# CHAPTER cxii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Birmingham and Aston Tramways, Blackpool Tramways, Bootle - cum - Linacre Corporation Tramways, Cardiff Tramways (Extensions), Dudley, Sedgley, and Wolverhampton Tramways, Liverpool Corporation Tramways (Extensions), and Nottingham Tramways. A.D. 1884

[14th July 1884.]

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

And whereas a Provisional Order made by the Board of Trade under the authority of the 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, 1884.

Confirmation of Orders in Schedule.

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

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# SCHEDULE.

## SCHEDULE OF ORDERS.

Birmingham and Aston Tramways.—Order authorising the construction of additional tramways in the parish of Aston-juxta-Birmingham, in the county of Warwick, and amending the Birmingham and Aston Tramways Order, 1880, and the Birmingham and Aston Tramways Order, 1882.

Blackpool Tramways.—Order authorising the mayor, aldermen, and burgesses of the Borough of Blackpool to construct tramways in the said Borough.

Bootle-cum-Linacre Corporation Tramways.—Order authorising the mayor, aldermen, and burgesses of the Borough of Bootle-cum Linacre, in the county of Lancaster, to construct further tramways in and adjoining the said Borough.

Cardiff Tramways (Extensions).—Order authorising the Cardiff Tramways Company (Limited) to construct additional tramways in the Borough of Cardiff and county of Glamorgan.

Dudley, Sedgley, and Wolverhampton Tramways.—Order authorising the use of steam or any mechanical power on the authorised tramways of the Dudley, Sedgley, and Wolverhampton Tramways Company Limited.

Liverpool Corporation Tramways (Extensions).—Order authorising the mayor, aldermen, and citizens of the city of Liverpool to construct additional tramways in the said city.

Nottingham Tramways.—Order authorising the use of steam power or any mechanical power on the tramways of the Nottingham Tramways Company (Limited).

## BIRMINGHAM AND ASTON TRAMWAYS.

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*Order authorising the Construction of additional Tramways in the Parish of Aston-juxta-Birmingham, in the County of Warwick; and amending the Birmingham and Aston Tramways Order*, 1880, *and the Birmingham and Aston Tramways Order*, 1882.

Short title.

1. This Order may be cited as "The Birmingham and Aston Tramways Order, 1884."

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

The expression "the Order of 1880" means the Birmingham and Aston Tramways Order, 1880;

The expression "the Order of 1882" means the Birmingham and Aston Tramways Order, 1882;

The terms "the local authority" and "the road authority" mean respectively the local authority and the road authority of the district within which the tramways are by this Order authorised to be constructed; and

The term "person" includes a corporation.

*Promoters.*

The Promoters.

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

Lands by agreement.

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

*Construction of Tramways.*

Construction of tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited for the purposes of this Order at the office of the Board of Trade, as the same have been amended previous to the passing of the Act confirming this Order (which

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amended plans and sections are in this Order respectively referred to as "the deposited plans" and "the deposited sections"), the tramways herein-after described, with all proper rails, plates, offices, weigh-bridges, turn-tables, tubes, wires, ropes, engines, engine-sheds, 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 double line, two furlongs 1·7 chain in length, commencing in the Lichfield Road by a junction with the existing lines of the Birmingham and Aston Tramways Company, at a point ·7 chain or thereabouts south-west of the intersection of Park Street with Lichfield Road, thence proceeding in a north-easterly direction along Lichfield Road, and terminating in that road at a point 1·2 chain or thereabouts south-west of the centre of the London and North-western Railway Bridge;

Tramway (No. 1A), 2·7 chains in length, of which 1·7 chain will be single line and one chain a double line, commencing in Lichfield Road by a junction with Tramway No. 1, at a point ·9 chain or thereabouts south-west of the intersection of that road with Church Road, thence proceeding along Lichfield Road in a north-easterly direction, thence along Church Road in a south-easterly direction, and terminating in that road at a point 2·2 chains south-east of the intersection of Lichfield Road and Church Road;

Tramway No. 1A shall be laid as a single line, except in Church Road from the junction of that road with Lichfield Road for a distance of one chain measured in a south-easterly direction, where it shall be laid as a double line;

Tramway (No. 1B), a single line, 1·1 chain in length, commencing in Lichfield Road by a junction with Tramway No. 1, at a point one chain or thereabouts north-east of the intersection of Lichfield Road with Church Road, thence proceeding along Lichfield Road in a south-westerly direction and terminating in that road by a junction with Tramway No. 1A;

Tramway (No. 2), four furlongs two chains, in length, of which three furlongs six chains will be single line and six chains double line, commencing in Lichfield Road at the termination of Tramway No. 1, thence proceeding along Lichfield Road in a north-easterly direction and terminating in that road at a point on the south-west side of the Salford Bridge over the River Tame, four chains from the centre thereof;

Tramway No. 2 shall be laid as a single line, except at the following places, where it shall be laid as a double line:—

In Lichfield Road from a point 5·5 chains from the intersection of Waterworks Street with Lichfield Road, measured in a north-easterly direction for a distance of three chains in the same direction;

In Lichfield Road from a point 5·5 chains from the intersection of Cuckoo Lane with Lichfield Road, measured in a north-easterly direction for a distance of three chains in the same direction;

The Tramways will be situate in the parish of Aston-juxta-Birmingham, and in the county of Warwick.

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Extending to this Order certain provisions of the Order of 1880.

7. The following provisions of the Order of 1880, that is to say:—Sections eight to eleven (both inclusive), fourteen, sixteen to twenty-two (both inclusive), fifty to fifty-two (both inclusive), and fifty-five to fifty-seven (both inclusive), shall, so far as the same are applicable, apply to the tramways and undertaking by this Order authorised in like manner in every respect as if the tramways and undertaking by this Order authorised were the tramways and undertaking authorised by the Order of 1880; and for the purposes of such application, the expressions "the Tramways," "the Undertaking" and "this Order" in the said provisions shall be construed to mean respectively the tramways and the undertaking as defined by this Order, and this Order.

Extending to this Order certain provisions of the Order of 1882.

8. The following provisions of the Order of 1882, that is to say:—Sections nine to thirteen (both inclusive), for the protection of the company of proprietors of the Birmingham Canal Navigations, and sections fourteen to twenty-one (both inclusive), with respect to the use of steam or any mechanical power on the tramways authorised by the Order of 1880 and the Order of 1882, and the Schedule A. to the Order of 1882 annexed, shall, so far as applicable apply to the tramways and undertaking by this Order authorised, in like manner in every respect as if the tramways and undertaking by this Order authorised were the tramways and undertaking authorised by the Order of 1882; and for the purposes of such application, the expressions "the Tramways" or "the Tramways of the Promoters," "the Undertaking" and "this Order" in the said provisions shall be construed to mean the tramways and the undertaking as defined by this Order, and this Order: Provided always that the carriages used on the tramways authorised by the Order of 1880 and this Order may at any time be moved by animal power as well as by any other power by the Order of 1882 prescribed.

Tramways authorised to be laid as single lines may, with consent of local authority, be laid as double lines.

9. Any of the tramways by this Order authorised to be laid as a single line, may, at the option and with the consent in writing of the local authority, be laid as a double line: Provided nevertheless, subject to the provisions of this Order, that in substituting such double line for such single line as aforesaid, no rail shall be so laid that a less space than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road, if any owner or occupier of any house, shop, or warehouse abutting upon the place where such rail is proposed to be laid shall, by notice in writing under his hand addressed to the Promoters, express his objection thereto.

Double lines to be laid in certain places.

10. Where according to the deposited plans it is proposed to lay down in any road a single line of tramway, and a less space than nine feet six inches intervenes between the outside of the footpath on either side of such road and the nearest rail of the tramway, the Promoters shall, unless otherwise authorised by the Board of Trade, in lieu of such single line lay down a double line of tramway with proper passing places, and every such double line shall be so laid that only one of such lines can be used at one and the same time.

Gauge of tramways.

11. The tramways shall be constructed on a gauge of three feet six inches: Provided always, that so much of section thirty-four of the Tramways Act, 1870, as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways, but no carriage or engine used on the tramways shall exceed six feet and three inches in width, or such other width as may from time to time be prescribed by the Board of Trade.

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Provisions as to construction of tramways.

12. Section thirteen of the Order of 1880 is hereby repealed, and the following section shall apply and have effect in lieu thereof with respect to so much of the tramways authorised by the Order of 1880 and the Order of 1882 as have not been commenced at the passing of the Act confirming this Order, and with respect to the tramways authorised by this Order.

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, or renewing any of such tramways, lay before such road authority and the Board of Trade a plan, sections and specification, showing such tramways, and the proposed mode of constructing, laying down, maintaining and renewing the same, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance or renewal of any of such tramways, or part of any of such tramways respectively, except for the purpose of necessary repairs, until such plan, sections, specification and statement have been approved by such road authority and by the Board of Trade, and after such approval the works shall be executed in accordance in all respects with such plan, sections, specification 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.

Breaking up streets by local or road authority.

13. Nothing in this Order contained shall obstruct, hinder, prejudice, or prevent any local or road authority from breaking up any road in their respective districts for any purpose for which they are respectively authorised to break up any road within their respective districts, and for such purpose they may stop the traffic along the tramways within their respective districts; and any extra cost occasioned by reason of such tramways being there, and incurred by any such local or road authority in the exercise of their powers, and in restoring the surface of any such road, and any of the tramways laid by the Promoters shall be borne by the Promoters, and be paid by them to such local or road authority, and may be recovered by such local or road authority from the Promoters by all and the same means as any simple contract debt of like amount may be recovered.

As to removal of manholes.

14. Where any of the tramways is constructed, or intended to be constructed over any manhole or entrance into any sewer of any local authority, or so close to such manhole or entrance as to make the use thereof dangerous or inconvenient in the opinion of such local authority, the Promoters shall, if required by such local authority, construct a side entrance in lieu of such manhole or entrance in such position and according to such plan as may be approved by such local authority; or such local authority may, at their option, construct such side entrance, and the Promoters shall repay to such local authority the costs thereof.

Mode of laying tramways to be approved by road authority and Board of Trade, and to be uniform throughout.

15. Subject to the provisions of this Order, the size and construction of all engines and carriages to be used on the tramways, and the wheels and brakes attached thereto, and the mode of laying down the tramways, and the form of the rails, sleepers, fastenings, and grooves, if any, shall be such as

the road authority and the Promoters may agree upon, and as the Board of Trade may approve, and shall be in accordance with designs, plans, sections, and specifications to be previously submitted to and approved of by the road authority, but so that the form of the rails, sleepers, fastenings and grooves shall be the same throughout the whole length of the tramways, and in case of difference between the road authority and the Promoters, they shall be such as the Board of Trade shall determine.

Portions of road to be paved by Promoters.

16. Section twenty-eight of the Tramways Act, 1870, and the provisions of this Order, with respect to the paving and maintaining certain portions of the roadways of any road whereon any of the tramways are laid, shall extend and apply to so much of any road as extends two feet one inch beyond the rails of, and on each side of, any such tramway, and shall also extend and apply to the whole width of any road where it is proposed that a less space than nine feet six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway.

Promoters not to have any claim in respect of interruption of traffic.

17. The Promoters shall have no claim whatever for any damage or interruption of traffic which may arise from any works executed by any road authority, in, on, under, or over any road on which any of the tramways may be laid, or from the use of any implements or materials they may use in the maintenance thereof.

As to lighting apparatus and sewers of local authority.

18. Sections thirty, thirty-two and thirty-three of the Tramways Act, 1870, shall (subject to the provisions of this Order) extend and apply to the local authority with reference to the several lighting apparatus and sewers belonging, or which hereafter may belong, to the local authority, in like manner as the same may apply to a company, person or persons being the owner of gas mains, or water mains, or pipes, tubes, wires, or apparatus; and for the purposes of this section the word "company" in those sections shall be construed to mean the local authority: Provided that all works or interference with, or in connexion with, the lighting apparatus or sewers of the local authority, under section thirty of the Tramways Act, 1870, or otherwise, shall be made or executed by the local authority, and not otherwise, upon the request and at the cost and risk in all respects of the Promoters.

Powers of local authority with respect to laying down mains, &c.

19. Nothing contained in this Order shall interfere with the exercise by the local authority of the powers, rights and privileges conferred upon them by any Act or Acts of Parliament of laying down, maintaining, and, as the case may require, of repairing, altering, removing or replacing any mains, pipes, or other works in or under any of the roads or thoroughfares upon which the tramways or any of them may be laid under the authority of this Order.

Local authority may lay additional mains, &c.

