CHAPTER cxxxviii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Aldershot and Farnborough Tramways Amendment, Birkdale and Southport Tramways (Use of Mechanical Power), Bristol Tramways (Extensions), Burnley and District Tramways Extension, Leamington and Warwick Tramways, Manchester Carriage and Tramways Company, North Staffordshire Tramways, and Oldham Borough Tramways (Extensions). [24th July 1882.] A.D. 1882.

WHEREAS under the authority of the Tramways Act, 1870, the Board of Trade have made the several Provisional Orders set out in the Schedule to this Act annexed: 33 & 34 Vict. c. 78.

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

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

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

Short title.

1. This Act may be cited as the Tramways Orders Confirmation (No. 1) Act, 1882.

Confirmation of Orders in Schedule.

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

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Amendment of Tramways Orders Confirmation (No. 1) Act, 1881, Liverpool Corporation Tramways.

3. Whereas doubts have arisen whether the Liverpool Corporation Tramways (Extension) Order, 1881, is to be construed as one of the corporation Acts of the city of Liverpool within the meaning of the Liverpool Corporation Loans Act, 1880, so as to enable the Corporation to raise by the issue of corporation stock under the last-mentioned Act the moneys by the said Order authorised to be borrowed: Be it enacted that the said Order shall be construed and have effect as if it had been therein expressly provided that, for the purpose of raising or securing the moneys thereby authorised to be borrowed, the Corporation may create and issue capital stock under the provisions of the said Act.

SCHEDULE.

LIST OF ORDERS.

1. Aldershot and Farnborough Tramways Amendment.—Order amending the Aldershot and Farnborough Tramways Order, 1878.

2. Birkdale and Southport Tramways (Use of Mechanical Power).—Order authorising the use of steam power or any mechanical power on the tramways of the Birkdale and Southport Tramways Company (Limited).

3. Bristol Tramways (Extensions).—Order authorising the Bristol Tramways Company (Limited) to construct additional tramways in the city and county of Bristol.

4. Burnley and District Tramways Extension.—Order authorising the construction of an extension tramway between Manchester Road Nelson and Barrowford Bridge, in Lancashire, and amending the Burnley and District Tramways Order, 1879.

5. Leamington and Warwick Tramways.—Order amending the Leamington and Warwick Tramways Order, 1879.

6. Manchester Carriage and Tramways Company.—Order authorising the Manchester Carriage and Tramways Company to construct tramways in Denton.

7. North Staffordshire Tramways.—Order authorising use of steam or any mechanical power on certain portions of the authorised tramways of the North Staffordshire Tramways Company, Limited.

8. Oldham Borough Tramways (Extensions).—Order authorising the mayor, aldermen, and burgesses of the borough of Oldham, in the county palatine of Lancaster, to construct certain tramways in the said borough.

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Aldershot and Farnborough.

ALDERSHOT AND FARNBOROUGH TRAMWAYS AMENDMENT.

Order amending the Aldershot and Farnborough Tramways Order, 1878.

Short title.

1. This Order may be cited as "The Aldershot and Farnborough Tramways (Amendment) Order, 1882."

Construction of Order.

2. The Aldershot and Farnborough Tramways Order, 1878, (in this Order referred to as "the Order of 1878,") as amended by this Order, and this Order, shall be construed together as one Order, and these two Orders may be cited as "The Aldershot and Farnborough Tramways Orders, 1878 and 1882."

Amendment of Order of 1878 as to tramways.

3. The construction of the tramways herein-after described in accordance with the plans and sections deposited for the purposes of this Order is hereby authorised instead of and in substitution for the construction of the tramways described in and authorised by section six of the Order of 1878, and the said section six shall be read and construed as if the tramways herein-after described had been described in and authorised by the said section six instead of the tramways therein described, and as if the plans and sections deposited for the purposes of the Order of 1878, as the same have been amended, and as amended deposited, for the purposes of this Order, had been referred to in the said section six instead of the plans and sections therein referred to.

The tramways authorised by this Order, are:—

A main line of tramway, 2 miles 5 furlongs 5 chains, commencing in the parish of Farnborough, in the county of Southampton, in the main road leading from Farnborough to Farnham, at a point where the Workhouse Lane intersects the aforesaid road, thence passing along the said main road, in a southerly direction, to the Lynchford Road, thence along the aforesaid Lynchford Road in an easterly direction, and terminating at the entrance to the station at North Camp, in the parish of Ash, in the county of Surrey.

The said tramway shall be laid and maintained in the western side of the said main road and the southern side of the said Lynchford Road, on the waste thereof as nearly as may be along both roads.

The said tramway will consist of a single line, except between the following points, that is to say:—

From the commencement of the tramway for a distance southwards of 2·50 chains, and from a point on the plans 1 mile 4 furlongs 0·50 chains for a distance southwards of 2·50 chains, which shall be constructed as a double line.

For protection of War Department.

4. At all points where the tramways authorised by the Order of 1878 and this Order pass the end of any road leading from or to War Department property level crossings shall be formed of wood or stone blocks laid level with the top of the rails, such crossings to be maintained and kept in repair by and at the expense of the Promoters, and if at any time the Promoters shall neglect to maintain or repair such crossings it shall be lawful for the Secretary of State for War to give to the Promoters notice to execute such works as he may consider necessary within such a time as may appear to him reasonable,

and if after the expiration of that time such works are not executed to his satisfaction, it shall be lawful for the said Secretary of State to execute the same, and the cost thereof shall in that case be a debt from the Promoters to the said Secretary of State recoverable as liquidated damages.

BIRKDALE AND SOUTHPORT TRAMWAYS.

Birkdale and Southport.

(Use of Mechanical Power.)

Order authorising the use of steam power or any mechanical power on the tramways of the Birkdale and Southport Tramways Company (Limited).

Short title.

1. This Order may be cited as "The Birkdale and Southport Tramways (Mechanical Power) Order, 1882."

Construction of Order.

2. The Birkdale and Southport Tramways Order 1880 (in this Order referred to as "the Order of 1880") as amended by this Order and this Order shall be construed together as one Order.

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

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

Provided always that steam or any mechanical power shall not be used on any part of any of the tramways on any road if and so long as a less space than nine feet six inches shall intervene between the outer edge of the footpath, on either side of such road, and the nearest rail of such part of such tramway.

Provided also that steam or mechanical power shall not be used on any of the tramways within the district of any road authority except with the consent in writing of such road authority and such consent may be given for such period or periods, and upon such terms and conditions, not being inconsistent with the provisions of this Order as such road authority may from time to time think fit.

Provided further 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

4. The Promoters or any person using steam or any mechanical power on any of the tramways within the district of any road authority contrary to the

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powercontrary to Order or regulations.

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, or without the consent of such road authority, as by this Order provided, to the use of steam or any mechanical power, or contrary to the terms and conditions of such consent, shall for every such offence be subject to a penalty not exceeding ten pounds, and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day 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 to this Order annexed, or with any regulation which may have been added thereto or substituted therefor as aforesaid, or with the terms and conditions of such consent of such road authority 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.

5. 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 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 such 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 such 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 such 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.

6. 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.

7. 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 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 and byelaws to be signed, &c.

8. 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.

9. Where the Promoters or any person intend or intends to use steam or any mechanical power under the authority of this Order upon any of the tramways or any part thereof, they or he shall give two months previous notice in writing of such intention to every road authority within whose district such tramways or such part thereof upon which they or he intend or intends to use such power are or is situated.

Where at the time of the giving of any such notice any contract, agreement, or arrangement between the Promoters or such person and such road authority 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 upon any of the tramways or any part thereof under the authority of this Order, 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 thereof 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.

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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.

10. Where steam or any mechanical power is used by the Promoters or any person on any of 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 between the Promoters or such person and any road authority with respect to the user by the Promotors 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 thereof 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 any 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.

11. For the protection of the Lancashire and Yorkshire Railway Company in respect of the bridges over their railway, the following provisions shall, unless otherwise agreed between the Promoters and the said Railway Company, have full force and effect and be binding upon the Promoters and their assigns.

For the protection of the Lancashire and Yorkshire Railway Company.

(1.) The Promoters shall not in any way vary, alter, or interfere with the structure of such bridges, or the approaches thereto, and they shall so construct and maintain the tramways over such bridges and approaches as not injuriously to affect the same.

(2.) In the event of any injury being caused to such bridges or approaches by the construction, maintenance, repairing, user, or removal of the tramways, the said 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 were in before such injury was occasioned, and the Promoters shall indemnify the said Railway Company against all sums, costs, and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridges and approaches as the Promoters are liable to maintain and repair under section twenty-eight of the Tramways Act, 1870, and the said Railway Company may recover from the Promoters all such sums, costs, and expenses, with full costs and charges by all and the same means as any simple contract debt may be recovered.

(3.) Whenever and so often as the said Railway Company shall require to widen, lengthen, strengthen, reconstruct, alter, or repair such bridges or approaches, or to widen or alter their railway thereunder, and they shall find it necessary for effecting any of such purposes that the working and user of the tramways over such bridges and approaches shall be wholly or partially stopped or delayed, or that the tramways shall be temporarily diverted or be wholly or in part taken up or removed, and shall, except in case of emergency, give to the Promoters three clear days' notice in writing requiring such stoppage, delay, or diversion, taking up, or removal, the working and user of such tramways shall be stopped or delayed, or such tramways shall be diverted or taken up or removed accordingly at the expense of the Promoters, but only for so long as the said Railway Company may find to be absolutely necessary for effecting such purposes, and without their being liable for any compensation, claims, demands, damages, costs, and expenses for or in respect of such stoppage or delay, or in any way relating thereto.

