossing railways or tramways on the level.

12. In the construction of any of the tramways across the rails of any railway or tramway not belonging to the Promoters now laid upon the level of any 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 proprietors of such railway or tramway and of the Promoters, and under the superintendence and to the reasonable satisfaction of the engineer for the time being of the said proprietors 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 such of the tramways as are laid at the said level crossing shall be maintained and kept in constant and efficient repair to the reasonable satisfaction of the engineer for the time being of the said proprietors. The Promoters shall not stop on or otherwise interfere with or obstruct the traffic upon the railway or tramway of the said proprietors at such level crossing, and the Promoters shall in respect of the traffic upon the tramways at such level crossing be subject to such rules, byelaws, and regulations relating thereto as may be agreed upon between them and the said proprietors. 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 or tramway or works of the said proprietors be injured or damaged, such injury or damage shall be forthwith made good by the Promoters at their own expense. In the event of any difference between the said proprietors 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.

Gauge of tramways.

13. The tramways shall be constructed on a gauge of four feet: Provided always, that so much of section thirty-four of the Tramways Act, 1870, as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways.

Further provisions as to construction of tramways.

14. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the

A.D. 1879.

Stoke-upon-Trent, &c.

road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Order.

Mode of formation of tramways.

15. The rails of the tramways shall be such as the Board of Trade may approve: Provided that the Board of Trade may from time to time, upon the application of the road authority, require the Promoters to adopt and apply such improvements in the tramway, 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.

16. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and road.

17. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade shall certify under the hand of a Secretary or Assistant Secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Promoters shall make good such default in the manner and within the time specified in such

certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

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

18. 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 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.

19. 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, by writing under his hand addressed to the Promoters, express his objection thereto: Provided also, that the Promoters shall not, without the approval of the Railway Company, signified in writing and signed by their secretary, make any such crossings, passing-places, sidings, junctions, or other works as aforesaid between the several places herein-after mentioned along the course of Tramway No. 1; that is to say,

Between Wharf Street and the road called Whieldon Road;

Between the entrance to Fenton Manor and the Trent and Mersey Tramway near the Biddulph Branch Railway bridge;

Between the point marked one mile four furlongs on the deposited plans and the west end of the Market Street, Fenton, Board Schools;

Between the Railway Company's Longton goods yard at Foley Place and the eastern end of the Railway Company's property at that place.

Temporary tramways may be made when necessary.

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

A.D. 1879.

Stoke-upon-Trent, &c.

Application of road materials excavated in construction of Promoters works.

21. 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 such road, and the maintenance, for six months after completion of any of the tramways within the district of such road authority, of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided that if, within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus 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.

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

22. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed by the Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

Motive Power.

Carriages may be moved by animal, steam, or mechanical power.

23. The carriages used on the tramways may, subject to the provisions of this Order, be moved by animal power, and during a period of seven years after the opening of the same for public traffic, and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a Secretary or an Assistant Secretary of the said Board, by steam power, or any mechanical power:

Provided always, that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the Schedule A. to this Order annexed, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may, and which they are hereby empowered to, make from time to time, as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam or any mechanical power on the tramways.

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

24. The Promoters or any person using steam or any mechanical power on any of the tramways contrary to the provisions of this Order or to any of the regulations set forth in the Schedule A. to this Order annexed, or to any

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

Byelaws.

25. Subject to the provisions of this Order, the Board of Trade may from time to time make, and when made may rescind, annul, or add to byelaws with regard to any of the tramways upon which steam or any mechanical power may be used under the authority of this Order, for all or any of the following purposes; that is to say,

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

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

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

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

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

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

As to recovery of penalties.

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

Amendment of the Tramways Act, 1870, as to byelaws by local authority.

27. The provisions of the Tramways Act, 1870, relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway, shall not authorise the local authority to make any

A.D. 1879.

Stoke-upon Trent, &c.

byelaw sanctioning a higher rate of speed than that authorised by this Order or by any regulation made by the Board of Trade under the authority of this Order, at which engines and carriages are to be driven or propelled on the tramways under the authority of this Order; but the local authority may, if they think fit, make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders, byelaws.

28. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by a Secretary or an Assistant Secretary of the Board of Trade, and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order.

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

29. Where the Promoters or any person intend to use steam or any mechanical power under the authority of this Order on the tramways, or any part thereof, they or he shall give two months previous notice of such intention to every road authority within whose district the tramways, or any part thereof, upon which they or he intend to use such power are or is situated.

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

Before using steam or any mechanical power on the tramways, or any part thereof, and thereafter from time to time, the Promoters or such person, and every such road authority, may enter into or renew, with or without modification, any contract, agreement, or arrangement with respect to the user by the Promoters, or such person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, which they may think fit and the Board of Trade may approve.

In case any difference arises between any such road authority and the Promoters or such person as to the determination of any such contract, agreement, or arrangement, or in case any such road authority, after request in writing by the Promoters or such person, or the Promoters or such person after request in writing by any such road authority, during a period of one

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

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

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

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

30. Where steam or any mechanical power is used by the Promoters or any person on the tramways or any part thereof, no contract, agreement, or arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid with respect to the user by the Promoters or such person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of any road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or mechanical power as aforesaid, or the making of such contract, agreement, or arrangement: Provided always, that any such contract, agreement, or arrangement may from time to time be renewed with or without modification, or a new contract, agreement, or arrangement may be made instead thereof.

Traffic upon Tramways.

Traffic upon tramways.

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

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

32. 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.

A.D. 1879.

Stoke-upon-Trent, &c.

Tolls.

Tolls.

33. 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 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 two miles any sum not exceeding twopence.

Passengers luggage.

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

Cheap fares for labouring classes.

35. 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 two carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Promoters think most convenient for artizans, 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), and the Promoters shall be liable to a penalty not exceeding one pound for every day except as aforesaid on which they do not run such number of carriages as aforesaid in accordance with the provisions of this section: Provided always, that the Promoters shall not be liable to any such penalty if the failure to run such number of carriages as aforesaid arises from circumstances over which the Promoters have no control: 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.

36. 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 and charges for the use of the tramways, and for waggons or trucks, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding the tolls and charges specified in the Schedule B. to this Order annexed, subject to the regulations in that behalf therein contained.

Payment of tolls.

37. 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.

Periodical revision of tolls.

38. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or

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

Miscellaneous.

Provisions as to arbitration.

39. Where under the provisions of the Tramways Act, 1870, and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply in every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and delivery of notices

40. 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.

41. 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.

As to extensions in the borough of Longton.

42. 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 in the borough of Longton, along Market Street and High Street in that borough to where the borough boundary crosses

A.D. 1879.

Stoke-upon Trent, &c.

the last-named street, and along Stafford Street, Flint Street, and Trentham Road, to where the borough boundary crosses the last-named road; and the Promoters shall do all such acts, matters, and things as may be necessary for the granting and confirming of the same; and in such case the town council of Longton shall be taken to have granted their consent to such application.

Costs of local authorities.

43. The Promoters shall pay all costs, charges, and expenses incurred by any local or road authority in relation to this Order.

Saving for general Acts.

44. Notwithstanding anything in this Order contained, the Promoters and any persons using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, or to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

SCHEDULE A.

Break power of engines.

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

As to fittings of engines, &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

As to carriages.

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

Inspection of engines and carriages.

The Board of Trade shall, on the application of the local authority, and may, on complaint made by any person, from time to time inspect any engine or carriage used on the tramways and the machinery therein, and may

whenever they think fit prohibit the use on the tramways of any such engine or carriage which in their opinion may not be safe for use on the tramways.

As to speed.

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

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

SCHEDULE B.

Tolls and Charges for Animals, Goods, &c.

		Per Mile. s.	d.
Animals.			
For every horse, mule, or other beast of draught or burden	per head	0	6
For every ox, cow, bull, or head of cattle - -	,,	0	6
For every calf, pig, sheep, or other small animal - -	,,	0	3
Goods and Minerals.			
For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways - - - - - -	per ton	0	3
For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slags, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron not otherwise specially classed herein, and for heavy iron castings, including railway chairs	per ton	0	4
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings - - -	per ton	0	6
For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things	per ton	0	6
For every carriage of whatever description - -	each	1	0
Small Parcels.			
	Any distance.		
For every parcel not exceeding seven pounds in weight -	each	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - -	each	0	5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - -	each	0	7
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - - -	each	0	9
For any parcel exceeding fifty-six pounds in weight, such sums as the Promoters may think fit:			

A.D. 1879.

Stoke-upon-Trent, &c.

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

For the Carriage of Single Parcels of Great Weight.

	s.	d.
For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weights of which, including the carriage, exceed four tons but do not exceed eight tons, such sum as the Promoters may think fit, not exceeding - - - - - per ton per mile	2	0

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

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

Sunderland Corporation.

SUNDERLAND CORPORATION TRAMWAYS.

Order authorising the construction of Tramways in the municipal borough of Sunderland in the county of Durham.

Short title.

1. This Order may be cited as "The Sunderland Corporation Tramways Order, 1879."

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act, 1870, are hereby incorporated with this Order, except where the same are 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 terms and expressions herein-after mentioned shall have the meanings herein-after assigned to them; (that is to say,)

Sunderland Corporation.

The expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Sunderland acting by the Council.

The expression "the Tramway Company" shall mean the Sunderland Tramways Company, Limited.

The term "person" shall include any corporation.

Promoters.

The Promoters.

4. The Corporation shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may, by agreement, from time to time purchase and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold more for such purposes than five acres of land.

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 (in this Order referred to as "the deposited plans" and "the deposited 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.

The tramways authorised by this Order are:—

Tramways Nos. 1, 1B, 1C, and 1D, together forming a tramway route one mile three furlongs and nine chains in length, and consisting of five furlongs and five chains of double line, and six furlongs and four chains of single line. These tramways are particularised as follows:

Tramway No. 1.—A tramway (being a single line of tramway), one mile three furlongs and nine chains in length, commencing in High Street West opposite Villiers Street, passing thence along High Street West, Silksworth Row, Hylton Road, Hylton Road West, and terminating therein opposite Peacock Street:

Tramway No. 1B.—A tramway (being a second line of tramway), eight chains in length, wholly in High Street West, commencing by a junction with Tramway No. 1 at a point opposite Cumberland Street, and terminating by a junction with Tramway No. 1 at a point two yards eastward from east side of Crowtree Road:

Tramway No. 1C.—A tramway (being a second line of tramway), four furlongs three chains and three yards in length, commencing in High Street West by a junction with Tramway No. 1 at a point thirteen yards or thereabouts eastward from the eastern side of Dun Cow Street East, passing thence along High Street West, Silksworth Row, and Hylton Road, and terminating in such last-mentioned road by a junction with Tramway No. 1 at a point nine yards or thereabouts westward from the east side of Moor Street:

A.D. 1879.

Sunderland Corporation.

Tramway No. 1D.—A tramway (being a second line of tramway), four chains in length, wholly in Hylton Road West, commencing in Hylton Road West by a junction with Tramway No. 1 at a point twenty-one yards or thereabouts westward from the west side of Aylesbury Street, and terminating by a junction with Tramway No. 1 at a point opposite Franklin Street:

Tramway No. 2.—A tramway (consisting of a single line of tramway), four furlongs four chains in length, commencing in Borough Road by a junction with the Tramway Company's northmost line at a point opposite or nearly opposite to the eastern side of Fawcett Street, passing thence along Holmeside, Vine Place, Albion Place, and New Durham Road to a point opposite the Infirmary.

Tramways Nos. 3 and portions of 3A together form a tramway route three furlongs one chain and ten yards in length, and consisting of eight chains of double line and 23 chains and 10 yards of single line. These tramways are particularised as follows:

Tramway No. 3.—A tramway (being a single line of tramway), three furlongs one chain and ten yards in length, commencing in Hylton Road by a junction with Tramway No. 1 at a point opposite or nearly opposite to the eastern side of Trimdon Street, passing thence along Hylton Road, Trimdon Street, and Trimdon Street West, and terminating in the last-mentioned street at a point twelve yards or thereabouts westward from the west end of the northern side of Trimdon Street West:

Tramway No. 3A (portion of).—A tramway (being a second line of tramway), two chains in length, commencing in Hylton Road by a junction with Tramway No. 1B at a point opposite or nearly opposite to the eastern side of Trimdon Street, passing thence along Trimdon Street, and terminating in the last-mentioned street by a junction with Tramway No. 3 at a point opposite Glass Street:

Tramway No. 3A (portion of).—A tramway (being a second line of tramway), three chains in length, wholly in Trimdon Street, commencing and terminating by junctions with Tramway No. 3 at points opposite and three chains north of Allonby Street:

Tramway No. 3A (portion of).—A tramway (being a second line of tramway), three chains in length, wholly in Trimdon Street, commencing and terminating by junctions with Tramway No. 3 at points respectively one and a half chains east and one and a half chains west of Enderby Road:

Tramways Nos. 5 and 5a, together forming a double line of tramway three furlongs nine chains in length, commencing in North Bridge Street by junctions with the Tramway Company's westmost and eastmost lines at a point fourteen yards or thereabouts southward from a point in North Bridge Street opposite the southern side of Wreath Quay Road, passing thence along North Bridge Street, Southwick Road, and terminating in the Southwick Road at the municipal and township boundary.

All the tramways herein-before described will be situate within the municipal borough of Sunderland in the county of Durham.

A.D. 1879.

Sunderland Corporation.

Special provisions as to tramways.