20. Nothing contained in this Order shall prevent the local authority in their district from laying, at their own expense, from time to time, as they may think proper, additional mains or pipes, with all manholes, scour pipes, air and other valves for supplying gas, and also sewers or drains at, under, across, or near the tramways in such district, and the local authority shall not be liable for any damage to the tramways, or compensation for loss of traffic thereon that may be caused by the laying of such additional mains or pipes and appurtenances, sewers or drains at, under, across, or near to the tramways, nor for the expense

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of the temporary lifting and replacing the tramways, which shall be done at the expense of the Promoters: Provided that the operations of the local authority shall be carried on so as to interfere as little as possible with the traffic on the tramways.

Cost of substituted sewers or lighting apparatus.

21. The cost of constructing, providing and laying any new sewers, drains, or lighting apparatus in substitution for any which, in the opinion of the local authority, may be rendered useless by the construction of the tramways, and the value of any sewer, drain, or lighting apparatus belonging to, or under the control of the local authority, and rendered useless or unproductive to the local authority by the works authorised by this Order, shall, on demand, and subject to credit being given for the value of all or any of the aforesaid matters so rendered useless or unproductive, be paid to the local authority by the Promoters: Provided always, that whenever any new sewer, drain, or lighting apparatus of larger dimensions shall be substituted for any existing sewer, drain, or lighting apparatus, the Promoters shall (unless the increased dimensions be required by reason of the construction or existence of the tramways) only be required to pay the cost which would have been incurred by the substitution of a sewer, drain, or lighting apparatus of equal dimensions with the existing sewer, drain, or lighting apparatus.

Alterations, &c. of lighting apparatus.

22. Whenever the Promoters desire, under the authority of this Order, to do any act which may render necessary the alteration, removal, or displacement of any of the lighting apparatus, sewers, drains, manholes, covers, or water pipes, or other apparatus or works belonging to or under the control of the local authority, the Promoters shall give to the local authority fourteen days' notice in writing of such desire, and the local authority shall thereupon forthwith, but without prejudice to the protection afforded to them by the Tramways Act, 1870, or by this Order, make such alteration, displacement, or removal, as the case may be, and do all works incidental thereto, and all reasonable expenses that may be thereby incurred by the local authority shall be defrayed by the Promoters.

Promoters to make deposit before opening roads in district of Manor of Aston Local Board.

23. Before the Promoters open or break up any road within the district of the Manor of Aston Local Board, they shall deposit, in a bank to be approved by the said Local Board, to a joint account in the names of the Promoters and of the said Local Board, a sum or sums of money (in this section referred to as "the deposit fund") to be calculated at the rate of one thousand pounds for every mile of tramway, (and so in proportion for a part of a mile of tramway,) by this Order authorised to be constructed within the said district, and of their intention to construct which the Promoters shall have given the said Local Board notice in writing.

The deposit fund shall at the request of the Promoters, but at their risk, be from time to time invested in the joint names of the Promoters and of the said Local Board in such securities as the said Local Board may approve, and the interest thereon shall from time to time be paid to the Promoters. The deposit fund shall, from time to time, be paid out to the Promoters as follows, viz.:—On the completion of one quarter, or any larger fractional part of the tramways in respect of which any sum has been so deposited, to the satisfaction of the

surveyor for the time being of the said Local Board, one quarter, or such larger fractional part of such sum shall be paid out, or the securities in which the same is invested shall be transferred to the Promoters by the said bank, and so on from time to time till the whole of such tramways has been completed in manner aforesaid, and the certificate of such surveyor, certifying that such tramways have been completed to his satisfaction as aforesaid shall be a sufficient authority to the said bank to make such payment or such transfer.

If the tramways within the said district, having been commenced, are not completed within the time limited by the Tramways Act, 1870, or within such extended time as may be duly sanctioned in accordance with the provisions of this Order, the deposit fund shall be paid out or transferred by the said bank to the said Local Board, and the same may be applied in payment of the expenses incurred by them in the removal of so much of such tramways as shall have been laid down by the Promoters, and in restoring the road to the satisfaction of their surveyor, the balance of the deposit fund being paid to the Promoters; and for the purpose of such restoration the said Local Board shall be at liberty to break up or use any part of the paving materials of such tramways, and the Promoters shall join the said Local Board in any deed, act, matter or thing which may be necessary to effect such application of the deposit fund as aforesaid.

If the deposit fund is insufficient to reimburse the said Local Board the expenses so incurred, the Promoters shall, on demand, pay to the said Local Board such deficiency; and, in case of non-payment, the same may be recovered by the said Local Board by all and the same means as any simple contract debt of like amount may be recovered.

Increased expense of repair of roads consequent on diversion of traffic.

24. If by reason of the construction, alteration or repair of the tramways, or any part or parts thereof within the district of any road authority, the traffic is necessarily diverted upon or over any road or part of any road not actually occupied by the site of any of the tramways, then and in every such case the expenses incurred by the road authority of such district in the repair and reinstatement of such road or parts thereof, so far as such expenses are increased by the diversion of such traffic as aforesaid, shall be borne and paid by the Promoters to such road authority within one calendar month next after the same have been incurred.

For general protection of railway companies.

25. In constructing and maintaining any tramway by this Order authorised where it crosses any bridge, carrying any road over a railway, or passes under any railway bridge, the Promoters shall be subject to the following conditions:—

(1.) The tramway, if a single line of tramway, shall be constructed and maintained along the centre of the roadway;

(2.) The Promoters shall not in any way alter or interfere with the structure of any such bridge or of the approaches thereto, and they shall so construct and maintain the tramway over such bridge and the approaches thereto, or under such bridge, as the case may be, as not injuriously to affect the same;

(3.) In the event of any injury being caused to any such bridge or approaches by the construction, maintenance, repairing, user, or the removal of the

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tramway, the railway company owning such bridge or approaches 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 such 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 section twenty-eight of the Tramways Act, 1870, and such 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 of like amount may be recovered;

(4.) Whenever and so often as any railway company shall require to widen, lengthen, strengthen, reconstruct, alter, or repair any such bridge or approaches, or to widen or alter their railways or canals where a tramway passes under any railway bridge, or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten, and they shall find it necessary for effecting any of such purposes that the working and user of the tramway over such bridge or approaches, or under such bridge, shall be wholly or partly stopped or delayed, or that the tramway shall be temporarily diverted, or be wholly or in part taken up or removed, and shall, except in cases of emergency, give to the Promoters seven clear days' notice in writing requiring such stoppage, delay, or diversion, taking up, or removal, the working and user of such tramway shall be stopped, or delayed, or the tramway shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer, if such engineer shall give such superintendence, but only for so long as the railway company may find to be absolutely necessary for effecting such purposes, and without their being liable for any compensation, claims, demands, damages, costs, or expenses for or in respect of such stoppage or delay, or in any way relating thereto;

And in case the principal engineer of such railway company shall be of opinion that any such strengthening is desirable or necessary, owing to the carriages or other vehicles on any such tramway being or being intended to be moved by steam or any mechanical power, such strengthening shall be effected in all things at the expense of the Promoters, who shall also pay to such railway company all additional expense which they may incur or be put to in effecting any such strengthening, reconstruction, alterations, repairs, lifting, or supporting by reason of the existence of the tramway so passing, or any of the works connected therewith, the amounts of such expenditure to be recoverable as aforesaid by such railway company from the Promoters with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered;

(5.) Whenever the tramway on either side of any such bridge or approaches is a single line, there shall only be a single line over such bridge and approaches, and no turn outs or passing-places shall be constructed thereon;

(6.) All works which may be necessary in constructing and maintaining any of the tramways over or under any bridge, works, or property of any railway company, shall be constructed and maintained in all things at the expense of the Promoters, and to the reasonable satisfaction of the principal engineer of such company, or in case of difference, of an engineer to be appointed by the Board of Trade on the application of such railway company or the Promoters;

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

*Traffic and Tolls.*

Tramways to form part of tramways authorised by Orders of 1880 and 1882.

26. The tramways by this Order authorised shall, save as by this Order expressly provided, for the purposes of traffic thereon, and of the tolls and charges to be demanded and taken thereon, be deemed to form part of the undertaking of the Promoters authorised by the Order of 1880 and by the Order of 1882, and sections twenty-eight to thirty-five (both inclusive), and thirty-seven to thirty-nine (both inclusive), of the Order of 1880, and the Schedule to that Order annexed, shall, as far as applicable, apply to the tramways by this Order authorised, and to the traffic thereon, and to the tolls and charges authorised to be demanded and taken in respect of such traffic, in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Order of 1880.

Local and road authorities may use tramways for sanitary purposes.

27. The local authority and the road authority may with their own carriages or trucks, at any time between the hours of twelve at night and six in the morning, use all or any of the tramways, free of toll, for sanitary purposes and for the conveyance of scavengering stuff, road material, and night soil, and the local authority or road authority may make such junctions, turntables, sidings and works as they may think necessary or convenient for making communication with the tramways from their depôts and yards: Provided that in the construction of such works no rail shall be laid by any local or road authority so that a less space than nine feet six inches shall intervene between such 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 clerk of such local or road authority, express his objection thereto.

Cheap fares for labouring classes.

28. Section thirty-six of the Order of 1880 is hereby repealed, and the following provisions shall apply and have effect in lieu thereof, with respect to the tramways authorised by the Order of 1880, the Order of 1882, and this Order, that is to say:—

The Promoters at all times after the opening of such tramways or any part or parts thereof for public traffic shall, and they are hereby required to, run carriages from one extremity to the other at least twice each way every morning in the week and every evening (except Saturday evening) in the week (Sundays, Christmas Day, and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening

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respectively, and on Saturday afternoon between the hours of one and three in the afternoon, as the Promoters may think most convenient for artizans, mechanics, and daily labourers, at tolls or charges not exceeding one-halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny): Provided that, in case of any complaint made to the Board of Trade as to the number of such carriages run by the Promoters, or as to the hours appointed by the Promoters for the running of such carriages, the said Board shall have power to fix and regulate the same from time to time.

*Miscellaneous.*

Provisions as to arbitration.

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

Promoters answerable for acts and defaults of contractors.

30. The provisions of section fifty-five of the Tramways Act, 1870, shall extend and apply to all cases of accident, damage and injury happening through the acts and defaults of any contractors or sub-contractors engaged or employed by the Promoters or their lessees, or through the act or default of any person in the employment of such contractors or sub-contractors, and for the purposes of this Order the said section shall be read and construed accordingly.

Costs of local and road authorities to be paid by Promoters.

31. All costs and expenses incurred by any local or road authority in connexion with or incident to the negotiation between them and the Promoters in relation to this Order, or to the application for and obtaining this Order, and to the confirmation thereof by Act of Parliament, or to any agreement or arrangement between the Promoters and any such local or road authority, shall be paid by the Promoters to such local or road authority within six months after the passing of the Act confirming this Order.

Regulations, &c. by local authorities.

32. Section forty-nine of the Order of 1880 is hereby repealed, and the following provisions shall apply and have effect in lieu thereof with respect to the tramways authorised by the Order of 1880, the Order of 1882, and this Order, that is to say:—

The powers of the local authority under the Tramways Act, 1870, with respect to the making regulations and bye-laws as to the matters and for the purposes therein mentioned, and with respect to the repeal and alteration of such regulations and bye-laws shall, subject to the provisions of this Order, extend and apply to the following matters and purposes, that is to say:—

Prohibiting the stopping of tramway carriages to take up and set down passengers, or for any purpose and the entry or leaving of any carriage in

any place which the local authority, having regard to the protection, safety, or convenience of the public, may from time to time deem necessary;

Empowering the local authority to cause to be removed from such tramways any engine, carriage, or horse which in their opinion is unfit for use on such tramways;

Enforcing good conduct, attention and civility from the drivers and conductors of the tramway carriages;

The numbering of the tramway carriages;

The wearing by drivers and conductors of tramway carriages of some conspicuous badge or distinguishing mark.

Cleansing of tramways.

33. The road authority in their district may cleanse any road without reference to the tramways, but whatever cleansing, owing to snow or other matter impeding the traffic, is requisite in any district for the proper working of the tramways shall be executed by the Promoters at their own risk and cost, and the Promoters shall, in performing the same, remove the snow or other matter to the sides of the road, so that thereby vehicular and pedestrian traffic shall not be unnecessarily interfered with, and the Promoters shall not use salt or other unsuitable material for thawing the snow on any road.

Tramways not to be removed without consent.

34. Except as by this Order, or by the Tramways Act, 1870, expressly provided after the opening of any of the tramways for public traffic, such tramways shall not, nor shall any of the materials of which the same are constructed, be removed, except for the ordinary repairs of such tramways, without the consent in writing of the road authority in whose district such tramways are situate.

Time for commencement or completion of tramways not to be extended except with consent.

35. From and after the expiration of two years from the passing of the Act confirming this Order, the Promoters shall not, except with the consent in writing of the road authority, apply for or obtain any extension of time for the commencement or completion of the tramways.

Power to abandon Tramway 11 authorised by Order of 1880.

36. The Promoters shall abandon the construction of the Tramway Number 11 authorised by the Order of 1880.

Release of part of deposit in respect of tramways abandoned.