And in case the principal engineers of the said Railway Company and of the Promoters, or if they disagree an engineer to be appointed by the Board of Trade on the application of either party, shall be of opinion that any such strengthening, alteration, or reconstruction is desirable or necessary owing to the carriages or other vehicles used on any of the tramways being or intended to be moved by steam or any mechanical power, such strengthening, alteration, or reconstruction shall be effected in all things at the expense of the Promoters, who shall also pay to the said

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Railway Company all additional expense which they may incur or be put to in effecting any such widening, lengthening, strengthening, reconstructing, alterations, repairs, lifting, or supporting by reason of the existence of the tramways so passing, or any of the works connected therewith, the amount of such expenditure to be recoverable as aforesaid by the said Railway Company from the Promoters, with full costs and charges, by all and the same means as any simple contract debt may be recovered.

(4.) All works which may be necessary in constructing and maintaining such tramways over such bridges and approaches shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the principal engineer of the said Railway Company, or in case of difference of an engineer to be appointed by the Board of Trade on the application of the said Railway Company or the Promoters.

(5) Nothing contained in this Order shall prejudice, lessen, take away, or interfere with the lands, property, rights, powers, and privileges of the said Railway Company otherwise than is hereby expressly provided.

As to crossing of Barton Street Bridge.

12. For the protection of the Lancashire and Yorkshire Railway Company, the West Lancashire Railway Company, and the Mayor and Aldermen and Burgesses of the Borough of Southport (herein-after referred to as the Proprietors) in respect of the bridge connecting Ash Street with Barton Street in the borough of Southport, and which bridge crosses over the Lancashire and Yorkshire and West Lancashire Railway, the following provisions shall, unless otherwise agreed between the Promoters and the Proprietors, apply and have effect :—

In constructing the tramways across the said bridge the Promoters shall not alter or interfere with the construction thereof or of the approaches thereto, and they shall so construct and maintain the said tramways as not to injuriously affect the stability of the said bridge and approaches thereto, and in the event of any injury being occasioned to the said bridge or the approaches thereto, or any part or parts thereof, by the construction of the tramways on or over the same (whether such injury shall occur either during or after the construction, or in effecting the maintenance of the tramways), or in or by the working or use thereof, the Proprietors may at the expense of the Promoters restore such bridge and the approaches thereto, 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 Proprietors against all reasonable sums, costs, and expenses which they may pay or be put to in reasonably maintaining and repairing so much of the road over the said bridge and the approaches thereto as the Promoters are liable to maintain and repair under the 28th section of the Tramways Act, 1870, and the Proprietors may recover from the Promoters all such reasonable sums, costs, and expenses, as also any moneys expended by the said Company in restoring the said bridge and the approaches thereto as aforesaid, together with full costs

and charges, by all and the same means as any simple contract debt is recoverable. In case steam or any mechanical power shall be used on the tramways laid on the said bridge, the Proprietors may execute such works as may in the opinion of their engineer and of the surveyor of the Promoters (or in case of difference between them of an engineer to be appointed by the Board of Trade) be necessary for strengthening the fabric of the said bridge. Such works shall be executed by the Proprietors in all things at the expense of the Promoters, and the Proprietors may recover from the Promoters in manner aforesaid all moneys expended by the Proprietors in the execution of such works as aforesaid. If it shall become necessary for effecting such strengthening that the working and use of the said tramways shall be wholly or in part stopped or delayed, and the Proprietors shall give the Promoters three clear days notice in writing requiring such stoppage or delay, the working and user of such tramways shall be stopped or delayed accordingly, but only for so long as may be absolutely necessary for effecting such strengthening, and the Proprietors shall not be liable for any compensation, claims, demands, damages, costs, or expenses for or in respect of such necessary stoppage or delay.

Saving for general Acts.

13. 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.

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;

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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 of any district in which steam or any mechanical power is used on the tramways, and may, on complaint made by any person, from time to time inspect any engine or carriage used on the 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 movable facing-points shall not exceed the rate of four miles an hour.

Bristol.

BRISTOL TRAMWAYS (EXTENSIONS).

Order authorising the Bristol Tramways Company (Limited) to construct additional Tramways in the city and county of Bristol.

Short title.

1. This Order may be cited as "The Bristol Tramways (Extensions) Order, 1882."

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, terms, 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 in this Order—

The expressions "the tramways" and "the undertaking" shall mean respectively the tramways and works and the undertaking by this Order authorised;

The expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the city of Bristol acting by the council;

The expressions "the Order of 1875" and "the Order of 1877" shall mean respectivcly the Bristol and Eastern District Tramways Order, 1875, and the Bristol Tramways (Extensions) Order, 1877; and

The term "person" shall include a corporation.

Promoters.

The Promoters.

4. The Bristol 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 for such purposes more than five acres of land.

Construction of Tramways.

Construction of tramways.

6. The Promoters shall subject to the provisions of an agreement, dated the first day of February 1882, between the Corporation and the Promoters, 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 except as is herein-after expressly provided, the tramways herein-after described, with all proper rails, points, junctions, plates, offices, weighbridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are—

Tramway No. 1. A tramway (single line) 3·45 chains in length, wholly situate in Colston Street, in the parish of Saint Augustine, in the city and county of Bristol, commencing by a junction with the existing tramway of the Corporation (herein-after called "the Corporation Tramway") at a point opposite Salem Chapel, in that street, and terminating by a junction with the Corporation Tramway at a point opposite the warehouse of Messrs. Clarke, in that street.

Tramway No. 2. A tramway (single line) 2·40 chains in length, wholly situate in the said Colston Street, and parish of Saint Augustine and city and county of Bristol, commencing by a junction with the Corporation Tramway at a point thirty-seven yards or thereabouts from and to the south of the termination of the Tramway No. 1 by this Order authorised, and terminating by a junction with the Corporation Tramway at a point four yards or thereabouts from and to the north of the northern corner of Host Street.

Tramway No. 3. A tramway (single line) 2 chains in length, wholly situate in the said Colston Street, in the parish of Saint Michael, in the said city

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and county of Bristol, commencing by a junction with the Corporation Tramway at a point opposite the centre of Trenchard Street, and terminating at a point opposite the southern corner of Griffin Lane.

Tramway No. 5. A tramway (double line) 7·58 chains in length wholly situate in Perry Road, in the said parish of Saint Michael and city and county of Bristol, commencing by a junction with the Corporation Tramway at a point thirty-seven yards from and to the south-west of the centre of Saint Michael's Hill, and terminating by a junction with the Corporation Tramway at a point eighteen yards or thereabouts from and to the east of the centre of Lodge Street.

Tramway No. 6. A tramway (double line) 1 furlong 6·20 chains in length, wholly situate in Park Row, in the said parish of Saint Michael and city and county of Bristol, commencing at a point ten yards or thereabouts from and to the west of the centre of Lodge Street, and terminating by a junction with the Corporation Tramway at a point opposite the eastern corner of Park Street.

Tramway No. 7. A tramway (single line) 3·95 chains in length, wholly situate in Queen's Road, in the said parishes of Saint Michael and Saint Augustine, or one of them, and city and county of Bristol, commencing by a junction with the Corporation Tramway at a point opposite the Blind Asylum Chapel, and terminating at a point eight yards or thereabouts from and to the east of the drinking fountain opposite the Museum in Queen's Road.

Tramway No. 8. A tramway (single line) 6·05 chains in length, wholly situate in the said Queen's Road and parish of Saint Michael, and city and county of Bristol, commencing by a junction with the Corporation Tramway at a point opposite the eastern end of the Royal Promenade, and terminating by a junction with the Corporation Tramway at a point opposite the western corner of the Triangle.

Tramway No. 9. A tramway (single line) 3·75 chains in length, wholly situate in the Queen's Road, in the parish of Clifton, in the said city and county of Bristol, commencing and terminating by junctions with the Corporation Tramway at points respectively eighty-six yards and five yards from and to the south-east of the northern corner of Park Gate.

Tramway No. 10. A tramway (double line), six furlongs in length, wholly situate in the White Ladies Road, in the parishes of Clifton and Westbury, in the said city and county of Bristol, commencing by a junction with the Corporation Tramway at a point opposite the south-west corner of the said road, and terminating at the junction of that road with Apsley Road.

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

7. If the Promoters desire under the authority of this Order to do any act which shall or may render necessary the removal or displacement of any of the mains or pipes, valves, syphons, plugs, or apparatus, or other works belonging to or controlled by the Bristol Waterworks Company or the Bristol United Gaslight Company, the Promoters shall give to the said Waterworks Company

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

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.

As to rails of tramways.

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

Penalty for not maintaining rails and road in good condition.

10. The Promoters shall at all times maintain and keep in good condition and repair, to the satisfaction of the road authority, 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

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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.

In any case in which it is represented in writing to the Board of Trade by the road authority or by twenty inhabitant ratepayers of the city and county of Bristol, that the Promoters have made any such default as aforesaid, 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 an assistant secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said 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 herein-before imposed in respect to offences; but nothing in this section contained shall make an application to or certificate of the Board of Trade necessary before the penalties imposed by the first portion of this section shall be recoverable.

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 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.

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

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 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.

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: 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. A.D. 1882. *Bristol.*

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 arise between the Promoters and the road authority with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway or temporary 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 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 Promoters shall deliver the surplus paving, metalling, or material not used for the purposes aforesaid to the surveyor for the time being of the road authority, or to such person or persons as he may appoint to receive the same; and in no case shall the Promoters, or any person acting under their authority, sell 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 such 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 such 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 a 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.

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Promoters not bound to carry animals, &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.

As to traffic on tramways on Sundays.