7. In case the Promoters do not within six months after the passing of the Act confirming this Order substantially commence the works necessary for the construction of tramways Nos. 5 and 5a to the satisfaction of the Board of Trade, the said Board shall, by order addressed to the town clerk and signed by the secretary or an assistant secretary to the said Board, declare that the powers by this Order conferred upon the Promoters for constructing the said tramways Nos. 5 and 5a, and for executing such works and otherwise in relation thereto, shall absolutely cease and determine, and the said Board shall cause a copy of the said Order to be published in the "London Gazette," and forthwith, after such publication, the said powers shall absolutely cease and determine.

For protection of North-eastern Railway Company.

8. The Promoters shall so construct and maintain the following tramways, namely, tramway No. 1 in the Hylton Road, tramway No. 2 in the Borough Road and in the Durham Road, tramways Nos. 5 and 5a in the Southwick Road, where each of such roads is respectively carried by means of bridges over the railway of the North-eastern Railway Company, as not to injuriously affect the said bridges or any of them or the approaches thereto, and in the event of any injury being occasioned to any such bridge or bridges and approaches, or any part or parts thereof respectively, by the construction of the respective tramway or tramways on or over the same, whether such injury occur either during or after the construction of or in effecting the maintenance of the respective tramway or tramways, the North-eastern Railway Company may, at the expense of the Promoters, restore such bridge or bridges 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 or bridges 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 or bridges 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.

Further provisions as to construction of tramways.

9. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall before they proceed to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Order.

A.D. 1879.

Sunderland Corporation.

Rails to be such as Board of Trade may approve.

10. The rails of the tramways shall be such as the Board of Trade shall approve, and the space between the rails, and for eighteen inches on each side of such rails, shall be paved with granite setts or blocks, except as to such parts of the tramways as will be situate in the High Street between Villiers Street and a point opposite Bishopwearmouth Church, and with regard to such parts of the tramways the spaces aforesaid shall be paved with blocks of creosoted beech wood.

Penalty for not maintaining rails and road in good condition.

11. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and road.

12. In any case in which it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough of Sunderland that the Promoters have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade shall certify under the hand of a Secretary or Assistant Secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

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 passing-places connecting the one tramway with the other, and by means of such passing-place or passing-places the traffic shall, when necessary, be diverted from one tramway to the other.

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

14. The Promoters may from time to time hereafter make, either temporarily or permanently, 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, carriage houses, sheds, or works of the Promoters or their lessees or licensees, or for working the tramways either separately or in conjunction with any

other tramways already existing or hereafter to be constructed: 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, by writing under his hand addressed to the Promoters, express his objection thereto.

Temporary tramways may be made when necessary.

15. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid, it is, in the opinion of the Promoters, necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof, the Promoters may construct in the same or any adjacent road, and maintain so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Application of road materials excavated in construction of Promoters works.

16. Any paving, metalling, or material excavated by the Promoters in the construction of their works 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.

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

17. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed by the Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

Traffic upon Tramways.

Traffic upon tramways.

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

Heavy traffic not to be conveyed between eight a.m. and eight p.m.

19. No animals, minerals, goods, or parcels other than passengers luggage not exceeding fifty-six pounds in weight, shall be conveyed on the tramways between the hours of eight in the morning and eight in the evening without the previous consent of the Corporation.

Lessees or licensees not bound to carry animals, goods, &c.

20. The lessees or licensees 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.

Provisions as to carriage of animals, goods, &c.

21. In case the lessees or licensees carry animals, goods, minerals, or parcels, they may, and when required by the Corporation shall, carry the same in separate carriages or separate parts of carriages set apart for that purpose, provided that this provision shall not apply to the carriage of passengers luggage.

Use of tramways for sanitary purposes.

22. The Corporation may, at such times and in such manner as they think fit, and as may be agreed upon between the Corporation and the lessees, use the tramways for sanitary purposes, and for the conveyance of scavenging stuff, road metal, and other materials required for any works of the Corporation, free of all tolls and charges in respect of such use.

A.D. 1879.

Sunderland Corporation.

Tolls.

Tolls and charges.

23. The lessees may demand and take the following tolls or charges, viz.:—

For every passenger travelling upon any of the tramways or any part thereof any tolls or charges not exceeding threepence for any distance less than three miles, and for other distances any tolls or charges not exceeding one penny per mile (and for this purpose a fraction of a mile beyond an integral number of miles shall be deemed a mile):

For all animals, goods, minerals, and parcels conveyed upon the tramways, any tolls or charges not exceeding the tolls and charges specified in the Schedule (A.) to this Order annexed, subject to the regulations in that behalf therein contained:

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

Passengers luggage.

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

Cheap fares for labouring classes.

25. The lessees shall at all times during the continuance of the demise of the tramway run at least two carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the lessees think most convenient for artizans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the lessees nevertheless not being required to take any fare less than one penny): Provided always, that in case of any complaint made to the Board of Trade of the hours appointed by the lessees for the running of such carriages, the said Board shall have power to fix and regulate the same from time to time. Every lease to be granted by the Corporation shall imply a condition of re-entry if the lessees at any time after the expiration of twenty-one days notice requiring them to run such carriages at such times and at such tolls or charges as in this section mentioned, make default in complying with such notice, unless such default shall be occasioned by unavoidable accident.

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 persons entitled to demand such tolls and charges may, by notice to be annexed to the list of tolls and charges, appoint.

Periodical revision of tolls.

27. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough of Sunderland, or by the lessees,

that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870; and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

Opening of Tramways to the Public.

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

28. Subject to the provisions of any lease or agreement for lease, 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 company or person 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 or charges are authorised to be taken by this Order any tolls or charges not exceeding the tolls or charges by this Order authorised to be taken or made for such purposes by the lessees.

Tolls if tramways open to be used by the public.

29. If the tramways or any part thereof be declared to be open to be used by the public, the Promoters may demand and take from the company or person so using the tramways or any part thereof the following tolls and charges in respect of such user, viz.:

For every passenger travelling in or upon any of the carriages of such company or person any tolls or charges not exceeding one half of the tolls and charges by this Order authorised to be demanded and taken by the lessees for such passenger:

For any animals, goods, minerals, and parcels conveyed in or upon the carriage of such company or person any tolls or charges not exceeding one half of the tolls or charges specified in the Schedule A. to this Order annexed in respect of such animals, goods, minerals, and parcels so conveyed, subject to the regulations in that behalf in the said schedule contained, 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 to such tolls or charges.

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

30. The company or person so using the tramways or any part thereof declared to be open to be used by the public, and their officers and servants, shall permit any person duly authorised for that purpose by the Promoters to ride free of

.D. 1879.

underland orporation.

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, animals, goods, minerals, or parcels are conveyed by such company or person upon the tramways or such part thereof.

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

31. The provisions contained in the following sections of the Tramways Act, 1870, viz.:

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

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

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

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

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

Miscellaneous.

Provisions as to arbitration.

32. Where under the provisions of the Tramways Act, 1870, and 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 in every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and delivery of notices.

33. 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, or at the Town Hall in the borough, 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, or to the town clerk at the Town Hall.

Sunderland Corporation.

Promoters, &c. not to be liable for damage from mining operations.

34. The Promoters, the lessees, and any company or person using the tramways under the authority of this Order, shall not be liable for any accident, damages, or injuries arising from or consequent on the working of any mines or minerals under or in the neighbourhood of the tramways.

Confirmation of agreement between Promoters and Tramway Company.

35. The agreement made between the Promoters of the one part and the Tramway Company of the other part, and set forth in the Schedule B. to this Order annexed, is hereby confirmed and made binding upon the Promoters and the Tramway Company respectively, and shall be carried into execution: Provided that the lease to be granted to the Tramway Company in pursuance thereof shall, in addition to all other provisions therein mentioned, contain a provision, in case of default by the Tramway Company in payment of any rent or moneys for the time being due by them to the Corporation for twenty-one days after the same shall be due and have been demanded, for the appointment by the Corporation of a receiver of the tolls and charges receivable by the Tramway Company in respect of the tramways leased to them, until payment to the Corporation of such rent or other moneys due to them from the Tramway Company under such lease.

Running powers.

36. The lessees and any company and person lawfully using the tramways authorised by this Order, or the tramways authorised by the Sunderland Tramways Order, 1878, or the Sunderland Tramways Extension Order, 1879, or any of such tramways, may, subject to the provisions of the said Orders, and of any lease made thereunder, respectively pass over and use, with their carriages and servants, any of the tramways authorised by any of such Orders respectively, and communicating the one with the other, on terms to be agreed on and to be approved by the Board of Trade, or in case of difference to be fixed in manner provided by the thirty-third section of the Tramways Act, 1870, and the parties using any tramways under this section shall respectively at all times observe the regulations and byelaws for the time being in force on the tramways so used by them.

Power to enter into agreements with respect to traffic, &c.

37. The lessees or any company or person using the tramways under the authority of this Order on the one hand, and any other company 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 other company or person any passengers, animals, goods, minerals, or parcels, and the fixing, collecting, and apportionment of tolls, charges, rents, or other receipts arising in respect of such traffic.

Promoters may borrow moneys to be repaid in 30 years.

38. The Promoters may, under and according to the provisions contained in section 20 of the Tramways Act, 1870, borrow for the purposes of this Order, in addition to any sum or sums of money they are already authorised to borrow, any sum or sums of money not exceeding twenty-five thousand pounds, and the time for which such moneys may be borrowed shall be thirty years; and for the purpose of such borrowing the Promoters may include in any mortgage of the local rate the moneys coming to them out of 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.

A.D. 1879.

Sunderland Corporation.

Saving for general Acts.

39. Notwithstanding anything contained in this Order, the Promoters, lessees, and any persons using any tramways to which the same applies shall be subject and liable to the provisions of any general Act which may hereafter be passed during this or any future session of Parliament relating to the tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, or to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power by any such general Act as aforesaid.

SCHEDULE A.

TOLLS AND CHARGES FOR ANIMALS, GOODS, &c.

Animals.		Per Mile. s.	d.
For every horse, mule, or other beast of draught or burden	per head	0	6
For every ox, cow, bull, or head of cattle - - -	„	0	6
For every calf, pig, sheep, or other small animal - -	„	0	3
Goods and Minerals.			
For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highway - - - - - - - -	per ton	0	3
For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron, not otherwise specifically classed herein, and for heavy iron castings, including railway chairs - - - - - - - -	per ton	0	4
For all sugar, grain, flour, hides, dyewood, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings - - - - - -	per ton	0	6
For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things -	per ton	0	6
For every carriage of whatever description - - - -		1	0

Parcels.	Any Distance. s.	d.
For any parcel not exceeding seven pounds in weight - -	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - - - - -	0	5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - - - -	0	7

	Any Distance. s. d.
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight - - - - - - -	0

For any parcel exceeding fifty-six pounds in weight, such sums as the persons or company conveying the same may think fit:

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

For the carriage of single articles of great weight:

	Per Mile.
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 weights of which, including the carriage, exceed four tons, but do not exceed eight tons, such sums as the person or company conveying the same may think fit, not exceeding - - - - - - -	2 0

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

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, tolls and charges may be demanded and taken according to the number of the quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

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.

SCHEDULE B.

An Agreement made the twenty-sixth day of March one thousand eihgt hundred and seventy-nine, between The Mayor, Aldermen, and Burgesses of the Borough of Sunderland, in the County of Durham (herein-after called "the Corporation"), of the one part, and The Sunderland Tramways Company, Limited (herein-after called "the Company"), of the other part.

Whereas an application is now pending before the Board of Trade for a Provisional Order to authorise the construction by the Corporation of certain tramways in the said borough of Sunderland:

A.D. 1879.

Sunderland Corporation.

Now it is hereby agreed between the Corporation and the company, subject to the sanction of Parliament, as follows; that is to say,

1. In case the said Provisional Order shall be made and confirmed by Parliament, then and subject to the provisions herein-after contained, the Corporation shall cause the tramways authorised by such Order, with the necessary and proper sidings, rails, plates, works, and conveniences (but not including stables, car-sheds, or equipment) requisite for using and working the same for public traffic, to be constructed in a substantial manner, and according to working plans and sections and specifications to be prepared by the company's engineer at the company's expense, and to be approved by the Corporation, and shall, subject to the provisions herein-after contained, commence the construction of the said tramways and works within six calendar months after the passing of the Act confirming such Order, and shall complete the same within the time allowed or limited by such Order for the construction thereof.

2. Upon the construction and completion of the said tramways the Corporation shall grant to the company and the company shall accept a lease of the exclusive rights of user of the said tramways and works so constructed, and of the rights of demanding and taking in respect of the said tramways the tolls and charges to be authorised by the Order for a term of twenty-one years, to commence from one week after the notice of the receipt of the certificate of the inspectors from the Board of Trade of the completion of the different lines of tramways, and to be at or upon the rent and terms herein-after mentioned.

3. Upon the execution of such lease the company shall pay to the Corporation any moneys which before that date may have been paid or incurred by the Corporation for or in respect of interest upon moneys raised by them under the authority of the Order for and expended by them upon the construction and completion of the said tramways and works, and shall also pay to them the costs and expenses which shall have been before then reasonably incurred by the Corporation in and about raising such moneys.

4. Forthwith after the confirmation by Parliament of the said Order the company shall pay to the Corporation the costs, charges, and expenses of and incidental to the preparing for, obtaining, and passing of the said Order and the Act confirming the same, or otherwise in relation thereto.