37. On the production of a certificate signed by the secretary or an assistant secretary of the Board of Trade specifying the length of the said tramway so authorised to be abandoned as aforesaid, and the portion of the deposit made in pursuance of section twelve of the Tramways Act, 1870, and of the rules made by the Board of Trade under the power of the said Act in respect of the application of the Promoters for the Order of 1880 which bears to the whole of such deposit the same proportion as the length of the said tramway so authorised to be abandoned bears to the entire length of the tramways authorised by the Order of 1880, the Chancery Division of the High Court of Justice shall, on the application of the Promoters, order such portion of the deposit so specified in such certificate as aforesaid to be paid out or transferred to the Promoters, or to be applied as they may direct, and thereupon such portion of such deposit shall be so paid out, transferred, or applied as aforesaid.

Saving as to powers of borrowing on mortgage.

38. Nothing in this Order, or in the Tramways Act, 1870, contained shall prevent the Promoters borrowing money on the security of mortgages of the

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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 of general Acts.

39. 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 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, electrical power, or any mechanical power by any such general Act as aforesaid.

Company to carry mails.

40. The Promoters, if required by the Postmaster-General, shall perform with respect to any of the tramways of the Promoters all such reasonable services in regard to the conveyance of mails (including parcels as defined in the Post Office (Parcels) Act, 1882,) as the Postmaster-General may from time to time require, by notice under the hand of one of the secretaries or assistant secretaries of the Post Office, or the inspector-general of mails for the time being, the remuneration for such services being determined by agreement, or failing agreement, by a referee to be appointed by the Board of Trade at the request of either party: Provided that—

(1.) So long as the Promoters carry on their own account no animals, goods, minerals, or parcels, other than passengers luggage, no mails shall be tendered for conveyance to the Promoters unless such mails are in charge of an officer of the Post Office:

(2.) So long as the Promoters carry on their own account no animals, goods, or minerals the aggregate weight of mails tendered for conveyance by any one tramcar, whether in charge of an officer of the Post Office or not, shall not exceed the maximum weight for the time being prescribed for parcels or passengers luggage, whichever maximum is the greater:

(3.) Where mails are carried by a tramcar conveying passengers the mails shall be carried in the manner most convenient to passengers, so that the custody of the mails by any officer of the Post Office in charge thereof is not interfered with. In this section the expression "mails" has the same meaning as in the Regulation of Railways Act, 1873.

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*Blackpool.*

## BLACKPOOL TRAMWAYS.

*Order authorising the Mayor Aldermen and Burgesses of the Borough of Blackpool to construct Tramways in the said Borough.*

Short title.

1. This Order may be cited as "The Blackpool Corporation Tramways Order 1884."

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

The expression "the Corporation" means the mayor aldermen and burgesses of the borough of Blackpool in the county palatine of Lancaster acting by the Council;

The expression "the borough" means the said borough of Blackpool; and

The term "a person" includes corporation.

*Promoters.*

The Promoters.

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

Lands by agreement.

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

*Construction of Tramways.*

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited 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 plans and sections so amended as aforesaid are in this Order respectively referred to as "the deposited plans" and "the deposited sections") the tramways hereinafter described with all proper rails plates offices weighbridges stables carriage-houses warehouses sheds buildings works and conveniences connected therewith or for the purposes thereof:

The tramways authorised by this Order will be situate wholly within the borough and the parish of Bispham and are the following:

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Tramway No. 1 (one furlong 8·65 chains or thereabouts in length) commencing in Warbrick Road at a point lineable with the northerly boundary of the premises known as the Claremont Hotel passing thence along Warbrick Road southwards along the back of Lansdowne Crescent and Carlton Terrace to Cocker Street thence westwards along the southwesterly end of Warbrick Road otherwise Cocker Street to and terminating on the road known as the Carriage Drive constructed under the powers of the Blackpool Improvement Act 1865 and hereinafter referred to as "the Carriage Drive" by a junction with Tramway No. 4 hereinafter described.

Tramway No. 4 (six furlongs 3·14 chains or thereabouts in length) commencing by a junction with the termination of Tramway No. 1 thence proceeding southwards along the front of Regent Terrace Brighton Parade and Albert Terrace and terminating on the Carriage Drive west of South Beach.

Tramway No. 5 (one mile 6·68 chains or thereabouts in length) commencing in the Carriage Drive at a point lineable with the north front of the Wellington and Pier Hotel by a junction with the termination of Tramway No. 4 proceeding thence southwards along the Carriage Drive west of Wellington Terrace York Estate Tyldesley Terrace Manchester Terrace Eaves Terrace Waterloo Terrace Eccleston Bank Crystal Terrace Kensington Place Victoria Terrace South Parade Albert Terrace South Shore to the west end of Station Road and terminating on the Carriage Drive at a point lineable with the centre of Station Road.

The whole of the above-named tramways shall be laid as single lines except between the following points where they shall be laid as double lines that is to say—

Tramway No. 1.—In Warbrick Road between points respectively 0·30 chains south and 3·30 chains south of the centre of Pleasant Street The length of such double line will be three chains.

Tramway No. 4.—In the Carriage Drive between the termination of Tramway No. 1 and a point 0·15 chains north of a point lineable with the division wall between the forecourts of houses No. 7 and No. 8 Regent Terrace. The length of such double line will be two chains.

In the Carriage Drive between a point lineable with the division wall between the forecourts of houses No. 7 and No. 8 Victoria Terrace otherwise Brighton Parade and a point 1·38 chains south of the centre of Springfield Road. The length of such double line will be three chains.

In the Carriage Drive between points respectively 0·57 chains south and 2·57 chains south of a point lineable with the north side of Talbot Square. The length of such double line will be two chains.

In the Carriage Drive between points respectively 1·71 chains north and 0·29 chains south of a point lineable with the north front of the Lane Ends Hotel. The length of such double line will be two chains.

In the Carriage Drive between points respectively 1·94 chains south and 4·94 chains south of a point lineable with the north end of Queen's Terrace otherwise Palatine Buildings. The length of such double line will be three chains.

In the Carriage Drive between points respectively 3·94 chains south and 5·94 chains south of a point lineable with the centre of Bonny Street. The length of such double line will be two chains.

In the Carriage Drive between points respectively 0·58 chains south, and 2·58 chains south of a point lineable with the division wall between the forecourts of houses Nos. 38 and 39 in South Beach. The length of such double line will be two chains.

Tramway No. 5.—In the Carriage Drive between a point 0·92 chains north of a point lineable with the north front of the Foxhall Hotel and a point 1·08 chains south of such north front. The length of such double line will be two chains.

In the Carriage Drive between points respectively 0·73 chains south and 2·73 chains south of a point lineable with the south end of the house No. 10 in Tyldesley Terrace. The length of such double line will be two chains.

In the Carriage Drive between points respectively 1·38 chains north and 0·62 chains south of a point lineable with the centre of Wellington Road. The length of such double line will be two chains.

In the Carriage Drive between points respectively 2·86 chains north and 0·14 chains south of a point lineable with the centre of Alexandra Road. The length of such double line will be three chains.

In the Carriage Drive between points respectively 1·68 chains north and 0·32 chains south of a point lineable with the centre of Waterloo Road. The length of such double line will be two chains.

In the Carriage Drive between points respectively 1·64 chains north and 1·36 chains south of a point lineable with the centre of Dean Street. The length of such double line will be three chains.

The total length of the several tramways herein-before mentioned will be two miles 8·47 chains of which the total length of double line will be three furlongs three chains and of single line one mile five furlongs 5·47 chains.

Provided that in the construction of Tramway No. 5 no rail shall be so laid between the said two points respectively 2·86 chains north and 0·14 chains south of Alexandra Road 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 except with the consent in writing of the owner or occupier of the premises abutting upon the part of the road where such less space shall intervene as aforesaid.

Gauge of tramways and width of carriages.

7. The tramways shall be constructed on a gauge of four feet eight inches and a half: Provided always that so much of section thirty-four of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways but no engine or carriage used on the tramways shall exceed six feet and six inches in width.

Provisions as to construction of tramways.

8. 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

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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.

**As to rails of tramways.**

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

**Penalty for not maintaining rails and roads in good condition.**

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

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 to offences.

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

11. Where in any road in which a double line of tramway is laid there is less width between the outside of the footpath on either side of the 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.**

12. The Promoters may from time to time hereafter make all such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient to the efficient working of the tramways or any of them or for providing access to any stables carriage-houses sheds or works of the Promoters or their lessees or licensees: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath

on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid by writing under his hand addressed to the Promoters express his objection thereto.

Temporary tramways may be made when necessary.

13. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid it 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 maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Application of road materials excavated in construction of works.

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

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

15. 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.*

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

16. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power and with the consent of the Board of Trade to be signified in writing during a period of seven years after the opening of the same for public traffic by means of haulage with wire ropes or other appliances placed underground or by means of electrical power steam power or any mechanical power and (with the like consent during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board) by electrical power steam power or any mechanical power (including such haulage as aforesaid).

Provided always that no steam or mechanical power shall be used on the tramways unless and until the passing places (being the portions of double line herein-before described) have been lengthened to such an extent as the Board of Trade may by order in writing to be served upon the Promoters or their lessees require and the Board of Trade are hereby authorised to make such order as aforesaid.

Provided further that the exercise of the powers hereby conferred with respect to the use of electrical 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 electrical steam or any mechanical power on the tramways:

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Provided also that the lessees under any lease made by the Promoters shall not use electrical steam or any mechanical power on the tramways or any part thereof unless they are authorised to do so by special permission in such lease, and the Promoters may with the consent of the Board of Trade and subject to the provisions of the Order attach to such special permission such conditions and restrictions as they may think fit.

**Penalty for using electrical steam or mechanical power contrary to order or regulations.**

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

**Byelaws.**

18. 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 electrical 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.

**Further powers to Corporation as to making byelaws.**

19. The powers of the local authority under the Tramways Act 1870 with respect to the making regulations and byelaws as to the matters and for the purposes therein mentioned, and with respect to the repeal and alteration of such byelaws shall for the purposes of and subject to the provisions of this Order extend and apply to regulations and byelaws for prohibiting any engine or carriage from running on the tramways or any part or parts thereof on Sunday Christmas Day and Good Friday respectively and on any day or days on which from the condition of the roads in which the tramways or any of them are laid or from any other cause whatsoever the Corporation may consider the tramways or any of them unfit for traffic.

**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 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 and the production of a written or printed copy of any such order or byelaw purporting to be signed as aforesaid shall be primâ facie evidence of such order or byelaw in all courts of justice and in all legal proceedings.

*Traffic upon Tramways.*

**Traffic upon tramways.**

23. The tramways may but only with the consent of the Corporation be used for the purpose of conveying passengers animals goods minerals and parcels.

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

24. Unless so required by the terms of the lease the lessees shall not be bound to carry unless they think fit any animals goods minerals or parcels other than passengers' luggage not exceeding twenty-eight pounds in weight.

**Provisions as to carriage of animals goods &c.**

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

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Heavy traffic between 8 a.m. and 10 p.m.

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

Corporation may use tramways for sanitary purposes.

27. The Corporation may at such times and in such manner as they think fit (but subject to the provisions of this Order and to any byelaws for the time being in force with respect to the tramways) use the tramways for sanitary purposes and for the conveyance of scavenging stuffs road metal and other materials required for the works of the Corporation free of all tolls and charges in respect of such use.

*Tolls.*

Tolls and charges.

28. The tolls and charges authorised by this Order to be demanded and taken are as follows (viz.) :—

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

For all animals goods minerals and parcels conveyed upon the tramways or any part thereof any tolls or charges not exceeding for any distance in the same direction the tolls and charges specified in the Schedule B. to this Order annexed subject to the regulations in that behalf therein contained: Such tolls and charges shall include all tolls and charges which may be demanded and taken for the use of the tramways carriages wagons or trucks and for motive power and for every other expense incidental to such conveyance.

Passengers' luggage.

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

Cheap fares for labouring classes.

30. The lessees shall if and when required by the Corporation or by the Board of Trade at all times during the continuance of the demise of the tramways run at least two carriages each way every morning in the week and every evening in the week (Sunday Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening as the Promoters think most convenient for artizans mechanics and daily labourers at tolls or charges not exceeding one halfpenny per mile (and for this purpose a fraction of a mile shall be deemed a mile) but the lessees shall not be required to take any toll or charge less than one penny and the lessees shall be liable to a penalty not exceeding five pounds for every day except as aforesaid on which they do not run such number of carriages as aforesaid in accordance with the provisions of this section. Provided always that the lessees shall not be liable to any such penalty if the failure to run such number of carriages as aforesaid arises from circumstances over which the lessees have no

control. Provided always that in case of any complaint made to the Board of Trade as to the number of such carriages or as to the hours appointed by the Promoters for the running of such carriages the said Board shall have power to fix and regulate the same from time to time. Every lease to be granted by the Promoters shall imply a condition of re-entry if the lessees at any time after the expiration of twenty-one days' notice requiring them to run such carriages at such times and at such tolls or charges as herein-before mentioned make default in complying with such notice unless such default be occasioned by unavoidable accident.