19. The Promoters shall not run, or permit or suffer to run, upon the tramways, 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 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

20. 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 Order of 1875, 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 upon the tramways as they would have been entitled to demand and take if the same had originally formed part of the said Undertaking of the Promoters.

Provided that the respective portions mentioned in respect of the respective routes herein-after specified of the tramways respectively authorised by the Order of 1875, the Order of 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 and take such tolls and charges in respect of each and every description of traffic thereon as they are entitled to demand and take 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 Saint 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.

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.

21. 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 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.

22. 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 artisans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the Promoters, nevertheless, not being required to take any fare less than one penny): Provided, that in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such carriages, the said Board shall have power to fix and regulate the same from time to time.

Payment of tolls.

23. The tolls and charges authorised by this or any other Order relating to the Promoters 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.

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 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.

Removal of tramways by Corporation.

25. If at any time it shall appear to the Corporation desirable that any of the tramways, or any part thereof, should 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.

Abandonment of portions of tramway.

26. The Promoters may and shall abandon, discontinue, and remove the following portions of tramway if and when the same shall be rendered

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unnecessary by the construction of the tramways by this Order authorised, (that is to say,)—

The existing tramways of the Corporation ;

Between the commencement and termination of the Tramway No. 1 by this Order authorised ;

Between the commencement and termination of the Tramway No. 5 by this Order authorised;

Between the commencement and termination of the Tramway No. 6 by this Order authorised ;

Between the commencement and termination of the Tramway No. 10 by this Order authorised.

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 to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties; and the costs of and incidental to the arbitration and award shall, if either party so requires, be taxed and settled as between the parties by any one of the taxing masters of the High Court of Justice; and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters ; and all those enactments, including the enactments relating to the taking of fees by means of stamps, shall extend to the fees in respect of the said taxation.

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 Promoters or any local authority or any road authority shall be signed by their secretary or clerk, and if given by the Corporation in any capacity other than that of local authority or road authority shall be signed by the town clerk.

(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 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 their respective clerk or secretary at such principal office.

Approval of Board of Trade to sale, &c. in writing.

29. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing signed by a secretary or an assistant secretary of the said Board.

Saving as to powers of borrowing on mortgage.

30. Nothing in this Order or in the Tramways Act, 1870, contained shall prevent the Promoters borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage : Provided that every mortgage of the undertaking shall be deemed to comprise all purchase-money which may be paid to the Promoters, in the event of a compulsory sale of the

undertaking or any part thereof to the local authority under section forty-three of the Tramways Act, 1870, and that any mortgage granted by the Promoters shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking or such part being purchased by the local authority under section forty-three of the Tramways Act, 1870, and every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Saving for general Acts.

31. Notwithstanding anything in this Order contained, the Promoters and any 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, 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.

BURNLEY AND DISTRICT TRAMWAYS EXTENSION.

Burnley and District.

Order authorising the construction of an Extension Tramway between Manchester Road Nelson and Barrowford Bridge, in Lancashire, and amending the Burnley and District Tramways Order, 1879.

Short title.

1. This Order may be cited as the Burnley and District Tramways Extension Order, 1882.

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, terms, 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 in this Order—

The expressions "the tramways" and "the undertaking" shall mean respectively the tramways and works and the undertaking by this Order authorised:

The expression "the Order of 1879" shall mean the Burnley and District Tramways Order, 1879:

The term "person" shall include a corporation.

Promoters.

The Promoters.

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

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Promoters of this Order to be substituted for Promoters of Order of 1879.

5. The Order of 1879 shall, from and after the passing of the Act confirming this Order, be read and construed as though in section four of the Order of 1879 the Promoters of this Order were substituted for the Promoters in the said section mentioned; and from and after the passing of the Act confirming this Order the undertaking authorised by the Order of 1879, together with all the rights, powers, and authorities conferred by the Order of 1879 upon the Promoters, shall, subject to the duties, obligations, and liabilities of the Promoters in relation thereto, vest in and be exercisable and enjoyable by the Promoters of this Order.

Lands by agreement.

6. 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.

7. 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, points, junctions, plates, offices, stables, engine-houses, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramway authorised by this Order is as follows—

Tramway (No. 1) wholly in the parish of Whalley, in the county of Lancaster, commencing in the township of Little Marsden by a junction with the existing tramway, authorised by the Order of 1879 in Manchester Road Nelson, at a point 1·50 chains southward from the terminus of the aforesaid tramway, and passing thence along Manchester Road, Scotland Road, and Barrowford Road, and terminating in such roadway in Barrowford in the township of Barrowford Booth in the Forest of Pendle, at a point thirty-three yards north-eastward from the centre of Barrowford Bridge.

The said Tramway No. 1 shall be a single line, except between the following points, where it shall be a double line.

In Manchester Road Nelson between two points respectively 1·50 chains and 2·50 chains northwards from its commencement.

In Scotland Road Nelson between two points respectively 1·50 chains south and 1·50 chains north of Bradley Street.

In Scotland Road from a point opposite the south-west corner of Rook Street to a point 3 chains northward.

In Barrowford Road Nelson between two points respectively 80 yards and 14 yards southward from the centre of the bridge carrying the Barrowford Road over the Walverden Water.

In Barrowford Road Barrowford Booth between two points respectively 1·50 chains and 4·50 chains northward, from the centre of the bridge carrying the Barrowford Road over the Pendle Water.

In Barrowford Road between two points respectively 8 chains and 11 chains northward from the north-west corner of the Victoria Hotel.

In Barrowford Road between two points respectively 12 chains and 9 chains southward from the south-east corner of the Fleece Inn.

In Barrowford Road from a point three chains south from the south-east corner of the Fleece Inn to the termination of the tramway.

The total length of the tramway is 1 mile 4 furlongs 2·90 chains, of which 7 furlongs 9·50 chains will be single line and 4 furlongs 3·40 chains double line.

Which said intended tramways and works will pass or be made from, through, or into, or be situate in the several parishes and places following, or some of them, (that is to say)—

Parish of Whalley, townships of Little Marsden, Great Marsden, within the district of the Nelson Local Board, and Barrowford Booth.

For the protection of county bridges.

8. For the protection of the justices of the peace for the county palatine of Lancaster (in this section referred to as "the justices") the following provisions shall have effect, (that is to say) :—

In constructing the tramways by this Order authorised upon or over any bridge or any part of the approach road at either end of any bridge within the jurisdiction of the justices, the Promoters shall not alter or interfere with the structure of such bridge or of the approaches thereto, unless such alteration or interference with the construction of such bridge be absolutely necessary for the purpose of constructing the tramways, and in the event of any such alteration or interference the Promoters shall, together with the notice required in such cases by section twenty-six of the Tramways Act, 1870, submit to the justices detailed drawings and specifications showing the proposed work as affecting such bridge or approaches, and if any difference arise between the Promoters and the justices as to such alteration or interference or the necessity therefor the same shall be left to the decision of the Board of Trade; and the Promoters shall so construct and maintain the tramways upon the road over such bridge and the approaches as not to injuriously affect such bridge or approaches, and in the event of any injury being occasioned to such bridge or approaches or any part or parts thereof respectively by the construction of the tramways on or over the same (whether such injury occurs 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, and expenses which they may pay or be put to in restoring such bridges and approaches, 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 of the like amount. Nothing herein contained shall tend to lessen or control any right, power, or authority now vested in the justices for altering or rebuilding any bridge and the approaches thereto repairable by the inhabitants of the said county or any hundred therein which may be crossed or affected by the works of the Promoters, but all such rights, powers, and authorities shall remain in as full force as if this Order had not been made, and the 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 approaches thereto.

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Provided that in altering or rebuilding any such bridge, or the approaches 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 twenty-eight days notice thereof shall be given to the Promoters, and the 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, widening, or rebuilding the same shall be settled in manner herein-after mentioned, 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, or rebuilding any of such bridges as in this section mentioned. If any dispute or difference shall arise between the justices and the Promoters respecting the necessity for the exercise of or in any way relating to the powers or provisions of this section or otherwise, such dispute or difference shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

For protection of the Nelson local board.

9. For the protection and benefit of the local board for the district of Nelson, in the county of Lancaster, the following provisions shall have effect with respect to so much of the tramways and of the undertaking as is situate within or relates to the district of the said local board.

(*a.*) In constructing the tramways in the said district the Promoters shall so lay the same that upon the easterly side of the road the minimum width intervening between the outside of the footpath and the nearest rail of the tramway shall be nine feet six inches throughout, except between the point of commencement and a point opposite to the end of Market Street, and shall so maintain such tramways;

(*b.*) The paving shall be of Dalbeatie granite setts laid on a bed of six inches of concrete;

(*c.*) The tramways shall be so constructed to the satisfaction of the said local board;

(*d.*) All costs and expenses reasonably incurred by the said local board in connexion with or incident to the arrangement between the Promoters and the said local board in relation to this Order, and in relation to the obtaining and the passing of the Act confirming the same, shall be paid by the Promoters within three months after the passing of the Act confirming this Order.

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.

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

Penalty for not maintaining rails and road in good condition.

12. The Promoters shall at all times maintain and keep in good condition and repair, to the satisfaction of the road authority, 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.

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 any such default as aforesaid, 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 certify under the hand of a secretary or an assistant secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said 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 herein-before imposed in respect to offences.

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 may and shall from time to time alter or (as the case may be) lay their rails so that

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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 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.

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, engine-houses, 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 temporary 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 a secretary or an assistant secretary of the said Board, authorised the same to be opened for such traffic.

Motive Power on certain Tramways authorised by the Order of 1879.