5. The yearly rent for the said premises so to be demised to the company to be reserved upon such lease shall consist of the following sums; that is to say,

(1.) A sum equal to interest at the rate of four pounds ten shillings per cent. per annum upon the moneys which shall have been raised by the Corporation under the authority of the Order for and expended in the construction and completion of the tramways and works, if the interest actually paid by the Corporation upon such moneys or any part thereof shall not exceed the rate aforesaid, but if it shall exceed such rate as to all or any part of such moneys, then the sum payable under this provision shall be a sum equal to the yearly interest paid by the Corporation upon all such moneys, such annual payments for or in respect of interest upon the total amount raised and expended by the Corporation to be paid for the full term of twenty-one years,

notwithstanding that the Corporation may have from time to time repaid part of the principal so raised : A.D. 1879.

Sunderland Corporation.

(2.) And as an additional rent the sum of one hundred pounds per annum for each street mile of the said tramways, and so in proportion for any less distance than a mile: Provided always, that whenever and so often as in any year the divisible profits of the company shall not be sufficient to pay a minimum dividend at the rate of five pounds per cent. per annum upon the shares or stock of the company, then and in every such case the amount per mile payable under this provision shall for that year be at the rate of seventy-five pounds per mile only instead of at the rate aforesaid. And whenever and so often as in any year the said profits of the company shall be sufficient after providing for the payment of the aforesaid additional rent, and of the further additional rent next herein-after mentioned, to pay a minimum dividend at the rate of ten pounds per cent. per annum, then and in every such case the company shall also pay to the Corporation as a further additional rent for that year the sum of fifty pounds per annum per street mile (making the total sum of one hundred and fifty pounds per mile as additional rent), and so in proportion for any distance less than a mile; and whenever and so often as in any year the said profits of the said company shall be sufficient, after providing for the payment of the aforesaid additional rents and of the further additional rent next herein-after mentioned, to pay a minimum dividend at the rate of fifteen pounds per cent. per annum, then and in every such case the company shall also pay as a further additional rent for that year the sum of fifty pounds per street mile (making the total sum of two hundred pounds per street mile as additional rent), and so in proportion for any distance less than a mile; and whenever and so often as in any year the said profits of the company shall be sufficient, after providing for the payment of the aforesaid additional rents, and of the further additional rent herein-after mentioned, to pay a minimum dividend at the rate of twenty pounds per cent. per annum, then and in every such case the company shall also pay as a further additional rent for that year the sum of fifty pounds per street mile (making a total sum of two hundred and fifty pounds per mile as an additional rent), and so in proportion for any distance less than a mile.

6. The said yearly rents, except the mileage rents, shall be paid by equal quarterly payments, and the first payment shall be made at the expiration of three calendar months next after the commencement of the said term, and the succeeding quarterly payments at the expiration of each succeeding period of three calendar months.

7. The mileage rents to be paid by the company as aforesaid, shall be paid within fourteen days after the annual general meeting of the company, to be held next after the end of the year, in respect of which the same shall be payable or within three calendar months after the end of the year, if the meeting shall not be previously held. The year for the purposes of the provisions con-

A.D. 1879.

Sunderland Corporation.

tained in this Agreement and to be inserted in the lease shall be the financial year of the company terminating upon the day up to which the annual accounts of the company shall be made up. For the purpose of ascertaining the amount of the gains and profits of the company the accounts for each year shall be taken separately, and no allowance shall be made on either side on the ground of any excess or deficiency of such gains and profits, or any loss in any previous or subsequent year.

8. The lease to be granted shall contain clauses or provisions:

(1.) For the maintenance, repair, and renewal by the company, and at their expense during such lease of the demised tramways and works, and of the whole of the roadways between and within the tramways, and also to the extent of eighteen inches beyond the outside of the rails on each side throughout to the satisfaction of the Corporation as the sole judges thereof:

(2.) For the delivery up of the same at the expiration or other determination of the lease so maintained, repaired, and renewed, and in good working order and condition to the like satisfaction of the Corporation:

(3.) For indemnifying the Corporation from and against all accidents, damages, and injuries, through the act or default of the company, their officers or servants:

(4.) For giving to the Corporation full powers of distress over all the property of the company for any arrears of rent or other moneys due to them from the company under such lease, but subject to a proviso that it shall not be lawful for the Corporation so to exercise the power of distress as to occasion any stoppage or interruption in the working of the tramways, and also full powers of re-entry on nonpayment of rent for twenty-one days or nonperformance or nonobservance by the company of the covenants and provisions of such lease:

(5.) For the reference to arbitration of any dispute or difference between the Coporation and the company as to the amount of the profits of the company, and the amount or rate of any such mileage rents as aforesaid, with a covenant on the part of the company to permit the books and accounts of the company to be inspected and examined yearly by an auditor to be appointed by the Corporation:

(6.) Covenants on the part of the Corporation and the company that in case at any time or times during the continuance of the lease the company shall consider it requisite for the efficient and convenient working of the tramways that any crossings, sidings, passing-places, junctions, communications with stables of the company, or other works or conveniences by the Order authorised, should be constructed, the company may give to the Corporation a notice in writing specifying such crossings, works, or conveniences as aforesaid, and requiring the Corporation to construct the same, and thereupon, unless the Corporation shall, within one calendar month after the receipt of such notice, serve on the company a counter notice in writing that they dispute the necessity or reasonableness of such works, or any of them, the Corporation shall forthwith, at their own expense, construct such

crossings or other works or conveniences as aforesaid, in the manner herein-before provided with regard to the construction of the tramways in the first instance, but in case the Corporation shall serve such counter notice as aforesaid, it shall be referred to arbitration under a provision as to arbitration to be inserted in such lease to determine whether such crossings, works, or conveniences are necessary or reasonably requisite, and if on such arbitration it shall be decided that the same are necessary or reasonably requisite, then the Corporation shall forthwith proceed to construct the same as aforesaid, and that in case the said works shall be so constructed, the same shall be thereafter deemed to be part of the tramways and works included in the lease; that the yearly rent to be paid by the company shall be increased by the amount of the yearly interest upon the moneys raised by the Corporation under the authority of the Order and expended on such works, together with a due proportion of rent at the rates before mentioned in respect of the additional length of rails laid down for such purposes, and that the company shall pay the cost of raising such moneys: Provided always, that no passing-place, junction, or communication with any stable under this clause shall be required to be of greater length than two hundred yards: Provided also, that the Corporation shall not be bound to cause any such works to be constructed after the Corporation shall have raised and expended in or upon the construction of the tramways and works the total amount by the Order authorised to be raised, unless the company shall supply the money required for the construction of such works, in which case the Corporation shall cause the same to be constructed, but no additional rent shall be paid by the company in respect of such works:

(7.) A covenant or provision to the effect that in case the Corporation shall, under the powers conferred upon them by the Sunderland Tramways Order, 1878, purchase the tramways authorised by that Order during the continuance of the lease without leasing their said purchased tramways to the company, the company shall be at liberty at any time, within three months after such purchase, to determine the lease by notice in writing to be given to the Corporation, and thereupon the lease shall be determined accordingly, and if the lease be not determined, the company shall, during the continuance thereof, be entitled to pass over and use the tramways authorised by the said "Order of 1878," with their carriages, passengers, and traffic, on terms to be agreed upon, and in default of agreement to be fixed by arbitration, but the company shall at all times observe the regulations and byelaws for the time being in force on the tramways so used by them:

(8.) An arbitration clause:

(9.) All other covenants, clauses, and provisions on the parts of the lessors and lessees usual or proper in leases of tramways by a local authority to an incorporated company, or as may be necessary, in order to give effect to the provisions of this Agreement.

A.D. 1879.

Sunderland Corporation.

9. The lease shall be prepared by the solicitor of the company, and be approved by the Corporation, and in case any dispute shall arise as to the form thereof, or as to the proper provisions to be inserted therein, or as to the sufficiency and adequacy of such security, the same shall be settled on behalf of both parties by a barrister-at-law to be agreed upon, or failing agreement, to be nominated by the Board of Trade.

10. The company shall execute a counterpart of the lease, and shall pay to the Corporation upon the execution of the lease all the costs, charges, and expenses of and incidental to the preparation and execution thereof, and of the counterpart thereof, and of this Agreement.

11. Upon the determination of the lease by effluxion of time or otherwise the company shall sell and the Corporation shall purchase such of the lands, buildings, stabling, works, fixed plant, rolling stock, horses, and materials then belonging to the company (absolutely or as lessees) and suitable to and used or acquired for the purposes of their undertaking as may be necessary for the proper working of the tramways so leased, provided that the same are not required by the company for the purposes of the other parts of their undertaking, at a price to be ascertained in the manner provided by the forty-third section of the Tramways Act, 1870, with respect to the value to be put upon purchases made under that section.

12. The company shall not at any time be deemed to be liable or be required to pay any tolls, composition, or payment for or in respect of the user of the bridge over the river Wear (called the Wearmouth bridge) or the approaches thereto, beyond the sums to be paid by the company pursuant to the Agreement dated the fifth day of December one thousand eight hundred and seventy-seven, and made between the Corporation of the one part and the company of the other part, by reason of the traffic from or over or in connexion with the tramways the subject of this Agreement.

13. The carriages to be used by the company on the tramways shall be constructed and maintained to the satisfaction of the Corporation or any person to be appointed by them for the purpose, and the carriages shall be run at such times and at such speed as the Corporation or any officer appointed by them may from time to time direct, and generally the Corporation shall, subject to the provisions of the lease, have powers to make regulations or pass byelaws with reference to the working or use of the said tramways, and other powers and authorities as are conferred on local authorities by the Tramways Act, 1870.

14. If the said proposed Order be not made or be not confirmed during the present session of Parliament, this Agreement shall become null and void at the expiration of the present session of Parliament, except so far as regards the stipulations herein-after contained.

15. In case the company shall at any time or times herein-after apply to Parliament or to the Board of Trade for authority to use upon the tramways the subject of this Agreement and the other tramways worked by the company, or any of them, carriages drawn or propelled by steam or other mechanical power, the Corporation shall consent to every or any such application.

16. The Corporation shall proceed with the Provisional Order promoted by them and now pending before the Board of Trade as amended, containing

provisions as to the confirmation of this Agreement, and the company shall consent thereto, and they and the Corporation shall endeavour to procure the same to be passed and confirmed, and the company shall proceed with the Provisional Order promoted by them and now pending before the Board of Trade relating to other tramways in and in the neighbourhood of the said borough as amended, and shall endeavour to procure such Order as amended to be passed and confirmed. A.D. 1879. *Sunderland Corporation.*

17. All future extensions of the tramways of the Corporation and of the company respectively during the currency of the lease referred to in clause No. 2, page 1, of this Agreement, shall be promoted only by mutual consent of the Corporation and the company; provided that any difference which may arise between the Corporation and the company shall be settled by the Board of Trade.

In witness whereof the said Mayor, Aldermen, and Burgesses have hereunto caused their corporate seal to be affixed and the Sunderland Tramways Company, Limited, have hereunto caused their common seal to be affixed the day and year first above written.

SUNDERLAND TRAMWAYS (EXTENSION). *Sunderland.*

Provisional Order authorising the construction of Tramways in the parish of Monkwearmouth, and townships of Monkwearmouth and Southwick, in the county of Durham.

1. This Order may be cited as "The Sunderland Tramways Extension Order, 1879." Short title.

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

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: Interpretation.

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

In this Order the terms and expressions herein-after mentioned shall have the meanings herein-after assigned to them, unless there be something in the subject or context repugnant to such construction; that is to say,

The expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Sunderland acting by the Council:

The expression "the Local Board" shall mean the Local Board for the district of the township of Southwick:

The expression "the Order of 1878" shall mean the Sunderland Tramways Order, 1878:

A.D. 1879.

Sunderland.

The expressions "the borough tramways" and "the Southwick Tramways" shall mean so much of the tramways as are to be situate in the borough of Sunderland and so much of the tramways as are to be situate in the district of the township of Southwick respectively:

The term "person" shall include any corporation.

Promoters.

The Promoters.

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

Lands by agreement.

5. The Promoters may by agreement from time to time purchase and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold more for such purposes than five acres of land.

Construction of Tramway.

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 a tramway route seven furlongs six chains and fifty links in length, consisting of two furlongs three chains and ninety-four links of double line, and five furlongs two chains and fifty-six links of single line. These tramways are particularised as follows:—

Tramway No. 1 (a single line), seven furlongs six chains and fifty links in length, commencing in North Bridge Street by a junction with the westernmost line of the authorised tramways of the Company at a point in North Bridge Street opposite or nearly opposite to the centre of Thomas Street, at its junction with North Bridge Street, passing thence along North Bridge Street into and along Southwick Road, otherwise Southwick Lane, crossing the bridge carrying that roadway over the North-eastern Railway and the tramways or railways belonging to Messrs. Thompson and Ross and to Major Stafford, thence proceeding along Cornhill, through Town Street, Southwick, and terminating in that road at a point opposite or nearly opposite to the western side of Stoney Lane:

Tramway No. 1a (a tramway being a second line of tramway), seven chains and forty-four links in length, commencing in North Bridge Street by a junction with the easternmost line of the authorised tramways of the Company at a point in North Bridge Street opposite or nearly opposite to the centre of Thomas Street at its junction with North Bridge Street, passing thence along North Bridge Street into and along Southwick Road, otherwise Southwick Lane, and terminating in the last-mentioned road by a junction with Tramway No. 1, at or about the centre of the bridge carrying that road over the North-eastern Railway:

Tramway No. 1b (a tramway being a second line of tramway), being a passing-place three chains in length, wholly in Southwick Road or Lane, commencing and terminating by junctions with Tramway No. 1 at points respectively opposite to and sixty-six yards westward from the south-east corner of Pilgrim Street at its junction with the Southwick Road:

Tramway No. 1c (a tramway being a second line of tramway), being a passing-place three chains in length, wholly in Southwick Road or Lane, commencing and terminating by junctions with Tramway No. 1 at points respectively sixty-two yards or thereabouts and one hundred and twenty-eight yards or thereabouts westward from Albany Street:

Tramway No. 1d (a tramway being a second line of tramway), being a passing-place three chains in length, wholly in Cornhill, commencing and terminating by junctions with Tramway No. 1 at points respectively opposite to and sixty-six yards or thereabouts westward from the western side of Kertch Street:

Tramway No. 1e (a tramway being a second line of tramway), being a passing-place six chains in length, commencing in Cornhill by a junction with Tramway No. 1, at a point fifty-seven yards or thereabouts eastward from Fullwell Road, proceeding thence along Cornhill and Town Street, Southwick, and terminating in the last-mentioned street by a junction with Tramway No. 1 at a point opposite or nearly opposite to the western side of Shakspere Street:

Tramway No. 1f (a tramway being a second line of tramway), one chain and fifty links in length, wholly in Town Street, Southwick, commencing by a junction with Tramway No. 1 at a point thirty-three yards or thereabouts from the termination of that tramway, and terminating at a point opposite or nearly opposite to the eastern side of Stoney Lane.