Payment of tolls.

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

Periodical revision of tolls.

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

*Opening of Tramways to the Public.*

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

33. 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 so 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 flange wheels or other wheels suitable only to run on the rail of the tramways and may demand and take for

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the like purposes for which tolls or charges are authorised to be demanded and taken by this Order any tolls or charges not exceeding the tolls and charges by this Order authorised to be demanded and taken for such purposes.

Tolls if tramways open to be used by the public.

34. 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 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 B. to this Order annexed in respect of such animals goods minerals and parcels so conveyed subject to the regulations in that behalf therein contained:

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

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

35. 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 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 wagon 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.

36. 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 for the purposes aforesaid—

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

The expression "passengers" shall include animals goods minerals and parcels:

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

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

*Miscellaneous.*

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Engines carriages or horses unfit for use may be removed.

37. The Corporation or any Committee of the Council or any officer of the Corporation appointed for the purpose may cause to be removed from the tramways any engine carriage or horse which is certified by any officer appointed by the Corporation to be unfit for use upon the tramways provided that every certificate made by the said officer to the Corporation shall be in writing and shall state fully the particulars in which in the opinion of the said officer the engine carriage or horse (as the case may be) is unfit for use and notice of every such certificate setting forth the particulars contained in the said certificate shall be served upon the lessee or other person owning or using such engine carriage or horse prior to any action being taken thereon by the Corporation: Provided further that if any dispute arise between the Corporation and such person as to the fitness or unfitness of any such engine carriage or horse the same shall be settled by two justices.

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

38. Any lessees or licensees on the one hand and any 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 person any passengers animals goods minerals or parcels and the fixing collecting and apportionment of tolls charges rents or other receipts arising from the tramways upon such terms and conditions as may be agreed upon between such lessee or licensee and such person subject nevertheless to the control and supervision of the Promoters.

Provisions as to arbitration.

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

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

(1) Every notice shall be in writing or print or partly in writing and partly in print and shall be signed by the town clerk if given by the Promoters and by their clerk or secretary if given by any local or road authority:

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

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clerk or secretary at their principal office or to the town clerk at the town hall.

Corporation may borrow 20,000*l.* to be repaid in 30 years.

41. The Corporation may under and according to the provisions contained in section twenty of the Tramways Act 1870 or in manner provided by the Local Loans Act 1875 borrow for the purposes of this Order in addition to any sum or sums of money they are already authorised to borrow any sum or sums of money not exceeding in the whole twenty thousand pounds and the time for which such 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 local rate the moneys coming to them out of the rents reserved under any lease made under the authority of this Order and the tolls charges and sums authorised to be taken or received by them under the provisions of this Order.

Borrowing under Local Loans Act.

42. If the Corporation decide to borrow in manner provided by the Local Loans Act 1875 any moneys which they are authorised by this Order to borrow they may create and issue debenture stock and may secure the discharge of any moneys borrowed by any of the methods provided by that Act including a sinking fund and for the purposes of such discharge thirty years shall be deemed to be the prescribed period.

Audit of accounts.

43. Sections two hundred and forty-six and two hundred and fifty of the Public Health Act 1875 shall apply to the audit of the accounts of the receipts and expenditure of the Corporation and their officers with respect to the tramways as if such accounts related to receipts and expenditure under that Act.

Saving for general Acts.

44. 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 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 electrical power steam power or any mechanical power by any such general Act as aforesaid.

Saving rights of Corporation.

45. Nothing in this Order shall be construed to take away abridge alter or prejudicially affect any rights powers jurisdiction authorities privileges or remedies of the Corporation.

Company to carry mails.

46. The Company, or persons by whom any of the tramways of the Promoters are worked (herein-after referred to as the Company), if required by the Postmaster-General, shall perform with respect to any of the tramways of the Promoters all such reasonable services in regard to the conveyance of mails (including parcels as defined in the Post Office (Parcels) Act, 1882,) as the Postmaster-General may from time to time require, by notice under the hand of one of the secretaries or assistant secretaries of the Post Office, or the

inspector-general of mails for the time being, the remuneration for such services being determined by agreement, or failing agreement, by a referee to be appointed by the Board of Trade at the request of either party: Provided that—

(1.) So long as the Company carry on their own account no animals, goods, minerals, or parcels, other than passengers luggage, no mails shall be tendered for conveyance to the Company unless such mails are in charge of an officer of the Post Office:

(2.) So long as the Company carry on their own account no animals, goods, or minerals the aggregate weight of mails tendered for conveyance by any one tramcar, whether in charge of an officer of the Post Office or not, shall not exceed the maximum weight for the time being prescribed for parcels or passengers luggage, whichever maximum is the greater:

(3.) Where mails are carried by a tramcar conveying passengers the mails shall be carried in the manner most convenient to passengers, so that the custody of the mails by any officer of the Post Office in charge thereof is not interfered with. In this section the expression "mails" has the same meaning as in the Regulation of Railways Act, 1873.

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## SCHEDULE A.

Break power of engines.

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

As to fittings of engines &c.

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

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

With a suitable fender to push aside obstructions

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

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

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

As to carriages.

Every carriage used on the tramways shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and

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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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## SCHEDULE B.

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

| *Animals.* | Any distance. £ | s. | d. |
|---|---|---|---|
| For every horse mule or other beast of draught or burden - | 0 | 0 | 6 |
| For every ox cow bull or head of cattle - - - | 0 | 0 | 6 |
| For every calf pig sheep or other small animal - - | 0 | 0 | 3 |
| *Goods and Minerals.* | | | |
| For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways, per ton - - - - - - | 0 | 0 | 3 |
| For all iron iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs per ton - - - - - | 0 | 0 | 3 |
| For all timber or wood per ton - - - - | 0 | 0 | 3 |
| For all sugar grain corn flour hides dye woods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings per ton - - | 0 | 0 | 4 |
| For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things per ton - - - - - - - | 0 | 0 | 4 |
| For every carriage of whatever description not weighing more than one ton tenpence and the additional sum of twopence for every additional quarter of a ton above one ton. | | | |

*Single Articles of Great Weight.*

| | Any distance. £ s. d. |
|---|---|
| For the carriage of any boat iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage shall not exceed four tons per ton - - - - | 0 0 8 |
| For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage shall exceed four tons such sum as the person or persons conveying the same may think fit. | |

*Parcels.*

| | |
|---|---|
| For any parcel not exceeding seven pounds in weight - - | 0 0 3 |
| For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - - | 0 0 5 |
| For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - | 0 0 7 |
| For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - | 0 0 9 |
| For any parcel exceeding fifty-six pounds in weight such sum as the person or persons conveying the same may think fit. | |

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

*Regulations as to Tolls.*

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

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

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

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## BOOTLE-CUM-LINACRE CORPORATION.

*Order authorising the Mayor Aldermen and Burgesses of the Borough of Bootle-cum-Linacre in the County of Lancaster to construct further Tramways in and adjoining the said Borough.*

Short title.

1. This Order may be cited as the "Bootle-cum-Linacre Corporation Tramways Order 1884."

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

The expression "the Corporation" means the Mayor Aldermen and Burgesses of the borough of Bootle-cum-Linacre in the county of Lancaster acting by the council;

The expression "the borough" means the said borough of Bootle-cum-Linacre;

The expression "the Order of 1881" means the Bootle-cum-Linacre Tramways Order 1881; and

The term "person" includes a corporation.

The Promoters.

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

Lands by agreement.

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

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") except only as by this Order otherwise specially provided the tramways herein-after described with all proper rails plates sleepers offices weigh-bridges stables carriage-houses engine-sheds warehouses works and conveniences connected therewith or for the purposes thereof.

The tramways authorised by this Order are:—

Tramway No. 1 partly in double and partly in single line situate partly in the borough and partly in the township of Litherland in the parish of Sefton all in the county of Lancaster commencing in Rimrose Road in the

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borough by a junction with the Promoters' existing Tramway at a point 0·57 chains south-east of the termination therein of such existing tramway thence passing into and along a proposed new road in course of formation called Knowsley Road thence along a proposed new road in course of formation called Hornby Road thence along a road or proposed new road called Lydiate Lane thence into and terminating in Stanley Road by a junction with the Promoters' existing tramway at a point 0·30 chains south of the junction of Lydiate Lane with that road:

The double and single portions of which tramway shall be as follows:—

(1*a*.) A single line commencing at the commencement of Tramway No. 1 and terminating in Knowsley Road at a point 2·12 chains west of the junction of Addison Street with that road:

(1*b*.) A double line commencing at the termination of the last portion and terminating in Knowsley Road at a point 0·85 chain east of the junction of Addison Street with that road:

(1*c*.) A single line commencing at the termination of the last portion and terminating in Knowsley Road at a point 1 chain east of the junction of a proposed new street called Dryden Street with that road:

(1*d*.) A double line commencing at the termination of the last portion and terminating in Knowsley Road at a point 1·56 chains east of the junction of a proposed new street called Gray Street with that road:

(1*e*.) A single line commencing at the termination of the last portion and terminating in Knowsley Road at a point 2·34 chains east of the junction of a proposed new road called Salisbury Road with Knowsley Road:

(1*f*.) A double line commencing at the termination of the last portion and terminating in Hornby Road at a point 5·37 chains north-west of the junction of the proposed new portion of Lydiate Lane with that road:

(1*g*.) A single line commencing at the termination of the last portion and terminating in Lydiate Lane at a point 7·72 chains west of the junction of Stanley Road with that lane:

(1*h*.) A double line commencing at the termination of the last portion and terminating in Lydiate Lane at a point 4·72 chains west of the junction of Stanley Road with that lane:

(1*i*.) A single line commencing at the termination of the last portion and terminating in Stanley Road by a junction with the Promoters' existing tramway at a point 0·30 chain south of the junction of Lydiate Lane with that road:

The length of Tramway No. 1 is 6 furlongs and 1·74 chains the total length of the double portions being 1 furlong 2 chains and the total length of the single portions being 4 furlongs 9·74 chains.

Provided nevertheless that the Promoters shall not lay down any portion of Tramways No. 1 along the said new roads (Knowsley Road and Lydiate Lane) unless such roads shall have been made of sufficient width to allow except at the passing place 1[b] a space of not less than 9 feet 6 inches to

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intervene between the outside of the footpath on both sides of the road and the nearest rail of the tramway:

Tramway No. 2 wholly situate within the borough commencing in Stanley Road by a junction with the Promoters' existing tramway at a point 0·50 chain south of the junction of Lydiate Lane with that road thence passing along and terminating in Stanley Road at the boundary of the borough and the said township of Litherland.

Tramway No. 2 will be single except in the following place where it will be double namely between a point 1·97 chains south of the termination and the point of termination.

The length of Tramway No. 2 is 1 furlong and 1·57 chains the length of the double portion being 1·97 chains and the length of the single portion being 9·60 chains.

Provided nevertheless that the Promoters shall not lay down any portion of Tramway No. 2 along Stanley Road until that road shall have been made of sufficient width to allow a space of not less than 9 feet 6 inches to intervene between the outside of the footpath on both sides of the road and the nearest rail of the tramway. And proper cross-overs or connexions between the double line of tramway at the terminus shall be formed for the proper working of the tramway by mechanical power.

Tramway No. 3 a single line 0·63 chain in length wholly situate within the borough commencing in Lydiate Lane by a junction with Tramway No. 1 at a point 0·45 chain west of the junction of that lane with Stanley Road and terminating in Stanley Road by a junction with Tramway No. 2 at a point 0·48 chain north of the said junction of Lydiate Lane with Stanley Road. Provided always that Tramway No. 3 shall not be constructed until those portions of Lydiate Lane and Stanley Road upon which it is proposed to lay down the tramway are widened so as to make them not less than 33 feet.

Time for commencement and completion as to incomplete roads.

7. The times limited by the Tramways Act 1870 for the commencement and completion of tramways shall with respect to the tramways intended to be laid down in any new or incomplete road be reckoned from the date at which the same shall become a highway repairable by the inhabitants at large and with respect to Tramway No. 2 from the widening of Stanley Road to forty feet between the kerbs.

Promoters to repair whole of road in Waterloo District.

8. So long as any tramway authorised by this Order shall be laid in the district of the Waterloo with Seaforth Local Board, the provisions of section twenty-eight of the Tramways Act 1870 with respect to the paving and maintaining certain portions of the roadways whereon such tramway is laid shall extend to the whole width of any roadway within that district.

For the protection of the justices of Lancaster.