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

19. The carriages used on so much of the tramways authorised by the Order of 1879 as lie between the commencement of the said tramways in Padiham and the passing loop at the junction of Blucher Street and Church Street, and between the passing loop near St. Peter's Church in Church Street, and the termination of the said tramways in Nelson, may be moved by animal power, and may, subject to the provisions of this Order, and with the consent in writing of the road authority of the district in which the said tramways are situate, during a period of seven years after the passing of the Act confirming this Order, and with the consent of such road authority and of the Board of Trade during such further periods of seven years as the Board of Trade may from time to time specify in any order to be signed by a secretary or an assistant secretary to the Board of Trade, be moved by steam power or any mechanical power:

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

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

20. The Promoters or any person using steam or any mechanical power on any of the tramways authorised by the Order of 1879 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, or without the consent of such road authority, as by this Order provided, to the use of steam or any mechanical power, shall for every such offence be subject to a penalty not exceeding ten pounds, and also in the case of a

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continuing offence to 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 such 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.

21. 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 authorised by the Order of 1879 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 such 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 such tramways, and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages:

For limiting the number of carriages for the conveyance of animals, goods, minerals, and parcels in carriages or waggons to be drawn or propelled by steam or any mechanical power, and the hours during which such carriages or waggons shall be used on such tramways:

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to such 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.

22. 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,

23. 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 any of the tramways authorised by the Order of 1879 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.

as to byelaws by local authority.

24. 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.

Orders and byelaws to be signed, &c.

25. Where the Promoters or any person intend or intends to use steam or any mechanical power under the authority of this Order upon any of the tramways, authorised by the Order of 1879, or any part thereof, they or he shall give two months previous notice in writing of such intention to every road authority within whose district such tramways, or such part thereof, upon which they or he intend or intends to use such power are or is situated.

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

Where at the time of the giving of any such notice any contract, agreement, or arrangement between the Promoters or such person and such road authority 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 upon any of the tramways or any part thereof under the authority of this Order, 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 thereof 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.

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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.

26. Where steam or any mechanical power is used by the Promoters or any person on any of the tramways authorised by the Order of 1879, 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 between the Promoters or such person and any road authority 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 thereof 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 any 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.

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

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

28. 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.

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

29. 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, or parcels, provided that this provision shall not apply to the carriage of passengers luggage.

Tolls.

Tolls.

30. 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.

31. 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; but 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.

32. 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 artisans, mechanics, and daily labourers at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny): Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such carriages, the said Board shall have power to fix and regulate the same from time to time.

Tolls for animals, goods, &c.

33. 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 and 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.

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

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Periodical revision of tolls.

35. 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 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 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.

Provision for application of deposit.

36. Whereas, pursuant to the Tramways Act, 1870, and to the rules made by the Board of Trade, and to a warrant or order of the Board of Trade, a sum of one thousand and ninety-seven pounds was paid into the Chancery Division of the High Court of Justice, to the credit of "Ex parte the Burnley and District Tramways," with respect to the undertaking authorised by the Order of 1879: And whereas the tramways by that Order authorised were not completed and opened for public traffic within the time limited by the said Order for such completion and opening, but were completed and opened for public traffic before the application for this Order, and the said sum of one thousand and ninety-seven pounds still remains in the said Court to such credit, and it is expedient that, notwithstanding the non-completion of the tramways authorised by the Order of 1879 within the time thereby limited, the said sum of one thousand and ninety-seven pounds should not be forfeited, but that the said sum should be made applicable to the undertaking by this Order authorised as though the same had been paid by way of deposit with respect thereto: Therefore the said sum shall be deemed to have been deposited in pursuance of the provisions of section twelve of the Tramways Act, 1870, and of the rules made by the Board of Trade, and of a warrant or order of the Board of Trade, with respect to the undertaking by this Order authorised, and the same shall be subject to the prescribed conditions as to interest, repayment, or forfeiture in the same manner in every respect as if the same had been actually paid by way of deposit with respect to the undertaking by this Order authorised.

Provisions as to arbitration.

37. 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, and the costs of and incidental to the arbitration and award shall, if either party so requires, be taxed and settled as between the parties by any one of the taxing masters of the High Court of Justice; and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters; and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Authentication of byelaws.

38. The Board of Trade shall be and they are hereby authorised to approve of byelaws made under the authority of section forty-six of the Tramways Act, 1870, and of this Order, with respect to the undertaking; and no such byelaw made after the passing of the Act confirming this Order shall have any force or effect unless the same shall have been so approved, and the production of a written or printed copy of any such byelaw, signed by a secretary or an assistant secretary of the Board of Trade, shall be primâ facie evidence of such byelaws in all courts of justice, and in all legal proceedings whatsoever.

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 the Promoters or any local authority or any road authority shall be signed by their secretary or clerk:

(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 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 their respective clerk or secretary at such 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, sleepere, and works connected therewith, and the facilitating of the traffic over the same.

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

41. 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.

Approval of Board of Trade to sale, &c. in writing.

42. No sale or assignment of the undertaking authorised by the Order of 1879 or by this Order shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing signed by a secretary or an assistant secretary of the said Board.

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Saving as to powers of borrowing on mortgage.

43. Nothing in this Order or in the Tramways Act, 1870, contained shall prevent the Promoters borrowing money on the security of mortgages of the undertaking authorised by the Order of 1879 or this Order, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of such undertaking shall be deemed to comprise all purchase money which may be paid to the Promoters in the event of a compulsory sale of such undertaking or any part thereof to the local authority under section forty-three of the Tramways Act, 1870, and that any mortgage granted by the Promoters shall not be a charge upon such undertaking or any part thereof in the event of such undertaking or such part being purchased by the local authority under section forty-three of the Tramways Act, 1870, and every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Saving for general Acts.

44. Notwithstanding anything in this Order contained, the Promoters and any 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, 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 A.

Break-power of engines.

Every engine used on any of the tramways authorised by the Order of 1879 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.

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Every carriage used on such 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. As to carriages.

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

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

The speed at which engines and carriages may pass through movable 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 - -	0	3
For every ox, cow, bull, or head of cattle - - - -	0	3
For every calf, pig, or small animal - - - -	0	2
Goods and Minerals.		
For all coals, culm, cannel, limestone, chalk, lime, slates, clay, iron-stone, 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 specially 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, or other things - per ton	0	6
For every carriage, of whatever description - - - -	1	0

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Small Parcels.

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

Provided 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.

Single Articles of Great Weight.

	Any distance. s.	d.
For any boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, exceeds four tons but does not exceed eight tons - - - - - - per ton	3	0
For any single piece of timber, stone, machinery, or other single article the weight of which with the carriage exceeds eight tons the Promoters may demand such sum as they think fit.		

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 number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile.

For a fraction of a ton the Promoters may demand 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.

LEAMINGTON AND WARWICK TRAMWAYS.

Order amending the Leamington and Warwick Tramways Order, 1879.

Short title.

1. This Order may be cited as "The Leamington and Warwick Tramways (Amendment) Order, 1882."

Order of 1879 and this Order to be read as one.

2. The Leamington and Warwick Tramways Order, 1879 (in this Order referred to as "the Order of 1879") as amended by this Order, and this Order shall be read and construed together as one Order, and those two Orders may be cited as "The Leamington and Warwick Tramways Orders, 1879 and 1882."

The Promoters.

3. The Leamington and Warwick Tramways and Omnibus Company, Limited, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Promoters of this Order to be substituted for Promoters of Order of 1879.

4. The Order of 1879 shall, from and after the passing of the Act confirming this Order, be read and construed as though in section four of the Order of 1879 the Promoters of this Order were substituted for the Promoters in the said section mentioned, and from and after the passing of the Act confirming this Order the undertaking authorised by the Order of 1879, together with all the rights, powers, and authorities conferred by the Order of 1879 upon the Promoters, shall, subject to the duties, obligations, and liabilities of the Promoters in relation thereto, vest in and be exerciseable and enjoyable by the Promoters of this Order.

Amendment of Order of 1879 as to tramways.

5. The construction of the tramways herein-after described in accordance with the plans and sections deposited for the purposes of this Order is hereby authorised, instead of and in substitution for the construction of the tramways described in and authorised by section six of the Order of 1879, and the said section six shall be read and construed as if the tramways herein-after described had been described in and authorised by the said section six instead of the tramways therein described and as if the plans and sections deposited for the purposes of the Order of 1879 as the same have been amended and as amended deposited for the purposes of this Order had been referred to in the said section six instead of the plans and sections therein referred to.

The tramways authorised by this Order are:—

Tramway No. 1, situate in the parishes of Saint Mary and Saint Nicholas, Warwick, or one of them, in the borough of Warwick, commencing at or near a point in the High Street opposite or nearly opposite the southern end of Swan Street, passing thence in an easterly direction into the parishes of Milverton and Leamington Priors, in the county of Warwick, and terminating 2 miles 3 furlongs 3·16 chains from its commencement at a point in Warwick Street where it joins the Parade in the said parish of Leamington Priors;

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Tramway No. 1 shall be laid as a single line, except at the following places or distances from its commencement, where it shall be laid as a double line of tramways (that is to say):

No. 1 (A). In Smith Street and Saint John's, in the parish of Saint Nicholas, Warwick, from a point 1 furlong 5·77 chains from the commencement of Tramway No. 1 for a distance of 1 furlong 5·40 chains;

No. 1 (B). In Emscote Road, in the said parish of Saint Nicholas, from a point 1 mile 1 furlong 5·72 chains from the said commencement for a distance of 3 chains;

No. 1 (C). In Warwick Place, in the parish of Milverton, from a point 1 mile 7 furlongs 1·16 chains for a distance of 3 chains;

No. 1 (D). In Warwick Street in the parish of Leamington Priors from a point 2 miles 2 furlongs 9·16 chains for a distance of 3 chains.