The tramways herein-before described will be made, and pass from, in, through, or into the following parishes, townships, or extra-parochial places, or some of them; that is to say, the parish of Monkwearmouth, and townships of Monkwearmouth and Southwick, in the county of Durham.

Provided always, that the Promoters shall not commence to construct the borough tramways, or any works in connexion therewith, until after the expiration of a period of six months from the passing of the Act confirming the Sunderland Corporation Tramways Order, 1879, nor unless the powers of the Corporation under the said Order for the construction of Tramways Nos. 5 and 5a therein described, and of the works in connexion therewith, and otherwise in relation thereto, shall have absolutely ceased and determined, and an order to that effect has been published in the "London Gazette."

Release of part of deposit in respect of borough tramways.

7. In case, in pursuance of the provisions contained in the last preceding section, the Promoters are prevented from commencing to construct the borough tramways and the works connected therewith, the Promoters, 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 borough tramways and the portion of the deposit made by the Promoters in pursuance of section twelve of the Tramways Act, 1870, in respect of the application for this Order,

A.D. 1879.

Sunderland.

which bears to the whole of the said deposit the same proportion as the length of the borough tramways 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 so specified in such certificate as aforesaid to be paid or transferred to the Promoters, or as they shall direct; and the residue of the said deposit shall, except as otherwise by this Order provided, be treated and dealt with as if it had been the deposit made in respect of the application for this Order with reference to the Southwick tramways, and as if such last-mentioned tramways were the only tramways by this Order authorised.

For protection of North-eastern Railway Company.

8. The Promoters shall so construct and maintain the following tramways, namely, Tramways No. 1 and No. 1a in the Southwick Road, where such road is carried by means of a bridge over the railway of the North-eastern Railway Company, as not to injuriously affect the said bridge or the approaches thereto, 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 the said tramways on or over the same, whether such injury occur either during or after the construction of, or in effecting the maintenance of the said tramways, the North-eastern Railway 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.

Further provisions as to construction of tramways.

9. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Order.

Rails of tramways.

10. The rails of the tramways shall be such as the Board of Trade shall approve, and the space between the rails of the tramways and for eighteen inches on each side of such rails shall be paved with granite setts or blocks: Provided that 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 such improvements.

Penalty for not maintaining rails and road in good condition.

11. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and road.

12. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade shall certify under the hand of a Secretary or Assistant Secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

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 passing-places connecting the one tramway with the other, and by means of such passing-place or passing-places the traffic shall, when necessary, be diverted from one tramway to the other.

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

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

A.D. 1879.

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

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

15. The Promoters may from time to time hereafter make all such crossings, passing-places, sidings, junctions, turnouts, 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, carriage-houses, 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, by writing under his hand addressed to the Promoters, express his objection thereto.

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 are laid, it is, in the opinion of the road authority, necessary or expedient temporarily to remove or discontinue the use of such tramway, or any part thereof, the Promoters may, subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make, construct in the same or any adjacent road, and, with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain, so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of 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.

17. Any paving, metalling, or material excavated by the Promoters in the construction of the 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 such road authority, or to such person or persons as he may appoint to receive the same: Provided that if, within seven days after 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.

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

18. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed by the Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

Traffic and Tolls upon Tramways.

Traffic upon tramways.

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

Tolls.

20. The tramways authorised by this Order shall, for the purposes of tolls and charges, be deemed to form part of the tramways of the Promoters authorised by the Order of 1878, and it shall be lawful for the Promoters to demand and take such tolls and charges in respect of each and every description of traffic as they would have been entitled to demand and take if the same had originally formed part of the said tramways authorised as aforesaid, and the provisions of sections seventeen to twenty-three (both inclusive) of the Order of 1878, except so much of the same as relate to the revision of the tolls and charges thereby authorised to be demanded and taken in respect of the traffic on the said tramways, shall apply to the tramways by this Order authorised, and the tolls and charges to be demanded and taken in respect thereof, in like manner in every respect as if the tramways by this Order authorised formed part of the tramways in the said sections referred to.

Periodical revision of tolls.

21. If at any time after three years from the opening for public traffic of the tramways authorised by the Order of 1878 or by this Order, or any portion of such tramways, or after three years from the date of any order made in pursuance of this section in respect of such tramways or any portion of such tramways, it is represented in writing to the Board of Trade by the local authority of any district in which such tramways or such portion of such tramways are or is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, or by the Promoters, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on such tramways or on such portion of such tramways should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870; and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on such tramways or on such portion of such tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not

A.D. 1879.

Sunderland.

exceed in amount the tolls and charges by the Order of 1878 authorised. The provisions of this section shall as to the tramways to which the same relate supersede and be in substitution for the provisions of the Order of 1878 with respect to the revision of tolls and charges.

Miscellaneous.

Provisions as to works caused by tramways.

22. The provisions of the thirty-second section of the Tramways Act, 1870, with respect to works by authorities, companies, bodies, and persons, and additional expense caused to any authority, 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 any local or road authority, and to the additional expense in respect of the same.

Promoters not to be liable for damage from mining operations.

23. The Promoters and any company or person using the tramways under the authority of this Order shall not be liable for any accident, damages, or injuries arising from or consequent on the working of any mines or minerals under, in, or in the neighbourhood of the tramways.

Section 29 of Order of 1878 as to junctions, &c. to apply to tramways.

24. The provisions of section twenty-nine of the Order of 1878, with respect to junctions and communications between the tramways of the Promoters and the tramways of the Corporation, shall be construed as if the term "tramways "of the Promoters" therein used included the tramways by this Order authorised: Provided always, that any conditions and terms agreed upon or settled under the said section, or under the said section as extended by this section, shall not be of any force or effect until the same have been approved by the Board of Trade.

Power to enter into agreements with respect to traffic, &c.

25. The Promoters or any person using the tramways under the authority of this Order on the one hand, and any other company 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 other company or person any passengers, animals, goods, minerals, or parcels, and the fixing, collecting, and apportionment of tolls, charges, rents, or other receipts arising in respect of such traffic, upon such terms and conditions as may be agreed upon between the Promoters or such person and such other person or company.

Running powers.

26. The Promoters and any company and person lawfully using the tramways authorised by this Order, or the tramways authorised by the Order of 1878, or the Sunderland Corporation Tramways Order, 1879, or any of such tramways, may, subject to the provisions of the said Orders, and of any lease made thereunder, respectively pass over and use, with their carriages and servants, any of the tramways authorised by any of such Orders respectively, and communicating the one with the other, on terms to be agreed on and to be approved by the Board of Trade, or in case of difference to be fixed in manner provided by the thirty-third section of the Tramways Act, 1870, and the parties using any tramways under this section shall respectively at all times observe

the regulations and byelaws for the time being in force on the tramways so used by them. A.D. 1879.

Sunderland.

Tramways in the borough and in Southwick to be separate undertakings in case of sale.

27. The borough tramways and the Southwick tramways shall, in case of sale by the Promoters, be deemed to be separate undertakings so long as the district of the township of Southwick does not form part of the borough of Sunderland.

The Promoters not to sell tramways under sec. 44 of Tramways Act, 1870, without first giving Corporation and Local Board respectively, option of purchase.

28. If the Promoters desire to exercise the power for the sale of their undertaking authorised by this Order conferred by the forty-fourth section of the Tramways Act, 1870, they shall, in the event of any proposed sale thereof to any person or company, give two calendar months notice in writing to the Corporation as to the borough tramways, and to the Local Board as to the Southwick tramways, stating their intention to exercise such power, and of the terms of such proposed sale; and in the event of the Corporation or the Local Board, as the case may be, by written notice within such period of two months, requiring the Promoters to sell to them on the same terms, the Promoters shall sell accordingly to the Corporation or to the Local Board, as the case may be.

Powers to Corporation and Local Board respectively to purchase after seven years from passing of confirmation Act.

29. In addition to the power of purchase given to the Corporation and the Local Board respectively by section forty-three of the Tramways Act, 1870, the Promoters may be required to sell the undertaking of the borough tramways to the Corporation and the undertaking of the Southwick tramways to the Local Board at any time after the expiration of seven years from the passing of the Act confirming this Order, upon receiving six months notice from the Corporation or the Local Board, as the case may be, and upon the terms that the price to be paid shall be a sum equal to twenty years purchase of the proportion of the average yearly net profits made by the Promoters during the three years immediately preceding such sale, according to the proportion which the length of the tramways comprised in such undertaking bears to the total length of the lines of tramways forming part of or worked with or as parts of their undertaking, excluding in each case the length of sidings, passing-places, and other like works, and reckoning a single line of tramway as equal to a double line.

In case of sale, Corporation and Local Board to grant leases to Promoters.

In the event of the Corporation or the Local Board purchasing under this section, they shall, unless they are authorised to work the undertaking themselves, grant a lease of the undertaking to the Promoters if they require the Corporation or the Local Board, as the case may be, so to do, for such term as the Promoters may desire, not exceeding twenty-one years, at such rent and upon such terms as may be agreed upon between the Corporation or the Local Board, as the case may be, and the Promoters, or as in case of difference shall be settled by a referee to be appointed by the Board of Trade.

Provision as to purchase of tramways by Corporation if they purchase tramways under Order of 1878.

30. If the Corporation purchase the undertaking of the tramways authorised by the Order of 1878, they shall, if required by the Promoters, purchase forthwith the undertaking of the borough tramways under this Order, and also the undertaking of the Southwick tramways if the Corporation shall then be the local authority of the township of Southwick, and upon the terms

A.D. 1879.

Sunderland.

provided by the last preceding section of this Order; and if the Corporation purchase the undertaking of the borough tramways under this Order, they shall, if required by the Promoters, purchase forthwith the undertaking of the tramways authorised by the Order of 1878 upon the terms provided by the said last preceding section of this Order.

In the event of the Corporation purchasing the undertaking of the tramways authorised by the Order of 1878, under the provision of the twenty-eighth section of that Order, the price to be paid by the Corporation shall be ascertained in accordance with the provisions of the last preceding section of this Order.

Provision as to arbitration.

31. Where under the provisions of the Tramways Act, 1870, and 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 in every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and delivery of notices.

32. 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.

Saving for general Acts.

33. Notwithstanding anything contained in this Order, the Promoters, lessees, and any persons using any tramways to which the same applies, shall be subject and liable to the provisions of any general Act which may hereafter be passed during this or any future session of Parliament relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, or to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power by any such general Act as aforesaid.

Power for Local Board to elect to be substituted as Promoters as to certain of the tramways.

34. The Local Board, in pursuance of a resolution to that effect passed at a special meeting of the Board, may within a period of three months after the passing of the Act confirming this Order intimate to the Promoters by notice in writing the desire of the Local Board to be substituted in the place of the Promoters for the purposes of this Order, so far as the same relates to the Southwick Tramways, and thereupon, provided that the Local Board shall also cause a copy of such notice to be published within the like period, once in the London Gazette and twice in the Times newspaper, all the rights, power, and authorities conferred by this Order upon the Promoters, as to the

construction, maintenance, working, and use of the Southwick tramways, and the works incidental thereto respectively, shall, subject to the provisions herein after contained, be transferred to and vested in, and may thenceforward be exercised by the Local Board in like manner as if the Local Board had been in the first instance authorised by this Order to construct such tramways and works, and the Local Board shall, as to the Southwick tramways as aforesaid, be deemed to be the Promoters of this Order instead of the Promoters, and this Order shall be construed accordingly. Provided always, that the provisions of this Order with respect to the traffic and tolls by this Order authorised in relation to the tramways, shall be applicable to and shall be observed by and may be demanded and taken by the lessees of the Local Board, as though they were by this Order made specially applicable to and were authorised to be observed, demanded, and taken on the Southwick tramways.

From and after such transfer and vesting, but not otherwise, the following provisions of this Order shall be in force and have effect:

Local Board may purchase lands by agreement.

35. The Local Board may by agreement from time to time purchase and acquire such lands as they may require for the purposes of the undertaking, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold more than three acres of land under the authority of this Order.

Release of part of deposit as to Southwick tramways.

36. In case the Local Board elect as aforesaid to be substituted in place of the Promoters, in respect of the Southwick tramways, 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 Southwick tramways, and the portion of the said deposit which bears to the whole of the said deposit the same proportion as the length of the Southwick tramways 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 so specified in such certificate as aforesaid to be paid or transferred to the Promoters, or as they shall direct; and the residue of the deposit, except as otherwise by this Order provided, shall be treated and dealt with as if it had been the deposit made in respect of the application for this Order with reference to the borough tramways, and as if such last-mentioned tramways were the only tramways by this Order authorised.