9. For the protection of the justices of the peace for the County Palatine of Lancaster (in this section referred to as "the justices") the following provisions shall apply and have effect (that is to say):—

(*a.*) The Promoters shall at their own expense pave so much of any road whereon any of the tramways is laid upon over or adjoining any bridge or length of roadway adjacent thereto repairable by the inhabitants of the said county, or of any hundred therein as lies between the rails and as extends eighteen inches beyond the rails of and on each side of such

tramway with granite cubes or setts to the satisfaction of the justices or with such other paving as the justices may approve.

(*b.*) In constructing any of the tramways upon or over any bridge or any parts of the road at either end of any bridge in the said county 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 such tramway 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 for the decision of the Board of Trade and the Promoters shall so construct and maintain such tramway in the road over such bridge and the approaches thereto as not to injuriously affect such bridge or approaches and in the event of any injury being occasioned to such bridge or approaches or any part or parts thereof respectively by the construction of any of the tramways on or over the same (whether such injury shall occur either during or after construction or in effecting the maintenance of the tramways) the justices may restore such bridge and approaches or the part or parts which may be injured to as good a state as they were in before such injury was occasioned at the expense of the Promoters and the Promoters shall recoup to and indemnify the justices against all sums costs and expenses which they may pay or be put to in restoring such bridge and in maintaining and repairing so much of the road over such bridge and approaches as the Promoters are liable to maintain and keep in good condition and repair under section twenty-eight of the Tramways Act 1870 and the justices may recover from the Promoters all such sums costs and expenses together with full costs and charges in like manner as any simple contract debt of the like amount may be recovered.

(*c.*) In case steam or any mechanical power is used on any of the tramways laid on any bridge or any length of roadway adjacent thereto repairable by the inhabitants of the said county or of any hundred therein the justices may execute such works as may in the opinion of their engineer and of the engineer of the 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 such bridge and the justices may execute all such works in all things at the expense of the Promoters and the justices may recover from the Promoters in manner aforesaid all moneys expended by them in the execution of such works as aforesaid together with full costs and charges in like manner as any simple contract debt of like amount may be recovered. If it become necessary for effecting such strengthening that the working and use of any such tramways be wholly or in part stopped or delayed and the justices give the Promoters three clear days' notice in writing requiring such stoppage or delay the working and user of such tramways or tramway shall be stopped or delayed

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accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the justices shall not be liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage or delay.

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

(*e.*) 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 widened 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 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.

(*f.*) 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 except where otherwise expressly provided be settled in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

For protection of Lancashire and Yorkshire Railway Company.

10. The Promoters shall construct the portions of Tramway No. 1 herein-before described as (1ᵉ) along the proposed new road in course of formation herein-before referred to and intended to be called Knowsley Road at the point where the said road will pass underneath the Liverpool Crosby and Southport Railway as now existing or as the same may be widened under the powers of the Act herein-after referred to only in accordance with plans sections and specifications to be reasonably approved of by the principal engineer for the

time being of the Lancashire and Yorkshire Railway Company and so as not in any way to prevent impede or interfere with the construction of the said road and the bridges and other works connected therewith in conformity with the provisions of sub-sections one and two of section thirteen of the Lancashire and Yorkshire Railway Act 1882 and nothing in this Order and nothing done thereunder shall alter prejudice or affect the powers rights and privileges of the Lancashire and Yorkshire Railway Company and the Right Honourable the Earl of Derby or either of them under the said sub-sections or otherwise in respect of the bridges and other works to be made or executed by the Company under or in pursuance of the provisions of those sub-sections.

**Tramways to form part of undertaking authorised by Order of 1881 whilst leased to the same person.**

11. The tramways authorised by this Order so long as they are leased to the same lessees as the tramways or any part thereof authorised by the Order of 1881 shall for the purposes of tolls and charges (except as by this Order otherwise expressly provided) be deemed to form part of the tramways authorised by the Order of 1881 and section twenty-nine of that Order and Schedule B annexed thereto shall during the period aforesaid and so far as the same are applicable apply to the tramways by this Order authorised in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Order of 1881 and for the purposes of such application the expressions "the tramways" and "this Order" in the said section shall be construed to mean respectively the tramways as defined by this Order and this Order.

**Tolls and charges.**

12. The tolls and charges authorised by this Order to be demanded and taken are (subject to the foregoing provision) as follows, viz.:—

For every passenger travelling upon any of the tramways or any part thereof, any tolls or charges not exceeding one penny.

For all animals goods minerals and parcels conveyed upon the tramways any tolls or charges not exceeding the tolls and charges specified in Schedule B annexed to the Order of 1881 subject to the regulations in that behalf therein contained:

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

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

13. 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 so 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 to the said Board any person may use the tramways or any part thereof in accordance with the terms of such resolution and the provisions of this Order with carriages having flange wheels or other wheels suitable only to run on the rail of the tramways and may demand and take for the like purposes for which tolls or charges are authorised to be demanded and taken

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by this Order any tolls or charges not exceeding the tolls or charges by this Order authorised to be demanded and taken for such purposes.

Sections 10 to 28, 30 to 33, 35 to 37, 39 to 42, 44 and Schedules A and B of Order of 1881 to apply to tramways and undertaking authorised by Order.

14. The following provisions of the Order of 1881 that is to say sections ten to twenty-eight both inclusive sections thirty to thirty-three both inclusive sections thirty-five to thirty-seven both inclusive sections thirty-nine to forty-two both inclusive section forty-four and the Schedules A and B to the said Order annexed shall apply to the tramways and undertaking by this Order authorised in like manner in every respect as if the tramways and undertaking by this Order authorised were the tramways and undertaking authorised by the Order of 1881 and for the purposes of such application the expressions "the tramways" "the undertaking" and "this Order" in the said provisions shall be construed to mean respectively the tramways and the undertaking as defined by this Order and this Order.

Corporation may borrow 10,000*l.* to be repaid in thirty years.

15. 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 and of the Order of 1881 in addition to any sum or sums of money they are already authorised to borrow any sum or sums of money not exceeding ten thousand pounds and the time for which such sum of ten 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 local rate the moneys coming to them out of the rents reserved under any lease made under the authority of this Order and the tolls charges and sums authorised to be taken or received by them under the provisions of this Order.

Confirmation of certain double lines of tramway under the Order of 1881.

16. Whereas by the Order of 1881 the Promoters were authorised to lay down the following portions of tramway and tramway in single line that is to say portions 1*b* 1*d* 1*f* and 1*h* of Tramway No. 1 and the whole of Tramway No. 4 And whereas the Corporation have for the purpose of facilitating the traffic laid down the said portions of Tramway No. 1 and the whole of Tramway No. 4 in double lines and it is expedient that the laying down of the same should be authorised and confirmed It is therefore ordered and declared that the said portions of Tramway No. 1 and the whole of Tramway No. 4 laid down in double lines as aforesaid shall be deemed to have been lawfully so laid down and shall for all purposes be taken and considered as duly authorised by the Order of 1881.

Audit of accounts.

17. Sections two hundred and forty-six and two hundred and fifty of the Public Health Act 1875 shall apply to the audit of the accounts of the receipts and expenditure of the Corporation and their officers with respect to the tramways authorised by the Order of 1881 and by this Order as if such accounts related to receipts and expenditure under that Act.

Company to carry mails.

18. The Company, or persons by whom any of the tramways of the Promoters are worked (herein-after referred to as the Company), if required by the Postmaster-General, shall perform with respect to any of the tramways of the Promoters all such reasonable services in regard to the conveyance of mails (including parcels as defined in the Post Office (Parcels) Act, 1882,) as the Postmaster-General may from time to time require, by notice under the hand of one of the secretaries or assistant secretaries of the Post Office, or the

inspector-general of mails for the time being, the remuneration for such services being determined by agreement, or failing agreement, by a referee to be appointed by the Board of Trade at the request of either party: Provided that—

(1.) So long as the Company carry on their own account no animals, goods, minerals, or parcels, other than passengers luggage, no mails shall be tendered for conveyance to the Company unless such mails are in charge of an officer of the Post Office:

(2.) So long as the Company carry on their own account no animals, goods, or minerals the aggregate weight of mails tendered for conveyance by any one tramcar, whether in charge of an officer of the Post Office or not, shall not exceed the maximum weight for the time being prescribed for parcels or passengers luggage, whichever maximum is the greater:

(3.) Where mails are carried by a tramcar conveying passengers the mails shall be carried in the manner most convenient to passengers, so that the custody of the mails by any officer of the Post Office in charge thereof is not interfered with. In this section the expression "mails" has the same meaning as in the Regulation of Railways Act, 1873.

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## CARDIFF TRAMWAYS (EXTENSIONS).

*Cardiff (Extensions).*

*Order authorising the Cardiff Tramways Company (Limited) to construct additional Tramways in the Borough of Cardiff and County of Glamorgan.*

Short title.

1. This Order may be cited as "The Cardiff Tramways (Extensions) Order 1884."

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 Order of 1871" means the Cardiff Tramways Order 1871

The expression "the Order of 1873" means the Cardiff Tramways Order 1873;

The expression "the Order of 1878" means the Cardiff Tramways (Extensions) Order 1878;

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The expression "the Corporation" means the mayor aldermen and burgesses of the borough of Cardiff acting by the Council;

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

The term "person" includes corporation.

*Promoters.*

The Promoters.

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

Lands by agreement.

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

*Construction of Tramways.*

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited for the purposes of this Order at the office of the Board of Trade, as the same have been amended previous to the passing of the Act confirming this Order (which amended plans and sections are in this Order respectively referred to as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates offices weigh-bridges stables carriage houses warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same.

The tramways authorised by this Order are—

A tramway (No. 1) 1 mile 5·25 chains in length partly in the parish of St. John's Cardiff and partly in the parish of Roath in the county of Glamorgan commencing in Crockherbtown by a junction with the Promoters' existing tramway in that road at a point 1 chain or thereabouts west of Windsor Place passing thence into and along Windsor Place and both sides of St. Andrew's Crescent thence passing in an easterly direction along the road in continuation of St. Andrew's Place and under the bridges of the Taff Vale and Rhymney Railways thence passing in a north-westerly direction along Salisbury Road and into and along Upper George Street and Mundy Place passing thence in a north-easterly direction into and along Woodville Road and thence in a north-westerly direction into and along the Crwys Road and terminating in the last-mentioned road at a point 3 chains or thereabouts north-west of Woodville Road.

Tramway (No. 1) shall be laid as a single line except at the following places at which it shall be laid as a double line:—

Between a point about 7 yards north-west of the end wall of No. 34 Windsor Place and a point about 16 yards east of Park Grove (one line passing on either side of St. Andrew's Church):

Between two points respectively about 47 yards north-east of the Rhymney Railway Bridge and about 33 yards south-east of Thesiger Street:

Between two points respectively about 43 yards and about 109 yards north-west of Thesiger Street:

Between two points respectively about 13 yards north-west of Richards Street and about 1 chain north-east of Catherine Street:

Between two points respectively about 7 yards and about 62 yards north-east of Letty Street:

Between two points respectively about 7 yards and about 73 yards north-east of Minny Street:

Between two points respectively about 60 yards and 15 yards south-east of Lucas Street:

The total length of double line will be 4 furlongs 7·80 chains and the total length of single line will be 3 furlongs 7·45 chains.

Provided always that Tramway (No. 1) shall not be laid under the bridges carrying the Taff Vale and the Rhymney Railways over the road unless and until the roadway under the said bridges has been so widened as to leave a space of not less than nine feet six inches between the outside of the footpath on either side of the road and the nearest rail of the tramway and until the headway of each such bridge has been increased to the satisfaction of the Board of Trade.

Provisions as to construction of tramways.

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

8. 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 part of the tramways are or is situated 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.

Notice to road authority.

9. As regards the tramways and the roads whereon the same will be laid the seven days' notice required by section twenty-eight of the Tramways Act 1870

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to be given to the Promoters by the road authority in the event of failure to comply with the provisions of the said section shall be deemed to be a three days' notice and as regards the tramways and such roads the said section shall for the purposes of this Order be construed accordingly.

**Penalty for not maintaining rails and road in good condition.**

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

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 with respect to offences.

**Local authority to have access to sewers.**

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

**Passing places to be constructed where less than a certain width left between footpath 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 road and the nearest rail of the tramway than nine feet six inches the Promoters shall and they are hereby required to construct a passing place or passing places connecting the one tramway with the other and by means of such passing place or passing places the traffic shall when necessary be diverted from one tramway to the other.

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

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

14. The Promoters may from time to time hereafter make all such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient to the efficient working of the tramways or any of them or for providing access to any stables carriage houses sheds or works of the Promoters subject to the approval of the road authority such approval as regards the Corporation to be given under their corporate seal and every such crossing passing place siding and other work shall be deemed to be part of the tramways Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid by writing under his hand addressed to the Promoters express his objection thereto Provided also that the number and situation of such crossings passing places sidings junctions and other works shall be determined by the road authority and if any difference arise between the Promoters and the road authority with respect to the number and situation of any such crossings passing places sidings junctions or works the same shall be settled in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned. If any crossing passing place siding junction or other work so made with the approval of the road authority or any part thereof is subsequently objected to by the road authority the road authority may by written notice to the Promoters require them to remove the same; and if the road authority so think fit to remake or relay the same in some other position to be specified in the notice and the Promoters shall comply with such requirement provided that the expense of every such removal remaking or relaying shall be borne by the Promoters.