The total length of Tramway No. 1 is 2 miles 3 furlongs 3·16 chains, consisting of 2 miles 8·76 chains of single line and 2 furlongs 4·40 chains of double line.

Tramway No. 2, situate wholly in the said parish of Leamington Priors, commencing in Warwick Street by a junction with Tramway No. 1 at or near a point in Warwick Street where it joins the Parade, passing thence in a southerly direction for a distance of 3 furlongs 4·59 chains, and terminating at a point 3·73 chains or thereabouts southward of the centre of the bridge carrying the road over the River Leam.

Tramway No. 2. shall be laid as a single line, except at the following place where it shall be laid as a double line of tramways (that is to say):

No. 2 (A) in Victoria Terrace in the said parish of Leamington Priors from a point 3 furlongs 1·59 chains from the commencement of Tramway No. 2 for a distance of 3 chains:

The total length of Tramway No. 2 is 3 furlongs 4·59 chains, consisting of 3 furlongs 1·59 chains of single line and 3 chains of double line.

Tramway No. 3, situate wholly in the said parish of Leamington Priors, commencing by a junction with Tramway No. 2 at or near a point 3·73 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 termination of the garden wall to the house called "The Elms" in Avenue Road.

Tramway No. 3 shall be laid throughout as a single line.

The total length of Tramway No. 3 is 1 furlong 4·56 chains.

Notwithstanding anything contained in this Order the tramway in Smith Street, Warwick, shall not be constructed as a double line without the consent of the frontagers on that side of the street where there is at the date of the passing of the Act confirming this Order a space of nine feet six inches or more between the kerb and the nearest rail.

Provided that the Promoters shall not construct or maintain any part of Tramway No. 3 in or along so much of the road leading from the Avenue Road to the said Avenue Railway Station as belongs to the London and North-western Railway Company, unless and until the said railway company shall have given their consent thereto in writing under their common seal.

Gauge of tramways.

6. The tramways shall be constructed on a gauge of four feet eight and a half inches or such other gauge not being less than three feet as the Board of Trade may approve.

Application of Order of 1879 to tramways.

7. The provisions of the Order of 1879 as amended by this Order shall apply to the tramways by this Order authorised, as though the same had been authorised by the Order of 1879. Provided that the period limited thereby for the completion and opening for public traffic of the tramways shall be extended, and shall continue until the expiration of six months from the date of the Act confirming this Order.

Release of deposit.

8. Whereas pursuant to the Tramways Act, 1870, and the rules made by the Board of Trade, and to a warrant or Order of the Board of Trade, a sum of one thousand one hundred pounds was deposited with the Chancery Division of the High Court of Justice in England to the credit of exparte the Leamington and Warwick Tramways, and now stands to such credit, therefore at any time within one year after the passing of the Act confirming this Order the Chancery Division of the High Court of Justice in England shall on the application of the Promoters by petition in a summary way, and upon production of a Certificate of the Board of Trade signed by the Secretary or an Assistant Secretary of the said Board, that the tramways authorised by this Order have been duly opened and are fit for public traffic as provided by the Rules of the Board of Trade, order the said sum of one thousand one hundred pounds, together with any dividends due and payable thereon, to be paid and transferred to the Promoters, or as they shall direct, and thereupon such sum and dividends shall be paid or transferred accordingly.

Saving for General Acts.

9. 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.

A.D. 1882. MANCHESTER CARRIAGE AND TRAMWAYS COMPANY.

Manchester.

Order authorising the Manchester Carriage and Tramways Company to construct Tramways in Denton.

Short title. 1. This Order may be cited as "The Manchester Carriage and Tramways Company's Order, 1882."

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, terms, 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 in this Order—

The expression "the tramways" and "the undertaking" shall mean respectively the tramways and works and the undertaking by this Order authorised:

The expression "the Order of 1877" shall mean the Manchester Suburban Tramways Order, 1877:

The term "person" shall include a corporation.

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

Tramways to form part of undertaking of Promoters. 5. The tramways by this Order authorised shall be deemed to form part of the undertaking authorised by the Order of 1877, and transferred to and vested in the Undertakers by the Manchester Carriage and Tramways Company Act, 1880; and all the provisions of the Order of 1877 as amended by this Order shall, so far as applicable, apply to the tramways by this Order authorised in like manner in every respect as if the same formed part of the tramways authorised by the Order of 1877.

Promoters may apply capital to purposes of this Order. 6. The Promoters may apply to the purposes of this Order and to the payment of the costs of and connected with the application for, preparation, making, and confirmation of this Order, and preliminary or incidental thereto, any capital which they are by the several Acts relating to them authorised to raise and which is not required for the purposes of those Acts or any of them.

Lands by agreement. 7. 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 four acres of land.

Construction of tramways. 8. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited

at the office of the Board of Trade for the purposes of this Order, as the same have been amended previous to the passing of the Act confirming this Order, (which amended plans are in this Order referred to as "the deposited plans" and "the deposited sections,") the tramways herein-after described, with all proper rails, plates, offices, weighbridges, weighing-machines, 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—

The Denton lines distinguished on the deposited plans by the numbers 1, 1A, 1B, 1C, 1D, and 1E, two miles one furlong six chains and seventy-six links in length, commencing in Hyde Road by junctions with tramways No. 9 and No. 9A, authorised by the Order of 1877, near the Waggon and Horses Inn, and passing thence in an easterly direction along the said Hyde Road, and terminating at Crown Point, Denton.

The said Denton lines shall be double throughout, except between the termination of tramway No. 1E and the commencement of tramway No. 1A, and between the termination of tramway No. 1A and the commencement of tramway No. 1C, and between the termination of tramway No. 1C and the commencement of tramway No. 1B, and between the termination of tramway No. 1B and the commencement of tramway No. 1D, where they shall be single.

All the said Denton lines will be situate in the townships of Gorton and Denton, in the parish of Manchester, in the county of Lancaster.

For the protection of the Corporation of Manchester.

9. The following provisions for the protection of the mayor, aldermen, and citizens of the city of Manchester, in the county of Lancaster, (in this section referred to as "the Corporation,") shall be enforced and have effect:

(1.) The Promoters shall, in the construction of the tramways at the following points, namely,—

Opposite Highfield House, Gorton;
Crown Point, Denton;
Opposite Hilton Street, Denton,

place the lines of tramway in accordance with plans agreed upon between the parties, and signed by Messrs. Lynde and Son for the Promoters and Mr. G. H. Hill, C.E., for the Corporation:

(2.) Section fifty-five of the Manchester Carriage and Tramways Company Act, 1880, (for the protection of the Corporation of Manchester,) shall extend and apply to the tramways authorised by this Order, and to the exercise by the Promoters of the powers conferred upon them by this Order, as fully and effectually as if the said section had been set forth and re-enacted in this Order.

For the protection of the Gorton Local Board.

10. The following provision for the protection of the local board for the district of Gorton shall be in force and have effect:

The Promoters shall, within two years after the passing of the Act confirming this Order, complete so much of the tramways in this Order called the "Denton lines" as lies within the district of the said local board, and if they shall fail to do so they shall pay the said local board the sum of two hundred pounds as and for liquidated damages, and the same may be

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sued for and recovered by the said local board in any court of competent jurisdiction.

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

11. In constructing and maintaining tramways Nos. 1 and 1B, the following provisions for the protection of the London and North-Western Railway Company shall have full force and effect, and be binding upon the Promoters and their assigns:

(1.) The Promoters shall not in any way vary, alter, or interfere with the structure of the bridge carrying the Hyde Road over the said Railway Company's railway or the approaches thereto, and they shall so construct and maintain the tramways over the said bridge and approaches as not injuriously to affect the same:

(2.) In the event of any injury being caused to the said bridge or approaches by the construction, maintenance, repairing, user, or removal of the tramways, the said 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 were in before such injury was occasioned; and the Promoters shall indemnify the said Railway Company against all sums, costs, and expenses which they may pay or be put to in repairing and maintaining so much of the road over the said bridge and approaches as the Promoters are liable to maintain and repair, under the twenty-eighth section of the Tramways Act, 1870; and the said Railway Company may recover from the Promoters all such sums, costs, and expenses, with full costs and charges, by all and the same means as any simple contract debt may be recovered:

(3.) Whenever and so often as the said Railway Company require to widen, lengthen, strengthen, reconstruct, alter, or repair the said bridge or approaches, or to widen or alter their railway thereunder, or to lift or support the said bridge or approaches, owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten, and they find it necessary for effecting any of such purposes that the working and user of the tramway over the said bridge and approaches should be wholly or partially stopped or delayed, or that the tramway should be temporarily diverted or be wholly or in part taken up or removed, and shall, except in case of emergency, give to the Promoters three clear days notice in writing requiring such stoppage, delay, or diversion, taking up, or removal, the working and user of the said tramway shall be stopped or delayed or the said tramway shall be diverted or taken up or removed accordingly at the expense of the Promoters, but only for so long as the said Railway Company may find to be absolutely necessary for effecting such purposes, and without their being liable for any compensation, claims, demands, damages, costs, and expenses for or in respect of such stoppage or delay, or in any way relating thereto:

And in case the principal engineers of the said Railway Company and of the Promoters (or if they disagree, an engineer to be appointed by the Board of Trade, on the application of either party) are of opinion that any such strengthening, reconstruction, or alteration is desirable or neces-

sary, owing to the carriages or other vehicles used on any such tramway being or intended to be moved by steam or any mechanical power, such strengthening, reconstruction, or alteration shall be effected in all things at the expense of the Promoters, who shall also pay to the said Railway Company all additional expense which they may incur or be put to in effecting any such widening, lengthening, strengthening, reconstruction, alterations, repairs, lifting, or supporting by reason of the existence of the tramways so passing, or any of the works connected therewith, the amounts of such expenditure to be recoverable as aforesaid by the said Railway Company from the Promoters, with full costs and charges, by all and the same means as any simple contract debt may be recovered:

(4.) All works which may be necessary in constructing and maintaining the said tramway over the said bridge and approaches shall be constructed and maintained in all things at the expense of the Promoters, and to the reasonable satisfaction of the principal engineer of the said Railway Company, or, in case of difference, of an engineer to be appointed by the Board of Trade on the application of either the said Railway Company or the Promoters:

(5.) Nothing contained in this Order shall prejudice, lessen, take away, or interfere with the lands, property, rights, powers, and privileges of the said Railway Company otherwise than is hereby expressly provided.