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

37. Subject to the provisions of any lease or agreement for a lease, the Local Board may from time to time by resolution declare the Southwick tramways, or any part thereof, to be open to be used by the public, and for such periods as the Local Board think fit, and so soon as the Local Board have passed such resolution, any company or person may use the Southwick tramways, or any part thereof, with carriages having flange wheels, or other wheels suitable only to run on the rails of the tramways, and may demand and take for the like purposes for which tolls or charges are authorised to be taken by this Order any tolls or charges not exceeding the tolls or charges by this Order authorised to be taken or made for such purposes by the Local Board.

Tolls if Southwick tramways open to be use by the public.

38. If the Southwick tramways or any part thereof be declared to be open to be used by the public, the Local Board may demand and take from any company

A.D. 1879.

Sunderland.

or person so using the Southwick 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 company or person, any tolls or charges not exceeding for any distance traversed in the same direction at one time the sum of three halfpence inside and one penny outside for each single journey of such passenger, whether with or without change of carriage;

For any animals, goods, minerals, and parcels conveyed in or upon the carriages of such company or person, any tolls or charges not exceeding for any distance in the same direction one half of the tolls and charges specified in the Schedule A. to this Order annexed, in respect of such animals, goods, minerals, and parcels so conveyed, subject to the regulations in that behalf therein contained;

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

Servants of Local Board to ride in carriages, &c. free of charge.

39. The company or person so using the Southwick tramways or any part thereof declared to be open to be used by the public, and their officers and servants, shall permit any person duly authorised for that purpose by the Local Board 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, animals, goods, minerals, or parcels are conveyed by such company or person upon the Southwick tramways or such parts thereof.

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

40. The provisions contained in the following sections of the Tramways Act, 1870; viz.,

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 penalty;

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

Section 40.—Owners of carriages liable to damage done by their servants, &c., shall, so far as the same are applicable in this behalf, extend and apply, mutatis mutandis, to the company or person so using the Southwick tramways, or any part thereof, declared to be open to be used by the public; and in construing those sections for the purposes aforesaid,—

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

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

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

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

A.D. 1879.

Sunderland. Local Board may borrow moneys to be paid in thirty years.

41. The Local Board may, under and according to the provisions contained in section twenty of the Tramways Act, 1870, borrow for the purposes of this Order, in addition to any sum or sums of money they are already authorised to borrow, any sum or sums of money not exceeding five thousand pounds, and the time for which such moneys may be borrowed shall be thirty years, and for the purpose of such borrowing the Local Board may include in any mortgage of the local rate the moneys coming to them out of 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.

SCHEDULE.

Tolls and Charges for Animals, Goods, &c.

	Per mile. s.	d.
Animals.		
For every horse, mule, or other beast of draught or burden, per head	0	6
For every ox, cow, bull, or head of cattle, per head	0	6
For every calf, pig, sheep, or other small animal, per head	0	3
Goods and Minerals.		
For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highway, per ton	0	3
For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay, (except fire-clay), and for wrought iron, not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, per ton	0	4
For all sugar, grain, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton	0	6
For 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

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

A.D. 1879.

Sunderland.

For any parcel exceeding fifty-six pounds in weight, such sums as the persons or company conveying the same may think fit:

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

For the carriage of single articles of great weight:

For the carriage of any iron boiler, cylinder, or single piece of machinery or single piece of timber or stone, or other single article, the weights of which, including the carriage, exceed four tons, but do not exceed eight tons, such sums as the person or company conveying the same may think fit, not exceeding two shillings per ton per mile.

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 persons or company conveying the same may think fit.

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 tolls and charges may be demanded and taken according to the number of the quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

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.

Swansea.

SWANSEA TRAMWAYS (EXTENSION).

Order authorising the construction of Tramways in the parishes of Swansea and Swansea Higher, in the town and franchise of Swansea and county of Glamorgan.

Short title.

1. This Order may be cited as "The Swansea Tramways (Extension) Order, 1879."

Incorporation of Acts.

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

A.D. 1879.

Swansea.

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 expressions "the Act of 1874" and "the Act of 1878" shall mean respectively the Swansea Improvements and Tramways Act, 1874, and the Swansea Improvements and Tramways Act, 1878.

Promoters.

The Promoters.

4. The Swansea Improvements and Tramways Company incorporated by the Act of 1874 shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may by agreement from time to time purchase and take on lease and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold for such purposes more than five acres of land.

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 Nos. 1 to 1D, both inclusive, together form a tramway six furlongs four chains and seventy-five links in length, and consist of one furlong eight chains and ninety links of double line, and four furlongs five chains and eighty-five links of single line.

These tramways are particularised as follows:—

Tramway No. 1 (being a single line of tramway), six furlongs four chains and seventy-five links in length, commencing at a point in High Street, twenty-seven feet, or thereabouts, south of the junction of the centre of Jockey Street with High Street, by a junction with tramway No. 4, authorised by the Act of 1874, and passing thence in a northerly direction along High Street and Caermarthen Road, and terminating in the last-mentioned road at a point two hundred and fifty feet, or thereabouts, westward of the centre of the bridge carrying the Caermarthen Road over the Bwrlais Brook:

Tramway No. 1a (being a single line of tramway), one furlong two chains and forty links in length, commencing in High Street at a point fourteen feet, or thereabouts, north of the junction of the centre of Thomas Row with High Street, by a junction with tramway No. 1, and thence passing

A.D. 1879.

Swansea.

in a northerly direction along High Street and Caermarthen Road, and terminating in the last-mentioned road by a junction with tramway No. 1 at a point forty feet, or thereabouts, north-westward of the junction of the centre of Baptist Well Place with the Caermarthen Road:

Tramway No. 1c (being a single line of tramway), three chains and seventy links in length, wholly in the Caermarthen Road, commencing by a junction with tramway No. 1 at a point ninety-five feet, or thereabouts, north-westward of the junction of the centre of Peter Street with Caermarthen Road, and terminating by a junction with tramway No. 1 at a point two hundred and forty-three feet, or thereabouts, north-westward of the last-mentioned point of commencement:

Tramway No. 1d (being a single line of tramway), two chains and eighty links in length, wholly in the Caermarthen Road, commencing by a junction with tramway No. 1 at a point forty feet, or thereabouts, north-westward of the Cwmbwrla Turnpike gate, and terminating by a junction with tramway No. 1 at a point eighty-five feet, or thereabouts, south-eastward of the junction of the centre of Gorse Road with the Caermarthen Road.

The tramways herein-before described will be made, and pass from, in, through, or into the following parishes, townships, or extra-parochial places, or some of them; that is to say, the parishes of Swansea and Swansea Higher, in the town and franchise of Swansea and county of Glamorgan: Provided always, that the construction of the said tramways shall not be commenced unless and until the Promoters shall have paid to the Mayor, Aldermen, and Burgesses of the Borough of Swansea the sum of four hundred pounds as and for a contribution towards the widening and improving by the Corporation to a width of forty feet of the said Caermarthen Road, nor shall such tramways be commenced until such road has been widened as aforesaid.

Further provisions as to construction of tramways.

7. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Order.

Mode of formation of tramways.

8. The rails of the tramways shall be such as the Board of Trade may approve: Provided that the Board of Trade may from time to time, upon the application of the road authority, require the Promoter 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.

9. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and road.

10. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade shall certify under the hand of a Secretary or Assistant Secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

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

11. If the 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 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, carriage-houses, 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

A.D. 1879.

Swansea.

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, by writing under his hand addressed to the Promoters, express his objection thereto.

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 is, in the opinion of the road authority, necessary or expedient temporarily to remove or discontinue the use of such tramway, or any part thereof, the Promoters may, subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make, construct in the same or any adjacent road, and, with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain, so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

If any difference arises 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.

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 the road authority may be applied by the Promoters, so far as may be necessary, in or towards the reinstating of such road, and the maintenance, for six months after completion of any of the tramways within the district of such road authority, of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided that, if within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus 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 any 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.

Period for completion of works.

15. The tramways shall be completed within one year from the date of the Act confirming this Order, or from the completion by the Corporation of the widening of the Caermarthen Road; and if on the expiration of that period the tramways are not completed, the powers by this Order granted to the Promoters for constructing and maintaining the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

16. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an Order signed by the Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

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

Traffic and Tolls.

17. The tramways may be used for the purpose of conveying passengers, animals, goods, minerals, and parcels; provided that no goods, animals, articles, or things, other than passengers, and passengers luggage and parcels not exceeding fifty-six pounds in weight, shall be conveyed on the tramway between the hours of eight in the morning and eight in the evening without the consent of the road authority, nor shall any carriages, trucks, or waggons constructed for use on a railroad be permitted to pass along the tramways between the same hours without such consent.

Traffic on tramways.

18. The tramways authorised by this Order shall, for the purposes of tolls and charges, be deemed to form part of the tramways of the Promoters authorised by the Act of 1874 and the Act of 1878, and it shall be lawful for the Promoters to demand and take such tolls and charges in respect of each and every description of traffic as they would have been entitled to demand and take if the same had originally formed part of the said tramways authorised as aforesaid, and the provisions of sections eighty-eight to ninety-two (both inclusive) of the Act of 1874 and of the Second Schedule to the said Act annexed shall apply to the tramways by this Order authorised, and to the traffic upon the same, and the tolls and charges to be demanded and taken in respect thereof, in like manner in every respect as if the tramways by this Order authorised formed part of the tramways in the said sections and schedule referred to.

Tolls.

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

Payment of tolls.

20. If at any time after three years from the opening for public traffic of any of the tramways authorised by the Act of 1874 or the Act of 1878 or this Order, or any portion of such tramways, or after three years from the date of any order made in pursuance of this section in respect of such tramways or any portion of such tramways, it is represented in writing to the Board of Trade by the local authority of any district in which such tramways or such portion of such tramways are or is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, or by the Promoters, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on such tramways or on such portion of such tramways should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870; and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges

Periodical revision of tolls.

A.D. 1879.

Swansea.

should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on such tramways or on such portion of such tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by the Act of 1874 authorised.

Miscellaneous.

Section 94 of Act of 1874 as to agreements to apply to tramways.

21. The provisions of section ninety-four of the Act of 1874, with respect to agreements for the use of the tramways, shall be construed as if the term "the tramways," therein used, included the tramways by this Order authorised: Provided always, that any such agreements made with respect to the tramways by this Order authorised under the authority of section 94 of the Act of 1874, as extended by this section, shall be made subject to the approval of the Board of Trade.

Power to enter into agreements with respect to traffic, &c.

22. The Promoters or any person using the tramways under the authority of this Order on the one hand, and any other company 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 other company or person any passengers, animals, goods, minerals, or parcels, and the fixing, collecting, and apportionment of tolls, charges, rents, or other receipts arising in respect of such traffic, upon such terms and conditions as may be agreed upon between the Promoters or such person and such other person or company.

Provisions as to arbitration.

23. Where under the provisions of the Tramways Act, 1870, and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply in 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.

Saving for general Acts.

25. Notwithstanding anything in this Order contained, the Promoters and any persons using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or

any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, or to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

TYNEMOUTH AND DISTRICT TRAMWAYS.

Tynemouth, &c.

Order authorising the construction of Tramways in the borough of Tynemouth and in the neighbourhood thereof, in the county of Northumberland.

Short title.

1. This Order may be cited as "The Tynemouth and District Tramways Order, 1879."

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the Promoters of the undertaking), and of the Tramways Act, 1870, are hereby incorporated with this Order, except where the same are 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" and "the Corporation" shall mean respectively the borough of Tynemouth and the mayor, aldermen, and burgesses of the said borough acting by the council:

The expression "the Local Board" shall mean the Local Board of Health for the Whitley and Monkseaton district, in the county of Northumberland.

Promoters.

The Promoters.

4. Charles Blagburn and Nathaniel Dunn, and the survivor of them, and the executors or administrators of such survivor, their or his assigns, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may by agreement from time to time purchase and take on lease and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold for such purposes more than five acres of land.

A.D. 1879.

Tynemouth, &c. 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—

(1.) A Tramway, No. 1, (three miles three furlongs two chains and twenty-one yards in length,) consisting of one mile five furlongs and three chains of double line, and one mile five furlongs nine chains and twenty-one yards of single line, wholly situate in the parish of Tynemouth, in the county of Northumberland, commencing at a point half a chain east of the public drinking fountain situated in the eastern boundary wall of Saint Paul's Church, in the front or main street of the village of Whitley, and proceeding thence in an easterly direction into and along the main street of Whitley aforesaid, into and along the main road between Whitley and Cullercoats, across the boundary separating the district of the Whitley and Monkseaton Local Board and the borough of Tynemouth, thence into and along John Street, Cullercoats, and proceeding thence in a southerly direction along Beverley Terrace into and along the new road now in course of formation by His Grace the Duke of Northumberland, from Beverley Terrace, Cullercoats, to Percy Park Road, Tynemouth, thence into and along Percy Park Road, across the front street into and along the Shields and Tynemouth Road and Albion Street, and into and along Upper Norfolk Street and the southern end of Northumberland Square, and into and along Howard Street, and terminating at the southern end of the last-named street opposite or nearly opposite the junction therewith of Tyne Street.