Additional crossings &c. may be made where necessary.

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

Temporary tramways may be made when necessary.

If any difference arise between the Promoters and any road authority with respect to the reasonableness of any conditions or 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.

16. 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

Application of road materials excavated in construction of work.

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after the 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 such 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 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.

Mode of formation of tramways.

17. The tramways shall be laid in granite pitching and the roadway whenever the same is made to the extent defined by section twenty-eight of the Tramways Act 1870 shall be pitched with the like materials and be renewed maintained and kept in repair by the Promoters and such granite pitching shall not in any case be removable without the consent of the Corporation.

Maintenance of road.

18. Wherever any rail of any of the tramways is laid within a distance of eight feet from the kerb line or intended kerb line of any footpath the Promoters shall at their own cost pave and maintain the whole of the space lying between such kerb line and the tram rail.

As to laying tramways to exact levels.

19. The Promoters shall subject to the provisions of this Order and the deposited plans lay the tramways at all points in the exact position and to the exact levels required by the surveyor for the time being of the Corporation and wherever the level of the surface of the roadway is altered in consequence of the construction of the tramways the cross section thereof shall not be steeper than one in twenty-two.

Completion of tramways.

20. The period within which the tramways shall be completed and ready for public traffic shall be one year from the passing of the Act confirming this Order or such further period not exceeding two years from the passing of such Act as the Corporation with the consent of the Board of Trade may sanction under their corporate seal.

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

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

Tramways for purposes of tolls and charges to

22. The tramways authorised by this Order shall for the purposes of tolls and charges save as by this Order otherwise expressly provided be deemed to form part of the tramways authorised by the Order of 1871 the Order of 1873

and the Order of 1878 even though passengers may for the purpose of travelling over the same be forced to change carriages, and sections 15 to 17 (both inclusive) 19 and 20 of the Order of 1871 shall save as aforesaid apply to the tramways by this Order authorised in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Order of 1871 the Order of 1873 and the Order of 1878 and for the purposes of such application the expressions "the tramways" and "this Order" in the said sections shall be construed to mean respectively the tramways as defined by this Order and this Order: Provided always that in estimating the amount of tolls and charges in respect of traffic carried partly on the tramways authorised by this Order and partly on the tramways authorised by the Order of 1871 the Order of 1873 or the Order of 1878 or any of them for a less distance than one mile tolls and charges may only be charged as for one mile.

form part of tramways authorised by Orders of 1871 1873 and 1878.

Conveyance of scavenging stuff.

23. The Corporation may with their own carriages or trucks at any time between the hours of twelve at night and six in the morning in such manner as they think fit but subject to the byelaws for the time being in force with respect to the tramways use the tramways free of toll for sanitary purposes and for the conveyance of scavenging stuff road metal and materials required for any work or undertaking of the Corporation Provided that the wheels and trucks used for the above purposes shall be suitable for use on the tramways and that the Corporation shall be responsible for all damage other than fair wear and tear caused to the tramways or the paving of the roads and for all accidents caused by or arising out of such user.

Officers to travel free.

24. The principal officers and inspectors of works of the Corporation shall at all times when on duty be permitted by the Promoters to travel free of charge for the whole or any part of the journey in or upon each carriage wagon or truck of the Promoters by which any passenger or parcels are conveyed upon the tramways or any part thereof.

Approval of cars.

25. No car or carriage drawn by one horse only shall be run or worked upon the tramways except with the consent of the Corporation.

Cheap fares for labouring classes.

26. The Promoters at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run over the whole of the tramways or such part or parts thereof 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 a quarter past five in the evening respectively as the Corporation think most convenient for artizans mechanics and daily labourers at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny) and the Promoters shall be liable to a penalty not exceeding five pounds for every day on which they shall fail to run such carriages as aforesaid unless prevented from so doing by any act of the Corporation or by circumstances over which they have no control provided further that in case of any complaint made to the Board of Trade as to the hours appointed by the Promoters for the running of such carriages or as to the number of such carriages run by the Promoters the said Board shall have power to fix and regulate the same from time to time.

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**Periodical revision of tolls.**

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

*Miscellaneous.*

**Purchase of tramways.**

28. In addition to the powers conferred upon them by section forty-three of the Tramways Act 1870 the Corporation may, if at any time after the opening of the tramways for public traffic and after the expiration of five years from the date of the passing of the Act confirming this Order by resolution passed at a special meeting of the council in accordance with the provisions of section forty-three of the Tramways Act 1870 they so decide by notice in writing require the Promoters to sell the undertaking to the Corporation and the Promoters shall thereupon sell and transfer the undertaking to the Corporation and such sale shall be deemed to be a sale within the meaning of section forty-four of the Tramways Act 1870 and the provisions of the said section so far as the same are applicable shall apply to any sale to the Corporation under the authority of this section provided that the terms upon which such sale shall be made shall be such as may be agreed upon between the Corporation and Promoters or failing such agreement such as may be settled by arbitration in manner provided by the Lands Clauses Consolidation Acts 1845 1860 and 1869 as the same are amended by the Lands Clauses (Umpire) Act 1883 with respect to the purchase and taking of lands otherwise than by agreement and the term "lands" in the said Acts shall for the purposes of this section be construed to mean the undertaking.

**Removal of tramways by Corporation in certain roads.**

29. If the Corporation at any time or times after five years from the completion of the tramways or of such parts thereof as shall be completed within the respective times limited by this Order consider the tramways or such parts thereof to be a nuisance or in case the Promoters make default in complying with any of the provisions of this Order the Corporation may by resolution determine that the tramways or such parts thereof respectively shall be

discontinued and removed and may give notice to the Promoters requiring them to remove the tramways or such parts thereof respectively as is or are specified in the notice and the Promoters at their own costs in all things shall within three months after the notice so given remove the tramways or such parts thereof as thereby required and shall restore the roads whereon the same were laid with such materials as the surveyor for the time being of the Corporation shall require and to his satisfaction and shall cause so much of such roads as may be broken up or in any way obstructed to be watched fenced and lighted during the continuance of such restoration breaking up or obstruction and if the Promoters fail within such three months to complete such removal or to restore such roads as aforesaid or to remove all surplus material and all rubbish or during such restoration breaking up or obstruction to watch fence and light the road the Corporation may (without prejudice to any other remedy against the Promoters) effect such removals and restore such roads as aforesaid and watch fence and light the same and may sell all or any part of the materials and rubbish removed and out of the proceeds of such sale reimburse themselves any expenses incurred by them in relation to any of the matters aforesaid (rendering the overplus if any to the Promoters) and the unpaid residue of such expenses shall be paid to the Corporation by the Promoters and shall be recoverable from the Promoters by all and the same means as any simple contract debt of like amount may be recovered.

Orders and byelaws to be signed &c.

30. 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 future extensions of the tramways in borough of Cardiff.

31. The Promoters shall from time to time if and when required by the Corporation by resolution under the corporate seal left at the principal office for the time being of the Promoters at Cardiff apply for and use their best exertions to obtain in the then next session of Parliament a Provisional Order or Provisional Orders to extend the system of the tramways in Cardiff within the borough of Cardiff to the extent and in the manner to be specified and defined in any such resolution provided always that if in the opinion of the Promoters such request is on account of the pecuniary position of the Promoters or for any other cause whatever unreasonable and any difference shall thereupon arise between the Corporation and the Promoters the question in difference shall be determined by arbitration in manner provided by the Companies Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

Regulations &c. by Corporation.

32. The powers of the local authority under section forty-six of the Tramways Act 1870 with respect to the making of regulations and byelaws as to the matters and for the purposes in the said section mentioned and with respect to the repeal or alteration of such regulations and byelaws shall subject to the provisions of this Order extend and apply to the following matters and purposes that is to say:—

For preventing the overcrowding of any carriage used on the tramways:

For insuring the sufficiency and fitness of the carriages used on the tramways and the horses drawing the same.

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Provisions as to arbitration.

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

34. With respect to notices and to the delivery thereof by or to the Promoters the following provisions shall have effect (that is to say):—

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

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

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

35. No sale or assignment of the undertaking shall have any validity or effect until after the approvals of the Board of Trade and of the Corporation respectively to such sale or assignment have been signified in writing signed by a secretary or an assistant secretary of the said Board and under the common seal of the Corporation.

Saving as to powers of borrowing on mortgage.

36. 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 the 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 or this Order 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 or this Order and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Saving for general Acts.

37. 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 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 electrical power or any mechanical power by any such general Act as aforesaid.

Company to carry mails.

38. The Promoters, if required by the Postmaster-General, shall perform with respect to any of the tramways of the Promoters all such reasonable services in regard to the conveyance of mails (including parcels as defined in the Post Office (Parcels) Act, 1882,) as the Postmaster-General may from time to time require, by notice under the hand of one of the secretaries or assistant secretaries of the Post Office, or the inspector-general of mails for the time being, the remuneration for such services being determined by agreement, or failing agreement, by a referee to be appointed by the Board of Trade at the request of either party: Provided that—

(1.) So long as the Promoters carry on their own account no animals, goods, minerals, or parcels, other than passengers luggage, no mails shall be tendered for conveyance to the Promoters unless such mails are in charge of an officer of the Post Office:

(2.) So long as the Promoters carry on their own account no animals, goods, or minerals the aggregate weight of mails tendered for conveyance by any one tramcar, whether in charge of an officer of the Post Office or not, shall not exceed the maximum weight for the time being prescribed for parcels or passengers luggage, whichever maximum is the greater:

(3.) Where mails are carried by a tramcar conveying passengers the mails shall be carried in the manner most convenient to passengers, so that the custody of the mails by any officer of the Post Office in charge thereof is not interfered with. In this section the expression "mails" has the same meaning as in the Regulation of Railways Act, 1873.

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## DUDLEY SEDGLEY AND WOLVERHAMPTON TRAMWAYS.

*Dudley Sedgley and Wolverhampton.*

*Order authorising the use of Steam or any Mechanical Power on the authorised Tramways of the Dudley Sedgley and Wolverhampton Tramways Company Limited.*

Short title.

1. This Order may be cited as "The Dudley Sedgley and Wolverhampton Tramways Order 1884."

Construction of Order.

2. The Dudley Sedgley and Wolverhampton Tramways Order 1880 (in this Order referred to as "the Order of 1880") and this Order shall be construed together as one Order.

Provided that in this Order

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

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

The expression "the Sedgley Local Board" shall mean the local board for the district of Upper Sedgley in the county of Stafford:

The expression "the Coseley Local Board" shall mean the local board for the district of Coseley in the county of Stafford.

Width of carriages.

3. So much of section thirty-four of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to any carriage used on the tramways and moved by steam or any mechanical power but no such carriage nor any engine used on the tramways shall exceed five feet six inches in width.

Carriages may be moved by animal steam or mechanical power.

4. 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 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 to the said Board by steam power or any mechanical power.

Provided always that the Promoters shall not use steam or any mechanical power upon any of the tramways constructed within the borough of Dudley without the consent in writing of the Dudley Corporation under their seal. And the said Corporation are hereby empowered to give such consent upon and subject to such terms and conditions as they may think fit so that no such consent shall operate for a longer period than seven years and that such terms and conditions shall not be inconsistent with the provisions of this Order.

Provided further that the powers hereby conferred with respect to the use of steam or any mechanical power shall not be exercised upon any of the tramways within the borough of Wolverhampton or within the district of either of the Sedgley or Coseley Local Boards respectively without the consent of the Wolverhampton Corporation or of the Sedgley or Coseley Local Board as the case may be to be signified in writing under their respective seals to the Promoters and to the Board of Trade nor after the expiration of one calendar month from the service at the chief or other office of the Promoters of a notice from the said Corporation or from the Sedgley or Coseley Local Board as the case may be under their respective seals and subject to the confirmation of the Board of Trade requiring the Promoters or other the persons for the time being exercising such powers as aforesaid to cease to exercise such powers and the Wolverhampton Corporation and the said local boards respectively are hereby empowered to give such consents and to serve such notices upon and subject to such terms and conditions as they may think fit so that no such consent shall operate for a longer period than seven years and that such terms and conditions shall not be inconsistent with the provisions of this Order and if any such notice is in the opinion of the Promoters given unreasonably or without sufficient cause the Promoters may apply to the Board of Trade to refuse to confirm the same and the Board of Trade may if they think fit refuse to confirm such notice and thereupon the same shall be deemed to be withdrawn and the Promoters may thereupon exercise such powers as if such notice had not been served and

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the decision of the Board of Trade in the matter shall be final and binding on both parties.