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.

As to rails of tramways.

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

Penalty for not maintaining rails and road in good condition.

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

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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.

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 any such default as aforesaid, 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 certify under the hand of a secretary or an assistant secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said 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 hereinbefore imposed with respect to offences.

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 not to be opened until certified by Board of Trade.

16. No part of the tramways shall be open 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 a secretary or an assistant secretary of the said Board, authorised the same to be opened for such traffic.

Carriages to be provided with brake power approved by Board of Trade.

17. All carriages used on the tramways authorised by this Order, and all carriages used on any tramways at any time leased or worked by the Promoters, shall, from and after the passing of the Act confirming this Order, if required by the Board of Trade, be provided with efficient double brakes, to be approved of by an officer or other person appointed by the Board of Trade, and all such brakes shall be kept in good condition and repair to the satisfaction of such officer or person.

In case any person, contrary to the provisions of this Order, uses for traffic on any of such tramways as aforesaid any carriage not having double brakes approved as aforesaid, or, having such brakes, not in good condition and repair, such person shall, on information laid or complaint made, be subject to a penalty not exceeding five pounds for every day on which he shall have used any such carriage, and every such penalty may be recovered as by section 56 of the Tramways Act, 1870, is provided.

Provisions as to arbitration.

18. Where under the provisions of the Tramways Act, 1870, or this Order, any matter in difference is referred to the arbitration of any person nomi-

nated 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; and the costs of and incidental to the arbitration and award shall, if either party so requires, be taxed and settled as between the parties by any one of the taxing masters of the High Court of Justice; and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters; and all those enactments, including the enactments relating to the taking of fees by means of stamps, shall extend to the fees in respect of the said taxation.

Approval of Board of Trade to sale, &c. in writing.

19. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing, signed by a secretary or an assistant secretary of the said Board.

Saving as to powers of borrowing on mortgage.

20. Nothing in this Order, or in the Tramways Act, 1870, contained shall prevent the Promoters borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Promoters, in the event of a compulsory sale of the undertaking or any part thereof to the local authority under section forty-three of the Tramways Act, 1870, and that any mortgage granted by the Promoters shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking or such part being purchased by the local authority under section forty-three of the Tramways Act, 1870, and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Saving for general Acts.

21. Notwithstanding anything in this Order contained, the Promoters and any 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, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls and charges authorised by the Order of 1877, 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.

NORTH STAFFORDSHIRE TRAMWAYS.

North Staffordshire.

Order authorising use of Steam or any Mechanical Power on certain portions of the authorised Tramways of the North Staffordshire Tramways Company, Limited.

Short title.

1. This Order may be cited as "The North Staffordshire Tramways Order, 1882."

Construction of Order.

2. The North Staffordshire Tramways Order, 1880, (in this Order referred to as "the Order of 1880,") as amended by this Order, and this Order, shall be

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construed together as one Order: Provided that in this Order the expression "the tramways" shall, for the purposes of the use of steam or any mechanical power, mean the following portions of tramways; namely,

(*a.*) That portion of tramways Nos. 1 and 2 authorised by the Order of 1880 which lies between their commencement and a point in the market-place, Longton, at the commencement of Market Street and Stafford Street:

(*b.*) That portion of tramway No. 3 authorised by the Order of 1880 which lies between its junction with tramway No. 4 authorised by the said Order in Vale Place, Hanley, and a point in the Fountain Place, Burslem, at the commencement of Newcastle Street:

(*c.*) That portion of tramway No. 4 authorised by the Order of 1880 which lies between the entrance to Miles Bank Works and its junction with tramway No. 3 authorised by the said Order in Vale Place.

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

3. The carriages used on the tramways may be moved by animal power, and may, subject to the provisions of this Order, during a period of seven years after the passing of the Act confirming this Order, 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, be moved by steam power or any mechanical power.

Provided always, that steam or any mechanical power shall not be used on such portions of the tramways as are within the respective district of the Local Board of Tunstall and the boroughs of Hanley and Burslem, without the respective consents in writing of the said local board, and the mayor, aldermen, and burgesses of the borough of Hanley acting by their council, and the mayor, aldermen, and burgesses of Burslem acting by their council.

Provided also, that steam or any mechanical power shall not be used on any portion of tramways Nos. 1 and 2 authorised by the Order of 1880, unless and until the road upon which the same is laid has been so widened that there shall not be a less width of roadway between the kerbs than twenty-three feet three inches for any distance of thirty feet or upwards on such road.

Provided also, that steam or any mechanical power shall not be used on any portion of tramway No. 4 authorised by the Order of 1880, in Stafford Street and Hope Street, in the borough of Hanley, unless and until the said streets have been so widened that there shall not be a less width of roadway between the kerbs than twenty-three feet three inches for any distance of thirty feet or upwards on the said streets.

Provided further 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

4. 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

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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 to 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 to this Order annexed, or with any regulation which may have been added thereto or substituted therefor as aforesaid, or with the terms and conditions of such consent of such road authority 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.

Power contrary to Order or regulations.

Byelaws.

5. 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 on 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 such 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 such 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 such 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.

6. 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.

7. 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

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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 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 and byelaws to be signed, &c.

8. 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.

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

Where at the time of the giving of any such notice any contract, agreement, or arrangement between the Promoters or such person and such road authority 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 any of the tramways or any part thereof under the authority of this Order, 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 thereof 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.

10. Where steam or any mechanical power is used by the Promoters or any person on any of the tramways or any part thereof, under the authority of this Order, no contract, agreement, or arrangement made before or after the commencement of the use of steam or any mechanical power as aforesaid between the Promoters or such person and any road authority 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 thereof 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 any 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.

Extension of time for constructing and opening tramways.

11. The period within which the tramways authorised by the Order of 1880 shall be completed and opened for public traffic shall be three years from the passing of the Tramways Orders Confirmation (No. 2) Act, 1880, and the said Order shall be read and construed as if the said period had been therein prescribed for such completion and opening.

Saving for general Acts.

12. Notwithstanding anything in this Order contained, the Promoters and any persons using the tramways shall be subject and liable to the provisions of

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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 the Order of 1880, 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 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 of any district in which steam or any mechanical power is used on the tramways, and may, on complaint made by any person, from time to time inspect any engine or carriage used on the 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 movable facing-points shall not exceed the rate of four miles an hour.

OLDHAM BOROUGH TRAMWAYS (EXTENSIONS).

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Oldham Borough.

Order authorising the Mayor, Aldermen, and Burgesses of the Borough of Oldham, in the County Palatine of Lancaster, to construct certain Tramways in the said Borough.

Short title.

1. This Order may be cited as "The Oldham Borough Tramways (Extensions) Order, 1882."

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, terms, 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 in this Order:

The expression "the tramways" and "the undertaking" shall mean respectively the tramways and works and the undertaking by this Order authorised;

The expression "the Corporation" shall mean the Mayor, Aldermen, and Burgesses of the Borough of Oldham, in the County Palatine of Lancaster;

The expression "the Borough" shall mean the said Borough of Oldham;

The expression "the Order of 1878" shall mean the Oldham Borough Tramways Order, 1878; and

The term "person" shall include a corporation.

Promoters.

The Promoters.

4. The Corporation acting by the Council 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 under the authority of this Order.

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, sleepers, offices, weighbridges, stables, carriage-houses, engine-sheds, warehouses, works, and conveniences connected therewith or for the purposes thereof.

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The tramways authorised by this Order will be wholly situate within the township of Oldham and parish of Prestwich-cum-Oldham, in the county palatine of Lancaster, and are—

A tramway (No. 1) two miles two furlongs and 9·05 chains or thereabouts in length, commencing in Rochdale Road at or near the point at which the boundary of the borough, being also the boundary between the townships of Oldham and Royton in the said parish of Prestwich-cum-Oldham crosses that road, passing thence in a southerly direction along Rochdale Road, Saint Domingo Street, King Street, and Ashton Road, and terminating in the last-mentioned road at or near the point at which the boundary of the borough (being also the boundary between the township of Oldham aforesaid and the township and parish of Ashton-under-Lyne) crosses that road:

Provided that so much of Tramway No. 1 as is proposed to be laid opposite the residence and grounds attached thereto situate on Ashton Road, and occupied by Samuel Taylor, Esquire, shall not be constructed unless and until the width of so much of the footpath on the westerly side of the said premises is so diminished so that there shall not be in any part of the said portion of such tramway a less distance than nine feet six inches between the outer edge of the said footpath and the nearest rail of the tramway, nor less than the like distance between the fence on the easterly side of the said road and the nearest rail of the tramway.