The Tramway No. 1 will consist of a single line of tramway laid along the centre of the respective roads and streets through which it is intended to pass, except that at the instances next hereafter mentioned the tramway will consist of a double line of tramway, each line of which will gradually diverge from and on opposite sides of the centre line of the road or street until, in the length of three quarters of a chain, the centre line of each respectively attain the distance of three feet ten and a quarter inches from the imaginary centre line of the road or street, and will continue respectively at that distance from the centre line until they respectively reach a point three quarters of a chain from the termination of the double line of tramway, when they will again respectively gradually approach until in such length they again attain the imaginary centre line of the road or street.

The following are the points, above referred to, at which the tramways will consist of a double line ; viz.,

(*a.*) In the Front Street, Whitley, and in the main road from Whitley to Cullercoats between a point one chain and half a chain from the commencement, as above described, of the proposed Tramway No. 1, and the intersection of the imaginary centre lines of the road from Whitley to Cullercoats and Nelson Terrace.

(*b.*) In John Street, Cullercoats, between a point coinciding with the boundary line between the Whitley and Monkseaton district and the borough of Tynemouth and a point opposite the south-east corner of the boundary wall of the Primitive Methodist Chapel.

(*c.*) In John Street and Beverley Terrace, Cullercoats, between a point opposite the south-west corner of Dove Street and a point one chain southward from the intersection of the imaginary centre line of John Street and Beverley Terrace.

(*d.*) In Beverley Terrace, Cullercoats, between a point one chain northward of the south corner of Beverley Terrace and a point two chains fifteen yards southward of the said corner.

(*e.*) In the said new road between Beverley Terrace, Cullercoats, and Percy Park, Percy Park Road, across Front Street and in the Shields and Tynemouth Road, from a point nine yards northward of the north-west corner of the skating rink to a point one chain four yards east of the centre of the main entrance of the Tynemouth Station of the North-eastern Railway Company.

(*f.*) In the Shields and Tynemouth Road, between a point four yards west of the south-west corner of Cross Lane and a point six chains seven yards westward of the said corner.

(*g.*) In the Shields and Tynemouth Road, between a point thirteen yards westward of the south-west corner of Washington Terrace and a point opposite the south-east corner of Coburg Street.

(*h.*) In the Shields and Tynemouth Road, Albion Street, Upper Norfolk Street, Northumberland Square, and Howard Street, from a point opposite the corner of Albert Terrace and North King Street to a point one chain eight yards southward of the north-east corner of Howard Street.

(*i.*) In Howard Street, from a point three quarters of a chain southward from the intersection of the imaginary centre lines of Howard Street and Saville Street to a point half a chain northward of the termination of the tramway as above described.

(2.) A Tramway, No. 2, (one furlong eight chains and nine yards in length,) consisting of four chains of double line and one furlong four chains and nine yards of single line, commencing in Howard Street aforesaid, in the said parish of Tynemouth, by a junction with the proposed Tramway No. 1 above described, at a point three quarters of a chain southward of the intersection of the imaginary centre lines of Howard Street and Saville Street, and proceeding thence in a northerly direction along Howard Street, and curving in a westerly direction into and passing along Saville Street, Saville Street West, and terminating at the western end of the last-named street, where the same street forms a junction with the street or road known as the Borough Road.

The Tramway No. 2 will consist of a single line of tramway laid along the centre of the respective streets and roads through which it is intended to pass, except that at the places next herein-after mentioned the tramway will consist of a double line of tramway, each line of which will gradually diverge from and on opposite sides of the centre line of the road or street until, in the length

A.D. 1879.

Tynemouth, &c.

of three quarters of a chain, they respectively attain the distance of three feet ten and a quarter inches from the imaginary centre line of the road or street, and will continue respectively at that distance from the centre line until the centre line of each respectively reach a point three quarters of a chain from the termination of the double line of tramway, when they will again respectively gradually approach until in such length they again attain the imaginary centre line of the road or street.

The following are the points, above referred to, at which the tramway will consist of a double line; viz.,

(*j.*) In Saville Street West, at the termination of the tramway, from a point five chains eastward to a point half a chain eastward of such termination.

(3.) A short junction single Tramway No. 3, (one chain and four yards in length,) situate wholly in the parish of Tynemouth, in the county of Northumberland, commencing in Howard Street by a junction with the proposed Tramway No. 1, at a point seventeen yards northward of the intersection of Howard Street and Saville Street, and terminating in Saville Street by a junction with the proposed Tramway No. 2 at a point seventeen yards measured in a westerly direction from the said intersection of Howard Street and Saville Street.

The tramways and works herein-before described will pass from, through, or be made from, in, through, or into the parishes, townships, extra-parochial and other places following, that is to say, Whitley, Cullercoats, Tynemouth, North Shields, and Chirton, all in the county of Northumberland, or some or one of them:

Provided always, that, notwithstanding anything in this Order contained, the Promoters shall not construct any tramway into or along, or execute any work in, or break the soil of, the said new road now in course of formation from Beverley Terrace, Cullercoats, to Percy Park Road, Tynemouth, until such new road has become a public highway, and is a "road" within the meaning of that expression as used in the Tramways Act, 1870, without the previous consent in writing of His Grace the Duke of Northumberland, or other the owner or owners for the time being of the said new road, and of the Corporation.

Further provisions as to construction of tramways.

7. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section

twenty-six of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Order.

Mode of formation of tramways.

8. The rails of the tramways shall be such as the Board of Trade may approve: Provided that the Board of Trade may from time to time, upon the application of the road authority, 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.

9. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and road.

10. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade shall certify under the hand of a Secretary or Assistant Secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

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 passing-places connecting the one tramway with the other, and by means of such passing-place or passing-places the traffic shall, when necessary, be diverted from one tramway to the other

A.D. 1879.

Tynemouth, &c. Tramways to be kept on a level with surface of road.

12. 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 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-houses, sheds, or works of the Promoters, subject to the approval of the road authority expressed in writing under their corporate seal: 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, by writing under his hand addressed to the Promoters, express his objection thereto: Provided also, that after any such crossing, passing-place, siding, junction, or other works have been made, the road authority may, by notice in writing, require the Promoters 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 from time to time with every such requirement.

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 is, in the opinion of the road authority, necessary or expedient temporarily to remove or discontinue the use of such tramway, or any part thereof, the Promoters may, subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make, construct in the same or any adjacent road, and, with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain, so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of 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 such road, and the maintenance, for six months after completion of any of the tramways within the district of such road authority, of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the

Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided that if, within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus 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.

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

16. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed by the Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

Traffic upon Tramways.

Traffic upon tramways.

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

Promoters not bound to carry animals, goods, &c. unless as provided in Order.

18. The Promoters shall not, except as by this Order otherwise provided, 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, or than small parcels not exceeding fifty-six pounds in weight.

Corporation, &c. may require Promoters to carry animals, goods &c.

19. If at any time after the opening of the tramways, or any of them, or any part thereof, for public traffic, the Corporation or the Local Board, by notice require the Promoters to arrange for and conduct a separate service for the transmission of animals, goods, minerals, or parcels, other than passengers luggage exceeding twenty-eight pounds in weight, within the Borough or within the district of the Local Board, the Promoters shall, within three months after receipt of such notice, arrange for such service upon the terms of payment of tolls and charges in respect of such animals, goods, minerals, or parcels not exceeding the tolls and charges by this Order authorised, but such service shall not be required to exceed two journeys in each direction over the whole length of the tramways on each day (Sundays excepted); and in the event of any difference arising between the Corporation or the Local Board and the Promoters in respect thereof, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of differences in the said section mentioned.

Limitation as to size of trucks and goods.

20. Nothing in this Order shall be construed to oblige the Promoters to provide for the conveyance of animals, goods, minerals, or parcels in trucks, or to carry goods of greater length or width than fifteen feet in length or seven feet in width.

A.D. 1879.

Tynemouth, &c. Tolls.

Tolls.

21. 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 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 two miles any sum not exceeding twopence.

Passengers luggage.

22. 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.

23. 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 two carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Promoters think most convenient for artizans, 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.

24. 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 and charges for the use of the tramways, and for waggons or trucks, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding the tolls and charges specified in the Schedule to this Order annexed, subject to the regulations in that behalf therein contained.

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 Promoters may, by notice to be annexed to the list of tolls, appoint.

Periodical revision of tolls.

26. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, or by the Promoters, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the pro-

visions of the Tramways Act, 1870; and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

Miscellaneous.

Provisions as to arbitration.

27. Where under the provisions of the Tramways Act, 1870, and this Order, any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply in every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and delivery of notices.

28. 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 any 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 Town Hall or at the principal office of 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 their respective clerk or secretary, at the Town Hall or such principal office.

Promoters when required to grant running powers to lessees of Corporation or Local Board.

29. If at any time after the opening of the tramways, or any of them, or any part thereof, for public traffic, the Corporation or the Local Board, by notice in writing, require the Promoters to grant running powers to the lessees of the Corporation or of the Local Board over such tramways, or any part thereof, in connexion with any tramways hereafter to be constructed within the borough of Tynemouth, or the district of the Local Board, by the Corporation or Local Board, and communicating with the tramways by this Order authorised, or any of them, or any part thereof, for the purpose of conveying passengers, animals, goods, minerals, or parcels, the Promoters shall, subject to the provisions of this Order and to the approval of the Board of Trade, grant such running powers to such lessees, upon such terms and subject to such conditions as may be agreed upon by the Corporation or the Local Board and the Promoters, or as, in the event of any difference arising between the Corporation or the Local Board and the Promoters in respect thereof, shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of differences in the said section mentioned.

A.D. 1879.

Tynemouth, &c. Saving for general Acts.

30. Notwithstanding anything in this Order contained, the Promoters and any persons using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, or to any future revision or alteration, under the authority of Parliament, of the maximum rate of tolls or charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

SCHEDULE.

TOLLS AND CHARGES FOR ANIMALS, GOODS, &c.

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, per head - -	0	2

Goods and Minerals.

For all coal, culm, cannel, limestone, chalk, lime, slate, clay, ironstone, undressed or scrubbed 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, 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

Small Parcels.

	Any Distance. s.	d.
For any parcel not exceeding in weight seven pounds, each - -	0	3
For any parcel exceeding seven and not exceeding fourteen pounds in weight, each - - - - - -	0	5

	Any Distance. s. d.
For any parcel exceeding fourteen but not exceeding twenty-eight pounds in weight, each	0 7
For any parcel exceeding twenty-eight but not exceeding fifty-six pounds in weight, each	0 9
For any parcel exceeding fifty-six but not exceeding five hundred pounds in weight, the person conveying the same under the provisions of this Order may demand and take any sum he thinks proper.	

Regulations as to Tolls.

In respect of tolls and charges for animals, goods, and minerals conveyed upon the tramways for any less distance than three miles, tolls and charges as for three miles may be demanded and taken.

For a fraction of a mile beyond three miles, or beyond any greater number of miles, tolls and charges may be demanded and taken for animals, 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 tolls and charges may be demanded and taken according to the numbers 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 terms shall apply only to single parcels in separate packages.

WIGAN TRAMWAYS.

Wigan.

Order authorising the Wigan Tramways Company, Limited, to construct Tramways in the parish of Wigan in the county of Lancaster.

Short title.

1. This Order may be cited as "The Wigan Tramways Order, 1879."

Incorporation of Acts.

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

A.D. 1879.

Wigan.

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 expressions "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 Wigan in the county of Lancaster, acting by the council.

The expression "the borough" shall mean the said borough of Wigan.

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 surveyor of county and hundred bridges for the hundred of West Derby, in the county palatine of Lancaster.

Promoters.

The Promoters.

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

Lands by agreement.

5. The Promoters may, by agreement, from time to time purchase and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold for such purposes more than five acres of land.

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 Nos. 1 to 1G, both inclusive, form a tramway route two miles one furlong four chains and ninety links in length, and consist of two furlongs of double line, and of one mile seven furlongs four chains and ninety links of single line. These tramways are particularised as follows:

Tramway No. 1, a single line of tramway two miles one furlong and four chains ninety links in length, commencing in Ormskirk Road at a point one chain sixty links or thereabouts west of the centre of Church Road, and terminating in Wallgate at a point opposite to the west side of Queen Street by a junction with Tramway No. 3:

Tramway No. 1A, a second line two chains in length, situate in Ormskirk Road, commencing at a point one chain sixty links or thereabouts west of the centre of Church Road, and terminating by a junction with Tramway No. 1:

Tramway No. 1B, a second line three chains in length, situate in Ormskirk Road, commencing and terminating by junctions with Tramway No. 1:

Tramway No. 1c, a second line three chains or thereabouts in length, situate in Ormskirk Road, commencing and terminating by junctions with Tramway No. 1 :

Tramway No. 1D, a second line three chains in length, situate in Ormskirk Road, commencing and terminating by junctions with Tramway No. 1 :

Tramway No. 1E, a second line three chains in length, situate in Wallgate, commencing and terminating by junctions with Tramway No. 1 :

Tramway No. 1F, a second line three chains in length, situate in Wallgate, commencing and terminating by junctions with Tramway No. 1 :

Tramway No. 1G, a second line three chains in length, situate in Wallgate, commencing and terminating by junctions with Tramway No. 1.

Tramways No. 3 and 3B together form a tramway one furlong eight chains in length, and consist of two chains twenty-five links of double line, and one furlong five chains seventy-five links of single line. Those tramways are particularised as follows :

Tramway No. 3, a single line of tramway one furlong and eight chains in length, commencing in Wallgate by a junction with Tramway No. 1 at a point opposite to the west side of Queen Street, and terminating in Market Place by a junction with Tramway No. 4 at a point five chains or thereabouts north-east of Bretherton Row :

Tramway No. 3B, a second line two chains twenty-five links in length, situate in Market Place, commencing and terminating by junctions with Tramway No. 3.