Provided that no steam or mechanical power shall be used on the following portions of the tramways unless and until the roadway upon which the same are laid shall have been widened to the extent shown on a certain plan marked "Dudley Sedgley and Wolverhampton Tramways Order 1884" signed by Henry G. Calcraft an assistant secretary to the Board of Trade and dated the third day of May 1883 and deposited at the Board of Trade a duplicate of which plan has been deposited with the clerk of the peace for the county of Stafford (that is to say):

So much of Tramway No. 3a as is situate between a point 16·77 chains north from the commencement of the said tramway and a point 19·97 chains north from the commencement of the said tramway So much of Tramway No. 3a as is situate between a point 32·11 chains north from the commencement of the said tramway to a point 38·21 chains north from the commencement of the said tramway.

Provided also 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 tramway.

Penalty for using steam or mechanical power contrary to order or regulations.]

5. The Promoters or any person using steam or any mechanical power on any of the tramways contrary to the provisions of this Order or to any of the regulations set forth in the schedule 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 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.

6. 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

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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.**

7. 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.**

8. 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.**

9. 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.**

10. 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 the tramways or such part thereof upon which they or he intend to use such power are or is situated.

Where at the time of the giving of any such notice any contract agreement or arrangement 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 the tramways or such part of the 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 the tramways or such part thereof be determined and of no effect.

Before using steam or any mechanical power on the tramways or any part thereof and thereafter from time to time the Promoters or such person and every such road authority may enter into or renew with or without modification any contract agreement or arrangement with respect to the user by the Promoters or such person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which the 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 part of the tramways unless there is in force in relation to the tramways or such part

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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. Provided that in the case of Upper Sedgley and Coseley districts any moneys received under such contract may be applied to any lawful purpose in the said districts respectively under the Highway Acts which the local boards of the said districts may respectively determine.

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

11. Where steam or any mechanical power is used by the Promoters or any person on the tramways or any part thereof no contract agreement or arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid 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 the 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 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.

Saving for general Acts.

12. 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 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 electrical power or any mechanical power by any such general Act as aforesaid.

Company to carry mails.

13. The Promoters, if required by the Postmaster-General, shall perform with respect to any of the tramways of the Promoters all such reasonable services in regard to the conveyance of mails (including parcels as defined in the Post Office (Parcels) Act, 1882,) as the Postmaster-General may from time to time require, by notice under the hand of one of the secretaries or assistant secretaries of the Post Office, or the inspector-general of mails for the time being, the remuneration for such services being determined by agreement, or failing agreement, by a referee to be appointed by the Board of Trade at the request of either party : Provided that—

(1.) So long as the Promoters carry on their own account no animals, goods, minerals, or parcels, other than passengers luggage, no mails shall be

tendered for conveyance to the Promoters unless such mails are in charge of an officer of the Post Office:

(2.) So long as the Promoters carry on their own account no animals, goods, or minerals the aggregate weight of mails tendered for conveyance by any one tramcar, whether in charge of an officer of the Post Office or not, shall not exceed the maximum weight for the time being prescribed for parcels or passengers luggage, whichever maximum is the greater:

(3.) Where mails are carried by a tramcar conveying passengers the mails shall be carried in the manner most convenient to passengers, so that the custody of the mails by any officer of the Post Office in charge thereof is not interfered with. In this section the expression "mails" has the same meaning as in the Regulation of Railways Act, 1873.

## 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 or 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 thercin 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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*Liverpool Corporation (Extensions).*

# LIVERPOOL CORPORATION TRAMWAYS (EXTENSIONS).

*Order authorizing the Mayor Aldermen and Citizens of the City of Liverpool to construct additional Tramways in the said City.*

Short title.

1. This Order may be cited as "The Liverpool Corporation Tramways (Extensions) Order 1884."

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" mean respectively the tramways and works and the undertaking by this Order authorized:

The expression "the Corporation" means the mayor aldermen and citizens of the city of Liverpool in the county of Lancaster acting by the Council:

The expression "the city" means the said city of Liverpool:

The expression "existing and authorized tramways of the Promoters" includes all tramways which the Promoters have constructed or acquired or are empowered to construct or acquire under the authority of any Act of Parliament or Order confirmed by Act of Parliament:

The expression "the Order of 1883" means the Liverpool Corporation Tramways (Extensions) Order 1883: and

The term "person" includes a corporation.

Promoters.

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

Lands by agreements.

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

Construction of tramways.

6. 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 and sections 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 weigh-bridges stables carriage-houses engine-sheds warehouses works and conveniences connected therewith or for the purposes thereof.

The tramways authorized by this Order are:—

Tramway No. 2.—Wholly situate in the parish and city of Liverpool, commencing by a junction with the existing tramway in Church Street at a point 0·2 chain south of the north side of Lord Street passing along Paradise Street and terminating by a junction with the authorized tramway in Hanover Street at a point opposite the south side of Argyle Street:

Tramway No. 2 shall be laid as a single line throughout:

The total length of Tramway No. 2 will be 1 furlong 7 chains.

Tramway No. 3.—Wholly situate in the parish and city of Liverpool, commencing by a junction with the existing tramway in Dale Street at a point 0·2 chain west of the west side of Byrom Street crossing the Old Haymarket passing along William Brown Street and terminating by junctions with the existing tramway in London Road at a point opposite the east side of Commutation Row:

Tramway No. 3 shall be laid as a double line throughout except between its commencement and a point 0·2 chain east of the west side of Saint John's Churchyard where it shall be laid as a single line:

The total length of Tramway No. 3 will be 1 furlong 6·3 chains:

The total length of the double portion will be 1 furlong 3·7 chains:

The total length of the single portion will be 2·6 chains.

Tramway No. 3A.—Wholly situate in the parish and city of Liverpool commencing by a junction with the existing tramway in Old Haymarket at a point 1·7 chain south of the north side of Saint John's Churchyard passing along Old Haymarket and terminating in William Brown Street by a junction with Tramway No. 3 at a point 0·2 chain east of the west side of Saint John's Churchyard:

Tramway No. 3A shall be laid as a double line throughout except between the commencement of the tramway and a point 1·3 chain south of the north side of Saint John's Churchyard where it shall be laid as a single line:

The total length of Tramway No. 3A will be 3·2 chains:

The total length of the double portion will be 2·8 chains:

The total length of the single portion will be 0·4 chain.

Tramway No. 4.—Situate partly in the parish of Liverpool partly in the township or extra-parochial place of Toxteth Park in the city of Liverpool commencing by a junction with the existing tramway in Mount Pleasant at a point 1 chain west of the west side of Hope Street passing along Hope Street Falkner Street and Catherine Street and terminating in Prince's Road by a junction with the authorized tramway at a point 0·1 chain south of the south side of Upper Parliament Street:

Tramway No. 4 shall be laid as a single line throughout except between the points herein-after specified where it shall be laid as a double line that is to say in Catherine Street between a point 0·2 chain north of the south side of Falkner Street and the termination of the tramway in Prince's Road:

The total length of Tramway No. 4 will be 4 furlongs 9·8 chains:

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The total length of the double portion will be 2 furlongs 1·0 chain:
The total length of the single portion will be 2 furlongs 8·8 chains.

Tramway No. 4A.—Wholly situate in the parish and city of Liverpool commencing by a junction with Tramway No. 4 in Catherine Street at a point opposite the north side of Upper Parliament Street and terminating in Upper Parliament Street at a point 0·4 chain east of the east side of Catherine Street:

Tramway No. 4A shall be laid as a double line throughout:
The total length of Tramway No. 4A will be 0·9 chain.

Tramway No. 5.—Wholly situate in the township or extra-parochial place of Toxteth Park in the city of Liverpool commencing by a junction with the authorized tramway in Eversley Street at a point 0·3 chain east of the east side of Mulgrave Street passing along Mulgrave Street and terminating in Prince's Road by a junction with the existing tramway at a point 1·7 chains north of the north side of North Hill Street:

Tramway No. 5 shall be laid as a single line throughout:
The total length of Tramway No. 5 will be 1 furlong.

Tramway No. 6.—Wholly situate in the township or extra-parochial place of Toxteth Park in the city of Liverpool commencing by a junction with the existing tramway in Park Road at a point opposite the south side of Greig Street passing along High Park Street and terminating in High Park Street at a point opposite the west side of Letitia Street:

Tramway No. 6 shall be laid as a double line throughout except between a point 1·2 chains west of the west side of Letitia Street and its termination:

The total length of Tramway No. 6 will be 6·6 chains:
The total length of the double portion will be 5·4 chains:
The total length of the single portion will be 1·2 chains.

Tramway No. 7 commencing by a junction with the existing tramway in Renshaw Street at a point opposite the west side of St. Luke's Place passing along Leece Street and terminating in Hardman Street by a junction with the authorized tramway at a point 0·4 chain east of the east side of Rodney Street:

Tramway No. 7 shall be laid as a single line throughout:
The total length of Tramway No. 7 will be 9·4 chains.

Carriages may be moved by animal steam or mechanical power.

7. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power and during a period of seven years after the opening of the same for public traffic and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any Order to be signed by a secretary or an assistant secretary of the said Board by steam power or by any mechanical power—including haulage by means of wire ropes or cables placed underground and worked by stationary engine 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 Schedule A to the Order of 1883 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:

Provided also that the lessees under any lease made by the Promoters shall not use steam or any mechanical power on the tramways or any part thereof unless they are authorized to do so by special permission in such lease and the Promoters may with the consent of the Board of Trade and subject to the provisions of this Order either by such lease or from time to time during the currency thereof attach to such special permission such conditions and restrictions as they may think fit.

Power to lay down cable system for motive-power.

8. The Promoters or with the consent in writing of the Promoters their lessees or any company or person may from time to time lay make and maintain pipes and excavations under the existing and authorized tramways of the Promoters and under the tramways authorized by this Order or any part thereof notwithstanding the existence of any lease thereof in order to lay use and maintain wire ropes or cables or any similar apparatus as a motive power for the carriages running on the same tramways or any of them and the Promoters and such lessees company and person may obtain and use wire ropes cables or other material and all machinery necessary for such motive power Provided that this power shall not extend to those portions of the tramways where there is not a space of nine feet six inches between the outside of the footpath on either side of such road and the nearest rail of the tramways unless the Board of Trade consent thereto in writing Provided also that the Promoters and their lessees and all companies and persons using the existing and authorized tramways of the Promoters or the tramways authorized by this Order may from time to time agree as to the rent or sum of money to be paid in respect of the user of such motive power.

For protection of London and North-western Railway Company.

9. In constructing and maintaining any pipes and excavations under the existing and authorized tramways of the Promoters or the tramways authorized by this Order in order to lay use or maintain wire ropes or cables or any similar apparatus as a motive power for the carriages running on such tramways or any of them or in laying using or maintaining any such wire ropes cables or apparatus in any place where such tramways cross any railway tunnel or bridge carrying any road over or under a railway of the London and North-western Railway Company (herein-after called "the Railway Company") the following provisions shall be in force and have effect and be binding upon the Promoters and their successors and assigns:—

(A) The Promoters shall not in any way alter or interfere with the structure of any such tunnel or bridge or of the approaches thereto and they shall so construct lay and maintain such pipes excavations ropes cables and apparatus over such tunnel or bridge and the approaches thereto or under such bridge as the case may be as not injuriously to affect the same:

(B) In the event of any injury being caused to any such tunnel bridge or approaches by the construction maintenance laying repairing user or

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removal of such pipes excavations ropes cables and apparatus the railway company may at the expense of the Promoters restore such tunnel bridge or approaches or the part or parts thereof which may be so 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 or under such tunnel 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 of like amount is recoverable:

(c) All works which may be necessary in constructing laying and maintaining any of the said pipes excavations ropes cables or apparatus over or under any railway tunnel bridge works or other property of the railway company 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 the railway company or the Promoters:

(d) 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 as by this Order expressly provided.

Cheap fares for labouring classes.