A tramway (No. 2) 1·2 chains or thereabouts in length, being a junction line commencing by a junction with Tramway No. 1 authorised by this Order at a point in King Street forty-six feet north of the junction of King Street with Union Street West and terminating by a junction with Tramway No. 11 authorised by the Order of 1878 at a point in Union Street forty-six feet from the junction of King Street with Union Street West, measuring in an easterly direction along Union Street:

A tramway (No. 3) 1·73 chains or thereabouts in length, being a junction line, commencing by a junction with Tramway No. 1, authorised by this Order at a point in King Street, seventy-eight feet south of the junction of King Street with Union Street West, and terminating by a junction with Tramway No. 11, authorised by the Order of 1878 in Union Street at a point seventy-five feet east of the junction of King Street with Union Street West:

A tramway (No. 4) one mile one furlong and 7·11 chains or thereabouts in length, commencing in Rochdale Road by a junction with Tramway No. 1 aforesaid at a point about fifty-six feet north of the junction of that road with Caroline Street, passing thence in a south-westerly and southerly direction along Featherstall Road, North, and Featherstall Road, South, and terminating in Manchester Road by a junction with Tramway No. 4, authorised by the Order of 1878 at a point two hundred and forty-six feet north-east of the junction of Manchester Road with Frederick Street:

A tramway (No. 5) two chains or thereabouts in length in Manchester Road, commencing by a junction with the Tramway No. 4, authorised by this Order, at a point about one hundred and thirty-four feet north of its

termination, and terminating by a junction with Tramway No. 1 authorised by the Order of 1878, at a point thereon opposite to the said termination of Tramway No. 4:

The said tramways shall be constructed as single lines, except between the points herein-after respectively described, where there will be passing-places forming respectively junctions at their commencements and terminations with the respective tramways in connexion with which they are mentioned.

In Connexion with Tramway No. 1.

In Rochdale Road—Between two points respectively about eighteen feet north, and one hundred and eighty feet south of the junction of Sheepfoot Lane with Rochdale Road:

In Rochdale Road—Between two points respectively about ninety-two feet south of the junction of Emanuel Street with Rochdale Road, and seventy feet north of the junction of Caroline Street with that road:

In Rochdale Road—Between two points respectively about one hundred and two feet north, and ninety-six feet south of the intersection of Coldhurst Street with Rochdale Road.

In Rochdale Road—Between two points respectively about forty-nine feet and two hundred and forty-seven feet south of the junction of Belmont Street West with Rochdale Road:

In Rochdale Road—Between two points respectively about sixty feet north and one hundred and thirty-eight feet south of the junction of Alderson Street with Rochdale Road:

In Rochdale Road—Between two points respectively about fifty-seven feet north, and one hundred and forty-one feet south of the intersection of Grosvenor Street with Rochdale Road:

In King Street—Between two points respectively about twenty-four feet and two hundred and twenty-two feet south of the junction of King Street with Manchester Street:

In King Street—Between two points respectively about twelve feet and two hundred and ten feet south of the junction of Union Street West with King Street:

In King Street—Between two points respectively about eighteen feet and two hundred and sixteen feet north of the junction of Wainwright Street with King Street:

In Ashton Road—Between two points respectively ninety-eight feet north and one hundred feet south of the intersection of Scott Street with Ashton Road:

In Ashton Road—Between two points respectively about one hundred and forty feet north and fifty-eight feet south of the junction of Goddard Street with Ashton Road:

In Ashton Road—Between two points respectively about one hundred feet and two hundred and ninety-eight feet south of the junction of Kent Street with Ashton Road:

In Ashton Road—Between two points respectively about one hundred and seventy-three feet and three hundred and seventy-one feet south of a point

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in the centre of Ashton Road opposite the south-westerly corner of the Colliers' Arms Inn:

In Ashton Road—Between two points respectively about sixty feet and two hundred and fifty-eight feet north of the point where the borough boundary crosses Ashton Road.

In Connexion with Tramway No. 4.

In Featherstall Road, North—Between two points respectively about ninety-eight feet north-east and one hundred feet south-west of the junction of Featherstall Road, North, with Shepherd Street:

In Featherstall Road, North—Between two points respectively about twenty-two feet, and two hundred and fifty feet north-east of the junction of Chadderton Road with Featherstall Road, North:

In Featherstall Road, North—Between two points respectively situate at the junction of Featherstall Road, North, with Buckley Street, and forty-four feet north of the junction of the said road with Osborne Street:

In Featherstall Road, South—Between two points respectively about seventeen feet, and two hundred and fifteen feet south of the junction of Featherstall Road, South, with Middleton Road.

In Featherstall Road, South—Between two points respectively about thirty-eight feet and two hundred and thirty-six feet south of a point in the centre of Featherstall Road, South, opposite to the south corner of the Hartford Inn:

In Featherstall Road, South—Between two points respectively about eighty-nine feet and two hundred and eighty-seven feet south of the junction of Alfred Street with Featherstall Road, South.

For protection of Lancashire and Yorkshire Railway Company.

7. In constructing and maintaining Tramway No. 4 the following provisions for the protection of the Lancashire and Yorkshire Railway Company (in this section called "the Railway Company") shall have full force and effect, and be binding upon the Promoters and their assigns:

(1.) The Promoters shall not in any way vary, alter, or interfere with the structure of the bridge carrying the Featherstall Road over the Railway Company's railway or the approaches thereto, and they shall so construct and maintain the said tramway over such bridge and approaches as not injuriously to affect the same.

(2.) In the event of any injury being caused to such bridge or approaches by the construction, maintenance, repairing, user, or removal of the said tramway, the Railway Company may, at the expense of the Promoters, restore such bridge and approaches, or the part or parts thereof which may be injured, to as good a state and condition as they were in before such injury was occasioned; and the Promoters shall indemnify the Railway Company against all sums, costs, and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge and approaches as the 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 with full costs and charges by all and the same means as any simple contract debt may be recovered.

(3.) Whenever and so often as the Railway Company may require to widen, lengthen, strengthen, reconstruct, alter, or repair such bridge or approaches, or to widen or alter their railway thereunder, and they may find it necessary for effecting any of such purposes that the working or user of the said tramway over such bridge and approaches should be wholly or partially stopped or delayed, or that the said tramway should be temporarily diverted or be wholly or in part taken up or removed, the Railway Company may, except in case of emergency, give to the Promoters three clear days notice in writing requiring such stoppage, delay, or diversion, taking up, or removal, and thereupon the working and user of the said tramway shall be stopped or delayed, or the said tramway shall be diverted or taken up or removed accordingly at the expense of the Promoters, but only for so long as the Railway Company may find to be absolutely necessary for effecting such purposes and without their being liable for any compensation, claims, demands, damages, costs, and expenses for or in respect of such stoppage or delay, or in any way relating thereto.

And in case the principal engineers of the Railway Company and of the Promoters, or if they disagree, an engineer to be appointed by the Board of Trade on the application of either party, are or is of opinion that any such strengthening, alteration, or reconstruction is desirable or necessary owing to the carriages or other vehicles used on the said tramway being or intended to be moved by steam or any mechanical power, such strengthening, alteration, or reconstruction shall be effected in all things at the expense of the Promoters, who shall also pay to the Railway Company all additional expense which they may incur or be put to in effecting any such widening, lengthening, strengthening, reconstructing, alterations, repairs, lifting, or supporting by reason of the existence of the tramways so passing, or any of the works connected therewith; the amounts of such expenditure to be recoverable as aforesaid by the Railway Company from the Promoters with full costs and charges by all and the same means as any simple contract debt may be recovered.

(4.) All works which may be necessary in constructing and maintaining the said tramway over such bridge and approaches shall be constructed and maintained in all things at the expense of the Promoters, and to the reasonable satisfaction of the principal engineer of the Railway Company, or, in case of difference, of an engineer to be appointed by the Board of Trade on the application of either the Railway Company or the Promoters.

(5.) Nothing contained in this Order shall prejudice, lessen, take away, or interfere with the lands, property, rights, powers, and privileges of the Railway Company, otherwise than is hereby expressly provided.

For protection of Manchester Carriage and Tramways Company.

8. Whereas under and by virtue of an indenture of lease dated the twenty-ninth day of September 1880, and made between the Promoters of the one part and the Manchester Carriage and Tramways Company (in this section referred to as "the Carriage Company") of the other part, and duly approved by the Board of Trade, the Promoters have granted and demised to the Carriage Company, for a period of twenty-one years, from the first day of November 1880, the sole and exclusive right of user of the tramways therein referred to

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or described, being the whole of the tramways which by the Order of 1878 the Promoters were empowered to make, construct, and maintain (which tramways are in this section referred to as "the leased tramways"), together with the right of demanding and taking tolls and charges thereon as in the said indenture prescribed, upon the terms and subject to the obligations, restrictions, and conditions therein expressed and contained.

Therefore during the continuance of the said period of twenty-one years from the first day of November 1880 the following provisions for the protection of the Carriage Company shall (unless otherwise agreed on between the Carriage Company and the Promoters) be observed and complied with by the Promoters, and any company, body, or person leasing, working, or using the tramways by this Order authorised (in this section referred to as "the new tramways"):

(1.) Whenever any of the new tramways cross on the level, or join any of the leased tramways the Promoters shall so lay down, construct, and maintain such new tramways as to cause no damage or injury to the leased tramways, and shall from time to time and at all times keep every such level crossing and junction in good order and condition; and notwithstanding anything contained in the said indenture the Carriage Company shall not be answerable for or in respect of any accident, damage, injury, disrepair, or defect done or occasioned to the leased tramways, by reason or in consequence of the construction, maintenance, working, or using of the new tramways.

If the Promoters make default in keeping any such level crossing and junctions in good order and condition the Carriage Company shall be at liberty to make good the same, and may recover the reasonable expense of so doing from the Promoters by all and the same means as any simple contract debt of the like amount may be recovered.