Tramways Nos. 4 and 4A together form a tramway route one mile five chains in length, and consist of three chains in length of double line, and one mile two chains in length of single line. Those tramways are particularised as follows :

Tramway No. 4, a single line of tramway one mile five chains in length, commencing in Market Place by a junction with Tramway No. 3 at a point five chains or thereabouts north-east of Bretherton Row, and terminating in Wigan Lane at the point where Leyland Mill Road joins Wigan Lane :

Tramway No. 4A, a second line three chains in length, situate in Wigan Lane, commencing and terminating by junctions with Tramway No. 4.

Tramways Nos. 7 to 7G, both inclusive, form a tramway route two miles four furlongs and eight chains in length, and consist of one furlong nine chains and seventy-five links of double line, and of two miles two furlongs eight chains and twenty-five links of single line. These tramways are particularised as follows :

Tramway No. 7, a single line of tramway two miles four furlongs and eight chains in length, commencing in King Street at a point fifty links or thereabouts west from opposite to the centre of Rodney Street, and terminating in Market Street, in the township of Hindley, at a point one chain or thereabouts north from opposite to the centre of the Hindley Post Office :

Tramway No. 7A, a second line two chains twenty-five links in length, situate in King Street, commencing at a point fifty links or thereabouts

A.D. 1879.

Wigan.

west of the centre of Rodney Street, and terminating by a junction with Tramway No. 7:

Tramway No. 7B, a second line three chains in length, situate in Darlington Street, commencing and terminating by junctions with Tramway No. 7:

Tramway No. 7C, a second line three chains in length, situate in Darlington Street East, commencing and terminating by junctions with Tramway No. 7:

Tramway No. 7D, a second line three chains in length, situate in Manchester Road, commencing and terminating by junctions with Tramway No. 7:

Tramway No. 7E, a second line three chains in length, situate in Manchester Road, commencing and terminating by junctions with Tramway No. 7:

Tramway No. 7F, a second line three chains in length, situate in Wigan Road, commencing and terminating by junctions with Tramway No. 7:

Tramway No. 7G, a second line two chains fifty links in length, situate in Market Street, commencing by a junction with Tramway No. 7, and terminating at a point one chain or thereabouts north from opposite to the centre of the Hindley Post Office.

All the said tramways will be situate in the parish of Wigan, in the county of Lancaster.

Protection of Corporation.

7. The following provisions for the protection and benefit of the Corporation shall apply and have effect; (that is to say,)

1. Each of the tramways shall consist of a single pair of grooved rails, and shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road, and with respect to tramways within the borough in such manner as regards construction, rails, sleepers, fastenings, width of groove, foundations, paving materials used, and in all other respects as the Corporation may approve:
2. In laying down the tramways the Promoters shall restore the level of the roads and streets in all cases where the same are altered or disturbed:
3. If the Corporation at any time or times hereafter, or from time to time, shall give six months notice in writing to the Promoters, requiring that the lines of tramway by this Order authorised shall be extended by lines (herein-after referred to as "the extension lines") to any other district or districts, place or places, within the borough, the Promoters shall, and they are hereby required, to take all steps necessary by way of application to the Board of Trade or to Parliament, to enable them to comply with such notice, and shall use their best endeavours to obtain the powers necessary for the purpose, and for this purpose the consent of the Corporation shall be taken to have been given: Provided always, that if in the opinion of the Promoters such extension lines would not be reasonably remunerative, or such requisition is on account of their pecuniary position, or for any other cause, unreasonable, and any difference thereupon arise between the Corporation and the Promoters, the question in difference shall be determined in the manner provided by the thirty-third section of the Tramways Act, 1870, and

in the event of the Promoters (if directed so to do by the engineer appointed under the said section) making default in applying for, or failing to obtain the necessary powers for the construction, maintenance, and working of, or failing to construct, maintain, and work the extension lines, or any of them, the Corporation may, at the cost and expense of the Promoters, make application to the Board of Trade or to Parliament for such purpose and for powers at the expense of the Promoters to construct and maintain such extension lines:

4. Any paving, metalling, or material excavated by the Promoters in the construction of the undertaking from any road under the jurisdiction or control of the Corporation (but only if and so far as the Corporation deem them satisfactory and proper) 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 borough, 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 set aside the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid, and shall give to the surveyor for the time being of the Corporation notice in writing of the place or places where such surplus is, and if not removed by or on behalf of the Corporation within three days from the service of such notice, or if before the expiration of that time they decline to remove the same, such surplus paving, metalling, or material shall absolutely vest in and belong to the Promoters, and they shall remove the same within twenty-four hours from such vesting. Any difference between the Promoters and the Corporation or the said surveyor 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:

5. If at any time before the expiration of twenty-one years from the passing of the Act confirming this Order, the Corporation are authorised by the Board of Trade or otherwise to acquire the undertaking of the Promoters, the Promoters shall, if required by the Corporation by notice in writing addressed to the secretary of the Promoters, sell and convey the said undertaking of the Promoters to the Corporation (but so that the Promoters shall not be compelled to sell and convey the said undertaking until the end of twelve years from the confirmation of this Order), and the amount of purchase money to be paid by the Corporation to the Promoters shall, in case of difference, be settled and determined by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party, and the expense of the reference shall be borne and paid as the referee shall direct; and the Corporation may pay the purchase money and all expenses incurred by them in relation to such purchase out of the like rate, and shall have the like powers to borrow for thirty years on the security of the same, as if such purchase money and expenses were incurred in applying for,

A.D. 1879.

Wigan.

obtaining, and carrying into effect any Provisional Order obtained by them under the Tramways Act, 1870:

6. The carriages to be used on the tramways shall, subject to the provisions of the Tramways Act, 1870, be of such width and construction and the wheels of the carriages shall be of such form and dimensions as may from time to time be approved by the Corporation in writing, certified under the hand of their town clerk, and it shall not be lawful for the Promoters to lay down any rail, or for the Promoters, any other company, or person to use on any tramway any rail, carriage, or wheel, in contravention of this enactment:

7. Along the tramway from the Old Market Place along Standishgate and Wigan Lane to the termination for the time being of Tramway No. 4, not less than twelve journeys shall be made by train cars each way at suitable intervals between 6 a.m. and 10 o'clock p.m. on each working day, except with the consent of the Corporation; and in all cases within the borough carriages shall be run singly, except with the like consent:

8 Notwithstanding any powers vested in them for that purpose, the Promoters shall not break up or interfere with any street in the borough until the town clerk of the borough has certified in writing that the Corporation are satisfied that ten thousand pounds of the capital necessary for carrying out the scheme of the Promoters has been subscribed for and allotted to responsible persons:

9. The Promoters shall, when required by the Corporation by notice in writing under the hand of their town clerk, take up and remove any passing-places, sidings, or junctions, and substitute therefor other passing-places, sidings, or junctions upon the sites indicated in such notice; but the Promoters shall not be required to comply with the request unless the substituted place shall be in such a position as to enable the Promoters properly to work the tramways and so that more than nine feet six inches shall intervene between the outside of the footpath and the nearest rail of the passing-place, siding, or junction proposed to be laid in such substituted place, unless in the latter case the Corporation shall procure the consent of two thirds of the owners and occupiers of houses, shops, and warehouses abutting upon that part of the street where such distance does not intervene:

10. All costs and expenses incurred or which may be incurred by the Corporation in connexion with or incident to the negotiation for an arrangement between the Promoters and the Corporation and of and attending its completion and attending the obtaining of this Order and the passing of the Act confirming this Order, and the expenses of members of deputations from the Corporation on the subject to London and elsewhere, shall be paid by the Promoters within three months after the passing of the Act confirming this Order.

For protection of Lancashire and Yorkshire Railway Company.

8. In constructing and maintaining the tramways across the Liverpool, Manchester, and Bury branch of the railway of the Lancashire and Yorkshire

Railway Company, the Promoters shall not in any way alter or interfere with the structure of the bridge which carries Wallgate over that railway or of the approaches thereto; and they shall so construct and maintain the tramways in the road over the said bridge and the approaches thereto 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 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 the said tramways), the Lancashire and Yorkshire Railway Company may at the expense of the Promoters restore such bridge or 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 Lancashire and Yorkshire Railway 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 respectively 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 like manner as any simple contract debt.

For protection of the London and North-western and Lancashire Union Railway Companies.

9. The Promoters shall observe, perform, and comply with the following provisions; that is to say,

1. The following tramways at the following points shall be constructed and maintained in the centre of the road as single lines only, without any additional crossings, passing-places, sidings, junctions, or other works; that is to say,

   Tramway No. 1, in the Ormskirk Road, for the length of its passing under the bridge of the Lancashire Union Railway over that road; Tramway No. 3, in Wallgate, in Wigan, from its commencement to where it is intended to be carried over the Lancashire and Yorkshire Railway bridge under Wallgate:

   Tramway No. 7, in the Wigan Road, for the length of its passing under the bridge of the Lancashire Union Railway over that road, and for a distance of sixty yards on either side of that bridge:

2. Tramway No. 7, where it is proposed to cross the Springs Branch Railway of the London and North-western Railway Company (herein-after referred to as "the railway company") on the level, shall be constructed and maintained only in accordance with plans and sections to be agreed upon by the respective engineers of the railway company and of the Promoters, or in default of agreement to be settled by arbitration as is herein-after provided for, and under the superintendence and to the reasonable satisfaction of such engineer of the railway company and at the costs in all things of the Promoters, including all additional signals rendered necessary in the opinion of such engineer of the railway company by the construction and working of such tramway (but as to such superintendence only in case the railway company shall require the same),

A.D. 1879.

Wigan.

and such tramway and signals at the said level crossing shall be kept in constant and efficient repair to the satisfaction of such engineer of the railway company, by and at the cost in all things of the Promoters, including all signalling expenses for such signals:

3. The carriages used on the tramways shall not be stopped on or be otherwise allowed to interfere with or obstruct the traffic passing along the said branch railway at the said level crossing, and such traffic shall at all times have precedence of the traffic on the tramway, the passing and conduct of which traffic, in so far as it may appear to the railway company expedient or necessary to guard against or prevent any such interference or obstruction, shall be subject to such rules, byelaws, and regulations, and with such reasonable penalties for the breach or nonobservance or nonperformance thereof, as the railway company may make from time to time:

4. If by the execution of any of the works, or by any operations or proceedings of the Promoters, or the failure of any such works or operations, or by any act or omission of the Promoters, or of their contractors, or of their respective agents, servants, or employés, or by the working or user of the said tramway across the said branch railway and such crossing, the said railway or any of the works thereof is or are injured or damaged, or any impediment or obstruction arise or be caused to the traffic on the said branch railway, such injury or damage shall be forthwith made good by the Promoters at their cost and in all things to the satisfaction of such engineer of the railway company, and on the failure of the Promoters so to do or to keep the said tramway at the said level crossing in such constant and efficient repair, the railway company may make good the same and effect such repairs and recover from the Promoters the expense thereof respectively, as also compensation for any such impediment or obstruction of traffic, and all sums, damages, losses, costs, and expenses which they may pay, incur, or be put unto, whether from accident or otherwise caused by or arising out of such working or user, together with full costs and charges, by all and the same means as any simple contract debt is recoverable.

For protection of county bridges.

10. In constructing the tramways by this Order authorised upon or over any bridge, or any parts of the road at either end of any bridge, under the jurisdiction of the justices, the Promoters shall not alter or interfere with the structure of such bridge, or of the approaches thereto, and shall so construct and maintain the tramways in the road over such bridge and the approaches as not to injuriously affect such 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 the tramways on or over the same (whether such injury shall occur either during or after construction, or in effecting the maintenance of the tramways), the justices may restore such bridge and approaches, or the part or parts which may be injured, to as good a state as they were in before such injury was occasioned, at the expense of the Promoters, and the Promoters shall recoup to and indemnify the justices against all sums, costs,

A.D. 1879.

Wigan.

and expenses which they may pay or be put to in restoring such bridge, and in maintaining and repairing so much of the road over such bridge and approaches as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870, and the justices 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. Nothing herein contained shall tend to lessen or control any right, power, or authority now vested in the justices for altering or rebuilding any bridge, and the lengths of roadway adjacent thereto repairable by the inhabitants of the said county or any hundred therein which may be crossed or affected by the works of the Promoters, but all such rights, powers, and authorities shall remain in as full force as if this Order had not been made, and the said justices shall not be liable to make any compensation whatever for any damage or injury to the tramways by the altering or rebuilding of any such bridge and lengths of roadway adjacent thereto: Provided that in altering or rebuilding such bridge or length of roadway adjacent thereto, nothing shall be done to impede or interfere with the tramways for any greater length of time or in any other manner than shall be necessary for the execution of the works, and before commencing such alteration or rebuilding, ten days notice thereof shall be given to the Promoters, and the said justices shall afford to the Promoters all necessary and reasonable temporary facilities for enabling them to continue the traffic on their tramways during such alteration or rebuilding.

If any bridge repairable by the inhabitants of the said county, or of any hundred therein, upon or along which any of the tramways are laid be altered or rebuilt by the justices, the justices may require the Promoters to alter any such tramways in such manner as the circumstances of the case may reasonably require: Provided that in case of any difference between the justices and the Promoters as to such alteration, the same shall be referred to an arbitrator to be agreed upon between the parties, or to be appointed for that purpose by the Board of Trade, on the application of either party: And provided also, that it shall and may be lawful for the Promoters to contribute such sum as may be mutually agreed upon between the Promoters and the justices towards the expense of altering, widening, and enlarging any of such bridges as in this section mentioned.