10. Notwithstanding anything contained in section thirty-two of the Liverpool Corporation Tramways Order 1879 and in section twenty-one of the Liverpool Tramways Act 1880 the lessees under any lease of the existing and authorized tramways of the Promoters and the tramways authorized by this Order shall at all times during the continuance of the demise run between the termini to be fixed as herein-after mentioned so many carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) as the Promoters may from time to time require at such hours not being earlier than six in the evening throughout the year and not being later than half-past seven in the morning between the twenty-fifth day of October and the twenty-fifth day of March nor later than half-past six o'clock in the morning between the twenty-fourth day of March and the twenty-sixth day of October as the Promoters think most convenient for artisans mechanics and daily labourers at tolls or charges not exceeding one halfpenny per mile (and for this purpose the fraction of a mile shall be deemed a mile) but the lessees shall not be required to take any toll or charge less than one penny Provided always that in case of any complaint made to the Board of Trade by the lessees or any other person of the number of carriages required to be run or of the hours appointed by the Promoters for the running of such carriages or of the termini within which such carriages are required to be run the said Board shall have power to fix and regulate the same from time to time Provided also that if for any continuous period of six months it shall be found that on the average less than twenty passengers shall

have been conveyed by any one or more of such carriages the lessees on proof thereof to the satisfaction of the Board of Trade may discontinue the running of such carriage or carriages but the Board of Trade may at any time order the resumption thereof by the lessees if it shall seem desirable to the Board of Trade so to do:

Every such lease shall be deemed to contain a condition of re-entry if the lessees at any time after the expiration of twenty-one days' notice requiring them to run such carriages between such termini at such times and at such tolls or charges as herein-before mentioned make default in complying with such notice unless such default be occasioned by unavoidable accident:

The termini between which carriages are to be run under the provisions of this section shall be such as may be specified in the lease and approved by the Board of Trade or (if not so specified) as may from time to time be agreed upon between the Promoters and the lessees and approved by the Board of Trade or in case of difference settled by the Board of Trade and nothing in this section shall be construed to prevent the fixing of different hours in the case of different routes or parts thereof or in the case of opposite directions on the same route.

Corporation may borrow 15,000*l.* to be repaid in thirty years.

11. The Corporation may under and according to the provisions contained in section twenty of the Tramways Act 1870 borrow for the purposes of this Order in addition to any sum or sums of money they are already authorised to borrow any sum or sums of money not exceeding fifteen thousand pounds and the time for which such sum of fifteen thousand pounds may be borrowed shall be thirty years and for the purpose of such borrowing the Corporation may include in any mortgage of the local rate the moneys coming to them out of the rents reserved under any lease made under the authority of this Order and the tolls charges and sums authorised to be taken or received by them under the provisions of this Order. Provided always that the Corporation may with the sanction of the Board of Trade borrow from time to time such further sum or sums of money as may be necessary for carrying out the provisions of this Order and the time for which any such further sum shall be borrowed shall be such time not exceeding thirty years as the said Board shall direct.

Corporation may create and issue stock.

12. For the purpose of raising the moneys authorised to be borrowed for the purposes of this Order the Corporation may from time to time create and issue Liverpool Corporation Stock under the Liverpool Corporation Loans Act 1880.

Application of sections 10 and 11 of Liverpool Tramways Act 1880.

13. The provisions of the tenth section and the first part of the eleventh section of the Liverpool Tramways Act 1880 shall extend and apply to the tramways authorised by this Order provided that the same be completed and opened for public traffic before the thirty-first day of December one thousand eight hundred and eighty-five and in case such tramways or any of them are not so completed and opened for public traffic then the provisions of the second part of the eleventh section of the said last-mentioned Act shall apply to such of the said tramways as are not completed and opened for public traffic before the said thirty-first day of December one thousand eight hundred and eighty-five.

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General power of leasing to Liverpool United Tramways and Omnibus Company.

14. Notwithstanding anything contained in the Liverpool Tramways Act 1880 the Corporation may grant a lease of the existing and authorised tramways of the Promoters and of the tramways authorised by this Order to the Liverpool United Tramways and Omnibus Company (in this Order referred to as "the Company") for such term and at such rent (not being less than the rent prescribed by the said last-mentioned Act) and under and subject to such covenants provisions and conditions including a power of re-entry on non-payment of rent and non-performance of covenants a covenant not to assign or underlet without the consent of the Corporation a provision for requiring the Company to set aside a sinking fund before paying a dividend and an obligation to accept a similar lease from the Corporation of any tramway completed by the Corporation within twenty-one years from the passing of the Act confirming this Order as may at any time be agreed on between the Corporation and the Company Provided always that in case no lease is granted under this section nothing in this section contained shall affect the provisions contained in the ninth tenth eleventh and fourteenth sections of the Liverpool Tramways Act 1880 in the forty-second section of the Liverpool Corporation Tramways (Extensions) Order 1881 in the forty-third forty-fourth and forty-fifth sections of the Order of 1883 and in the last preceding section of this Order with respect to leases of tramways:

If the Corporation shall grant a lease to the Company under the power lastly herein-before contained the Corporation shall thereupon be freed from the obligation contained in the fifteenth and sixteenth sections of the Liverpool Tramways Act 1880 to purchase if required or requested by the Company at a valuation the stables car-houses buildings premises land fixed plant and tramway cars of the Company as described in the same Act:

The consent of the Board of Trade shall not be necessary in the case of any lease authorised by the foregoing provisions of this Order for the period to expire on or before the thirty-first day of December one thousand nine hundred and six.

Extension of leases of tramways of West Derby Local Board.

15. Nothwithstanding anything contained in the forty-sixth section of the Liverpool Tramways Act 1880 or in the thirty-ninth section of the Liverpool Tramways Act 1882 or in the Tramways Act 1870 it shall be lawful for the local board of West Derby at any time or times to extend and the Company shall accept an extension or extensions of the terms of the leases of the tramways which the said local board have constructed under the powers conferred upon them by the West Derby Local Board Tramways Order 1878 and the Liverpool Tramways Act 1882 respectively for a period terminating on the first day of January one thousand nine hundred and five or at such other date as may be agreed upon at the rental and on the terms respectively specified in the said forty-sixth section of the Liverpool Tramways Act 1880 and the said thirty-ninth section of the Liverpool Tramways Act 1882.

Extension of leases of tramways of Walton-on-the-Hill Local Board.

16. Notwithstanding anything contained in the forty-fifth section of the Liverpool Tramways Act 1880 or in the thirty-eighth section of the Liverpool Tramways Act 1882 or in the Tramways Act 1870 it shall be lawful for the local board for the district of Walton-on-the-Hill at any time or times to extend and the Company shall accept an extension or extensions of the terms

of the leases of the tramways which the said local board have constructed under the powers conferred upon them by the Walton-on-the-Hill Tramways Order 1880 or which the said local board may hereafter acquire and lease under the powers conferred by section thirty-eight of the Liverpool Tramways Act 1882 for a period terminating on the first day of January one thousand nine hundred and five or at such other date as may be agreed upon at the rental and on the terms respectively specified in the forty-fifth section of the Liverpool Tramways Act 1880 and the thirty-eighth section of the Liverpool Tramways Act 1882.

Restriction on through traffic.

17. The Liverpool United Tramways and Omnibus Company or any other company in working any of the tramways leased to them under this Order shall not without the consent in writing of the Corporation receive or permit to run on any part of such tramways any tramway cars proceeding from or to places beyond the boundaries for the time being of the city except only places on the tramways authorised before the passing of the Liverpool Tramways Act 1880 to be constructed in West Derby and Wavertree and except places on the tramways in Walton-on-the-Hill referred to in the eighteenth section of the Liverpool Tramways Act 1880 and places in the districts of West Derby and Walton-on-the-Hill respectively on the tramways authorised to be constructed by the Liverpool Tramways Act 1882. The exceptions contained in this section shall not be construed to prejudice or restrict any of the powers of the Corporation for regulating and controlling the traffic on the tramways.

Corporation may appoint stopping and starting places.

18. The Corporation may from time to time by resolution appoint the junctions stations and places from which the carriages used on any of the existing and authorised tramways of the Promoters and the tramways authorised by this Order shall start or at which they may stop for the purpose of taking up or setting down passengers and at which horses may be changed and may from time to time make regulations for fixing the time during which such carriages shall be allowed to remain at any such place and for enforcing order at any such place and no carriage used on any of such tramways shall except for safety and prevention of accidents stop except at such junctions stations starting stopping and other places as aforesaid and horses shall not be changed except at a place appointed for that purpose. Every owner driver or conductor who wilfully disregards or does not comply with the terms of any such resolution or regulation shall be liable to a penalty not exceeding forty shillings.

Sections 8 to 15, 17 to 28, 30 to 39 48, and Schedule A and B of Order of 1883 to apply to tramways and undertaking authorised by Order.

19. The following provisions of the Order of 1883 that is to say—sections eight to fifteen both inclusive sections seventeen to twenty-eight both inclusive sections thirty to thirty-nine both inclusive section forty-eight and the Schedules A and B to the said Order annexed shall apply to the tramways and undertaking by this Order authorised in like manner in every respect as if the tramways and undertaking by this Order authorised formed part of the tramways and undertaking authorised by the Order of 1883 and for the purposes of such application the expressions "the tramways" "the undertaking" and "this Order" in the said provisions shall be construed to mean respectively the tramways and the undertaking as defined by this Order and this Order.

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Audit of accounts.

20. Sections two hundred and forty-six and two hundred and fifty of the Public Health Act 1875 shall apply to the audit of the accounts of the receipts and expenditure of the Corporation and their officers with respect to the existing and authorised tramways of the Promoters and the tramways authorised by this Order as if such accounts related to receipts and expenditure under that Act.

Company to carry mails.

21. The Company, or persons by whom any of the tramways of the Promoters are worked (herein-after referred to as the Company), if required by the Postmaster-General, shall perform with respect to any of the tramways of the Promoters all such reasonable services in regard to the conveyance of mails (including parcels as defined in the Post Office (Parcels) Act, 1882,) as the Postmaster-General may from time to time require, by notice under the hand of one of the secretaries or assistant secretaries of the Post Office, or the inspector-general of mails for the time being, the remuneration for such services being determined by agreement, or failing agreement, by a referee to be appointed by the Board of Trade at the request of either party: Provided that—

(1.) So long as the Company carry on their own account no animals, goods, minerals or parcels, other than passengers luggage, no mails shall be tendered for conveyance to the Company unless such mails are in charge of an officer of the Post Office:

(2.) So long as the Company carry on their own account no animals, goods, or minerals the aggregate weight of mails tendered for conveyance by any one tramcar, whether in charge of an officer of the Post Office or not, shall not exceed the maximum weight for the time being prescribed for parcels or passengers luggage, whichever maximum is the greater:

(3.) Where mails are carried by a tramcar conveying passengers the mails shall be carried in the manner most convenient to passengers, so that the custody of the mails by any officer of the Post Office in charge thereof is not interfered with. In this section the expression "mails" has the same meaning as in the Regulation of Railways Act, 1873.

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## NOTTINGHAM TRAMWAYS.

*Nottingham.*

*Order authorising the use of Steam Power or any Mechanical Power on the Tramways of the Nottingham Tramways Company (Limited).*

Short title.

1. This Order may be cited as "The Nottingham Tramways Order 1884."

Construction of Order.

2. The Nottingham and District Tramways Order 1877 herein-after called the Order of 1877 as amended by this Order and this Order shall be construed together as one Order.

Carriages used on tramways may be moved by animal

3. 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 passing of the Act confirming this Order and with the consent of the Board

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*Nottingham.*

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 of the said Board by steam power or any mechanical power Provided always that steam or mechanical power shall only be used upon such portions of the tramways as the Board of Trade may from time to time by any Order to be signed as aforesaid certify to be suitable for the use of steam or mechanical power.

steam or mechanical power.

Provided always that steam or any mechanical power shall not be used on any of the tramways within the borough of Nottingham except with the consent in writing of the Corporation of the said borough testified by writing under the hand of the town clerk of the said borough for the time being and such consent may be given or withheld at the option of the Corporation and if given may be for such period or periods and upon such terms and conditions as the Corporation 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 power contrary to order or regulations.

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 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 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

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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 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.

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 the 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 the tramways or such part of the 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 the 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 the 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 arise 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 part of the tramways unless there is in force in relation to the tramways or such part of the tramways a contract agreement or arrangement in accordance with the provisions of this section.

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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.

**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 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 the 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.

**Saving for general Acts.**

11. 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 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 electrical power or any mechanical power by any such general Act as aforesaid.

**Company to carry mails.**

18. The Promoters, if required by the Postmaster-General, shall perform with respect to any of the tramways of the Promoters all such reasonable services in regard to the conveyance of mails (including parcels as defined in the Post Office (Parcels) Act, 1882,) as the Postmaster-General may from time to time require, by notice under the hand of one of the secretaries or assistant secretaries of the Post Office, or the inspector-general of mails for the time being, the remuneration for such services being determined by agreement, or failing agreement, by a referee to be appointed by the Board of Trade at the request of either party: Provided that—

(1.) So long as the Promoters carry on their own account no animals, goods, minerals, or parcels, other than passengers luggage, no mails shall be tendered for conveyance to the Promoters unless such mails are in charge of an officer of the Post Office:

(2.) So long as the Promoters carry on their own account no animals, goods, or minerals the aggregate weight of mails tendered for conveyance by any one tramcar, whether in charge of an officer of the Post Office or not, shall not exceed the maximum weight for the time being prescribed for parcels or passengers luggage, whichever maximum is the greater:

(3.) Where mails are carried by a tramcar conveying passengers the mails shall be carried in the manner most convenient to passengers, so that the custody of the mails by any officer of the Post Office in charge thereof is not interfered with. In this section the expression "mails" has the same meaning as in the Regulation of Railways Act, 1873.

## 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.

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