(2.) The new tramways shall not be so worked or used as to occasion any interruption or impediment to the traffic on the leased tramways, or the use thereof, and particularly but without prejudice to the generality of this provision the Promoters shall not cross or permit to be crossed any of the leased tramways while any carriage or tramcar is passing or about to pass over the same at or near any such crossing of the leased tramways and the new tramways, and with the object of preventing accidents the tramcars running on any of the new tramways shall stop immediately before crossing any of the leased tramways at any point.

(3.) The Promoters shall not construct the new tramways herein-before described and distinguished as Tramway (No. 2), Tramway (No. 3), and Tramway (No. 5), unless and until an agreement has been made and entered into between the Promoters and the Carriage Company and the company, body, or person leasing the new tramways under this Order.

(4.) Nothing in this order shall alter, prejudice, or affect the rights, powers, or privileges of the Carriage Company under the said indenture, but the same shall be and continue in all respects of as full force and effect as if this Order had not been made and the Act confirming the same had not been passed.

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 or statement.

Tramways may be relaid in centre of widened streets.

10. If any road in which any of the tramways or any part or parts thereof may have been laid be at any time hereafter widened or improved the Promoters may from time to time take up and remove such tramways, or such part or parts thereof, and relay the same in the road so widened or improved.

As to rails of tramways.

11. 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.

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.

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 any such default as aforesaid, 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 certify under the hand of a secretary or an assistant secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said 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 herein-before imposed in respect of offences.

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, 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

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six inches shall intervene between the said rail and the outside of the foot-path 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 Promoters, necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof, the Promoters may from time to time construct in the same or any adjacent road, and may maintain so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Application of road materials excavated in construction of Promoters works.

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

Tramways not to be opened until certified by the 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 a secretary or an assistant secretary to the said Board, authorised the same to be opened for such traffic.

Motive Power.

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

17. 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 not exceeding 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 not be exercised without the consent of the Corporation in writing (which consent may be given subject to such conditions as to the repair of roads or otherwise and restrictions as the Corporation think fit), and that the exercise of such powers 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. 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 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 to 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 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 to this Order annexed, or with any regulation which may have been added thereto or substituted therefor as aforesaid, may by order direct such person to cease to exercise the powers aforesaid, and thereupon 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 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 such 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 such 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 such 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.

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 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

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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 and byelaws to be signed, &c.

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 Corporation where steam or mechanical power is to be used.

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

Where at the time of the giving of any such notice any license, contract, agreement, or arrangement is in force with respect to the user by such person, or the paving and keeping in repair of the whole or any part of the roadway of any road upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by such person to the Corporation 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 such person by such notice, or for the Corporation by notice to be served upon such person not later than forty days after the receipt by the Corporation of such first-mentioned notice, to determine such license, contract, agreement, or arrangement, and thereupon such license, 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.

Traffic and Tolls.

Tramways to form part of undertaking authorised by Order of 1878.

24. The tramways authorised by this Order shall be deemed to form part of the tramways authorised by the Order of 1878, and sections sixteen to twenty-three, both inclusive, of the Order of 1878 shall, save as herein-after provided, as far as applicable, apply to the tramways by this Order authorised in like manner in every respect as if the tramways authorised by this Order formed part of the tramways authorised by the Order of 1878: Provided always, that for the purposes of this Order section twenty of the Order of 1878 shall be read and construed as if after the word "threepence" in the said section there were inserted the words "for inside passengers, and twopence for outside passengers (as the case may be)."

Periodical revision of tolls.

25. If at any time after three years from the opening for public traffic of the tramways authorised 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 any of such tramways or any portion of such 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 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 authorised by the Order of 1878 as amended by this Order.

Opening of Tramways to the Public.

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

26. Subject to any lease or agreement for a 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, and subject to such conditions and restrictions as to motive power and otherwise as the Promoters may, subject to the provisions of this Order and the approval of the Board of Trade, think fit, and such user may be either concurrently with the lessees or otherwise; and as soon as the Promoters have passed such resolution, and the same has been approved by the Board of Trade by writing signed by a secretary or an assistant secretary of the Board of Trade, any person may use the tramways, or any part thereof, in accordance with the terms of such resolution, and subject to the provisions of this Order, with carriages having flanged 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 the Order of 1878, any tolls or charges not exceeding the tolls or charges by the Order of 1878 as amended by this Order authorised to be demanded and taken for such purposes.

Tolls if tramways open to be used by the public.

27. 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 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 person any tolls or charges not exceeding one half of the tolls and charges by the Order of 1878 as amended by this Order authorised to be demanded and taken by such person for such passenger;

For any animals, goods, minerals, and parcels conveyed in or upon the carriages of such person, any tolls or charges not exceeding one half of the tolls and charges specified in the Schedule to the Order of 1878 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 carriages, &c. free of charge.

28. Any person so using the tramways or any part thereof declared to be open to be used by the public, and the officers and servants of such person,

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shall permit any person duly authorised for that purpose by the Promoters to ride free of charge for the whole or any part of the journey, in or upon each carriage, waggon, truck or vehicle, in or upon which any passengers, animals, goods, minerals, or parcels are conveyed 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 the public.

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

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

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

Section 38. (Licensees not giving account of passengers carried liable to 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 or 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.

Board of Trade may require deposit before holding inquiry in certain cases.

30. Where under section twelve or under section twenty-five of this Order any representation is made by twenty inhabitant ratepayers of the borough to the Board of Trade to the effect and in the manner provided by such section, the Board of Trade, before directing an inquiry under the provisions of such section, may if they think fit, by Order require the persons making such representation to pay to the Board of Trade such sum as the Board of Trade may think fit, not exceeding fifty pounds; and if such sum is not paid may refuse to direct an inquiry or to act in pursuance of such representation.

If after inquiry with respect to any such representation the Board of Trade are of opinion that such representation was frivolous or vexatious, they may, if they think fit, by Order under the hand of a secretary or an assistant secretary of the said Board, declare such sum, or so much thereof as they may specify in such Order, to be forfeited, and thereupon such sum, or so much thereof as is specified in such Order, shall be paid by the Board of Trade to the lessees, but such sum or any part thereof, if not declared forfeited as aforesaid, shall be repaid by the Board of Trade to such persons, or as they may direct.

Provided always that the powers conferred upon the Board of Trade by this section shall be in addition to and not in substitution for any power vested in the Board of Trade to require the parties to any application to pay to the Board of Trade any sum for or on account of any expenses incurred by the

Board of Trade in relation to such application and the proceedings consequent thereon, or to give security for the payment of such expenses.

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Miscellaneous.

As to running powers.

31. Any person leasing the tramways by this Order authorised may, from time to time, with the consent of the Corporation, and subject to the provisions of the Order of 1878 and this Order, run over and use with engines and carriages, and with his officers and servants, and for purposes of traffic of every description, the tramways of the Corporation authorised by the Order of 1878, or any part or parts thereof, together with all rails, sidings, passing-places, works, and conveniences connected therewith, and any person from time to time holding any lease of the tramways of the Corporation authorised by the Order of 1878, or any part or parts thereof, shall have and may exercise, with the consent of the Corporation, and subject to the provisions of the Order of 1878, and of this Order, similar power with respect to the tramways by this Order authorised, and as regards traffic conveyed by such persons respectively on such tramways respectively as aforesaid, such persons may respectively demand and take the same tolls and charges as they are respectively authorised to demand and take on the tramways leased by them respectively.

Provided that if such consent be given by the Corporation to any such person as aforesaid, the consent of the Corporation shall in like manner be given to the person leasing the tramways over which running powers shall be so given to run over and use as aforesaid the tramways leased to the person to whom such consent is given as first aforesaid.

Provided further that the powers conferred by this section shall not be exercised during the continuance of the said indenture of lease over or in respect of any of the said tramways of the Corporation now leased to the Manchester Carriage and Tramways Company without the consent of that company in writing under seal.

The terms and conditions (pecuniary and otherwise) upon which the powers hereby conferred may be exercised by any such person as aforesaid shall be such as may from time to time be agreed upon between such person, the lessee of the tramways upon which such powers are to be exercised, and the Corporation, or failing such agreement as may from time to time be determined by an arbitrator to be appointed by the Board of Trade on the application of such person, or such lessee, or the Corporation, and the cost of the arbitration shall be in his discretion, and the decision of such arbitrator shall be final and binding on all parties: Provided always, that such terms and conditions shall in every case be approved by the Board of Trade.

All persons using or traversing any tramway of which they are not the lessees, in accordance with the provisions herein-before mentioned, shall at all times observe the regulations and byelaws for the time being in force on such tramway so used, so far as such byelaws shall be applicable to such persons respectively in the exercise of the said powers, and shall for their own acts and defaults in respect of such user incur all and the same liabilities as the lessees of such tramway respectively.

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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 to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties; and the costs of and incidental to the arbitration and award shall, if either party so requires, be taxed and settled as between the parties by any one of the taxing masters of the High Court of Justice; and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters; and all those enactments, including the enactments relating to the taking of fees by means of stamps, shall extend to the fees in respect of the said taxation.

The Corporation may borrow twenty thousand pounds, to be repaid in thirty years.

33. 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 twenty thousand pounds, in addition to any sum or sums of money they are already authorised to borrow, and the time for which the said sum of twenty 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 and Borough rate the rents reserved under any lease made under the authority of the Order of 1878 or of this Order, and the tolls, charges, and sums authorised to be taken or received by them under the provisions of the Order of 1878 or this Order, subject to all charges affecting the same at the time of the making of such mortgage.

Saving for general Acts.

34. Notwithstanding anything in this Order contained, the Promoters, lessees, and any 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, and to any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by the Order of 1878 or 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 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.

Oldham Borough. As to fittings of engines, &c.

Every engine used on the tramways shall have its number shown on 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 movable facing points shall not exceed the rate of four miles an hour.

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