Protecting bridges over Leeds and Liverpool Canals.

11. Wheresoever any of the tramways are constructed upon any bridge carrying a road over a canal of the Company of Proprietors of the Leeds and Liverpool 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

A.D. 1879.

Wigan.

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 Leeds and Liverpool Canal Company to open roads, &c.

12. 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 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 eighteen 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 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 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.

A.D. 1879.

Wigan.

Difference between the Promoters and the Leeds and Liverpool Canal Company.

13. 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.

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

Gauge of tramways.

15. The tramways shall be constructed on a gauge of three feet and six inches: Provided always, that so much of section thirty-four of the Tramways Act, 1870, as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways.

Further provisions as to construction of tramways.

16. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act: Provided always, that the word "materials" in this enactment does

A.D. 1879.

Wigan.

not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Order.

Mode of formation of tramways.

17. The rails of the tramways shall be such as the Board of Trade may approve: Provided that the Board of Trade may from time to time, upon the application of the road authority, require the Promoters to adopt and apply such improvements in the tramway, 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.

18. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and road.

19. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade shall certify under the hand of a Secretary or Assistant Secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

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

20. 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 passing-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.

21. 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 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.

22. 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-houses, 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, by writing under his hand, addressed to the Promoters, express his objection thereto.

Temporary tramways may be made when necessary.

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

24. 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 justices or of any road authority other than the Corporation, or which the justices or such road authority 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 such road, and the maintenance, for six months after completion of any of the tramways within the district of the justices or of such road authority, of so much of the roadway of such road 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 bridge surveyor or to the surveyor for the time being of such road authority, or to such person or persons as the bridge surveyor or such other surveyor may appoint to receive the same: Provided that if within seven days after notice in writing to the justices or the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus is not removed by the bridge surveyor or other surveyor, or by some other person or persons

A.D. 1879.

Wigan.

named by the bridge surveyor or such other 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 bridge surveyor or other surveyor or 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.

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

25. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed by the Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

Traffic upon Tramways.

Traffic upon tramways.

26. The tramways may be used for the purpose of conveying passengers, animals, goods, minerals, and parcels, except with regard to the tramways within the borough, which shall be used exclusively for the purpose of conveying passengers and parcels.

Tolls.

Tolls.

27. 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 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 two miles any sum not exceeding twopence.

Passengers luggage.

28. Every passenger travelling upon the tramways may take with him his personal luggage, not exceeding fourteen 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.

29. 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 two carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Promoters think most convenient for artizans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile, the Promoters nevertheless not being required to take any toll or charge 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.

30. 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 and charges for the use of the tramways, and for waggons or trucks, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding the tolls and charges specified in the Schedule to this Order annexed, subject to the regulations in that behalf therein contained.

Payment of tolls.

31. 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 and charges appoint.

Periodical revision of tolls.

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

Miscellaneous.

Provisions as to arbitration.

33. Where, under the provisions of the Tramways Act, 1870, and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the 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.

34. 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

A.D. 1879.

Wigan.

by post in a registered letter, addressed to their respective clerk or secretary, at their principal office.

Agreements between Promoters and road authorities.

35. 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.

Saving for general Acts.

36. Notwithstanding anything in this Order contained, the Promoters and any persons using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, or to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

SCHEDULE.

TOLLS AND CHARGES FOR ANIMALS, GOODS, &C.

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

	Per mile. s.	d.
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 fourteen pounds - -	0	2
For any parcel exceeding fourteen but not exceeding twenty-eight pounds in weight - - - - - - -	0	4
For any parcel exceeding twenty-eight but not exceeding fifty-six pounds in weight - - - - - -	0	6

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

Regulations as to Tolls.

In respect of tolls and charges for animals, 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 and take tolls and charges on animals, goods, and minerals for such fraction in proportion to the numbers 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 and take tolls and charges 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.

A.D. 1879.

York.

YORK TRAMWAYS.

Order authorising the York Tramways Company, Limited, to construct Tramways in the city of York, and in the county of the same city, and in the east riding of the county of York.

Short title.

1. This Order may be cited as "The York Tramways Order, 1879."

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the Promoters of the undertaking), and of the Tramways Act, 1870, are hereby incorporated with this Order, except where the same are 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. The York Tramways Company (Limited) shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may, by agreement, from time to time purchase and acquire for the purpose of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes; provided that they shall not at any time hold for such purposes more than five acres of land.

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 Nos. 1 to 1D, both inclusive, form a tramway route six furlongs five chains and thirty-five links in length, and consist of two furlongs ninety links of double line, and four furlongs four chains and forty-five links of single line. These tramways are particularised as follows:

Tramway No. 1.—A tramway (single line) six furlongs five chains and thirty-five links in length, commencing at the western end of Walmgate, passing thence in an easterly direction along Walmgate, along the roadway on the north side of Walmgate Bar, and into and along Lawrence Street or Hull Road, and terminating therein opposite the stone pillar, about five chains eastward to the entrance to Plantation House.

Tramway No. 1A.—A tramway (single or second line) four chains in length, commencing by a junction with Tramway No. 1, at a point one chain or thereabouts west of St. Dennis Street, and passing thence easterly along Walmgate, and terminating therein by a junction with Tramway No. 1, at a point one chain fifty links west from George Street.

Tramway No. 1B.—A tramway (single or second line) six chains and forty links in length, commencing by a junction with Tramway No. 1, at a point in Walmgate two and a half chains westward from Walmgate Bar, and passing thence eastward along Walmgate through Walmgate Bar and Barbican, and into and along Lawrence Street or Hull Road, and terminating therein by a junction with Tramway No. 1, three and a half chains eastward from Walmgate Bar.

Tramway No. 1C.—A tramway (single or second line) three chains in length, commencing by a junction with Tramway No. 1, in Lawrence Street or Hull Road, at a point opposite the centre of Lansdowne Terrace, and passing thence along Lawrence Street eastward for a length of three chains, and terminating by a junction with Tramway No. 1.

Tramway No. 1D.—A tramway (single or second line) seven chains and fifty links in length, commencing in Lawrence Street by a junction with Tramway No. 1, at a point seven and a half chains from its termination, and passing thence eastward along Lawrence Street, and terminating therein at a point opposite the stone pillar, five chains from the entrance to Plantation House.

Tramways Nos. 2 to 2G, both inclusive, form a tramway route one mile four furlongs six chains and eighty links, and consist of one furlong seven chains fifty links of double line, and one mile two furlongs nine chains and ten links of single line. These tramways are particularised as follows:

Tramway No. 2.—A tramway (single line) one mile one furlong one chain and seventy-five links in length, commencing by a junction with Tramway No. 2A at its point of termination in Fishergate about one chain southward from Melbourne Street, and passing thence into and along Fishergate and Selby Road, and terminating therein at a point in Fulford, opposite the "Plough Inn."

Tramway No. 2A.—A tramway (single line) three furlongs four chains and eighty-five links in length, commencing by a junction with Tramway No. 1A in Walmgate, at a point half a chain westward of the street or road formerly called Church Lane, but now called Piccadilly, leading from Walmgate to Fishergate, and passing thence into and along the said street or road called Piccadilly, and thence into and along Fishergate, and terminating therein by a junction with Tramway No. 2, at its point of commencement herein-before described.

Tramway No. 2B.—A tramway (single or second line) three chains in length, commencing by a junction with Tramway No. 2 in Fishergate, at a point opposite Elmwood Street, and passing thence southward along Fishergate or Selby Road for a length of three chains, and terminating by

A.D. 1879.

York.

a junction with Tramway No. 2, at a point three chains south of Elmwood Street.

Tramway No. 2C.—A tramway (single or second line) four chains in length, commencing by a junction with Tramway No. 2, in Selby Road, at a point half a chain north of Grange Street, and passing thence southward along Selby Road, and terminating therein at a point three chains south of Grange Street.

Tramway No. 2D.—A tramway (single or second line) three chains in length, commencing and terminating in Selby Road by a junction with Tramway No. 2, at points respectively five and a half and eight and a half chains southward from the principal gateway into the Cavalry Barracks in that road.

Tramway No. 2E.—A tramway (single or second line) three chains in length, commencing and terminating in Selby Road by a junction with Tramway No. 2, at points respectively fourteen and eleven chains northward from Church Lane.

Tramway No. 2F.—A Tramway (single or second line) three chains in length, commencing and terminating by junctions with Tramway No. 2, at points in Selby Road, respectively opposite, and three chains north of Heslington Lane.

Tramway No. 2G.—A tramway (single or second line) one chain and fifty links in length, commencing in the Selby Road, by a junction with Tramway No. 2, at a point one and a half chains from its termination, and passing thence southward along Selby Road, and terminating opposite the "Plough Inn," Fulford.

The proposed tramways will be made and pass from, in, through, or into the following parishes, places, or extra-parochial places, or some of them, that is to say:—The parish or township of Gate Fulford, in the East Riding in the county of York, and the parishes and townships of St. Lawrence, St. George, St. Nicholas, St. Dennis, St. Margaret, and St. Peter-le-Willows, all in the city of York.

Gauge of tramways.

7. The tramways shall be constructed on a gauge of four feet: Provided always, that so much of section thirty-four of the Tramways Act, 1870, as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways.

Further provisions as to construction of tramways.

8. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the

Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Order.

Mode of formation of tramways.

9. The rails of the tramways shall be such as the Board of Trade may approve: Provided that the Board of Trade may from time to time, upon the application of the road authority, require the Promoters to adopt and apply such improvements in the tramway, 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, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and road.

11. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade shall certify under the hand of a Secretary or Assistant Secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

Passing-places, additional crossings, &c. may be made where necessary.

12. Where in any road in which a double line of tramway is laid there is less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches, the Promoters shall 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

A.D. 1879.

York.

places the traffic shall, when necessary, be diverted from one tramway to the other. 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-houses, 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, by writing under his hand, addressed to the Promoters, express his objection thereto: Provided always, that the Promoters shall not lay down or permit to be laid down any crossing or passing-place, or any junction connecting one tramway with the other, or any turn-out, siding, or terminus, between the points following, that is to say, a point thirty yards south of an imaginary line drawn through the centre of the weighbridge now in the occupation of Messrs. Close and Ayres, and a point thirty yards north of an imaginary line drawn through the centre of the principal gateway, on the east side of Piccadilly, of the premises now in the occupation of John Bellerby and Sons on the said east side of Piccadilly.

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

13. 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 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.

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 is in the opinion of the road authority necessary or expedient temporarily to remove or discontinue the use of such tramway, or any part thereof, the Promoters may, subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make, construct in the same or any adjacent road, and, with the like consent, subject to the like condition, 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 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 such road, and the maintenance,

for six months after completion of any of the tramways within the district of such road authority, of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided that, if within seven days after the notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus 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.

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

16. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed by the secretary or an assistant secretary of the said Board, authorised the same to be opened for such traffic.

Traffic upon Tramways.

Traffic upon tramways.

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

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

18. 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.

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

19. 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.

Tramway cars not to be stopped, &c.

20. No tramway car shall be allowed to remain stationary or stop for the purpose of taking up or putting down passengers, animals, goods, minerals, or parcels, or for any other purpose whatsoever, upon so much of the tramways in Piccadilly as lies between the points following; that is to say, a point twenty yards south of an imaginary line drawn through the centre of the weighbridge now in the occupation of Messrs. Close and Ayres, and a point twenty yards north of such imaginary line, except in such cases as the exigencies and safety of the public traffic make a stoppage necessary.

Tolls.

Tolls for passengers.

21. 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

A.D. 1879.

York.

to such conveyance, any sum not exceeding threepence for any distance traversed in the same direction at one time.

Passengers luggage.

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

Cheap fares for labouring classes.

23. 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 two carriages each way every morning in the week and every evening (except Saturday 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, and on Saturday afternoon between the hours of one and three in the afternoon, as the Promoters think most convenient for artizans, 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.

24. 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 and charges for the use of the tramways, and for waggons or trucks, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding the tolls and charges specified in the Schedule to this Order annexed, subject to the regulations in that behalf therein contained.

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 Promoters may by notice to be annexed to the list of tolls appoint.

Periodical revision of tolls.

26. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, or by the Promoters, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870; and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be

revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

Miscellaneous.

Provisions as to arbitration.

27. Where under the provisions of the Tramways Act, 1870, and this Order, any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply in every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and delivery of notices.

28. 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.

29. 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.

Power to enter into agreements with respect to traffic, &c.

30. The Promoters or any person using the tramways under the authority of this Order on the one hand, and any other company 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 other company or person any passengers, animals, goods, minerals, or parcels, and the fixing, collecting, and apportionment of tolls, charges, rents, or other receipts arising in respect of such traffic, upon such terms and conditions as may be agreed upon between the Promoters or such person and such other person or company.

Saving for general Acts.

31. Notwithstanding anything in this Order contained, the Promoters and any corporation, company, or persons using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in

A.D. 1879. — *York.*

respect of tramways, or the passengers or traffic conveyed thereon, or to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

SCHEDULE.

Tolls and Charges for Animals, Goods, &c.

Animals.		Per mile. s.	d.
For every horse, mule, or other beast of draught or burden	per head	0	6
For every ox, cow, bull, or head of cattle		0	6
For every calf, pig, sheep, or other small animal		0	3

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

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

For any parcel exceeding fifty-six pounds in weight, such sums as the 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

no be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the Carriage of Single Articles of Great Weight.

For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, exceeds four tons but does not exceed eight tons, such sum as the Promoters may think fit, not exceeding - - - - - - per ton per mile | *s.* 2 | *d.* 0

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

Regulation of Tolls.

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

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

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