CHAPTER lxvi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Bradford and Shelf Tramways, Cardiff District and Penarth Harbour Tramways (Extensions), Cardiff Tramways (Extensions), Shipley Tramways, Tynemouth and District Tramways, and Worcester Tramways. A.D. 1885.

[16th July 1885.]

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, 1885."

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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Special provision as to houses of the labouring class.

3. The promoters mentioned in the said Orders shall not under the powers of this Act, or of the said Orders, without the consent of the Local Government Board, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish, or part of a parish not being within an urban sanitary district, ten or more houses which, after the passing of this Act, have been, or on the 15th day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section, the expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

SCHEDULE.

LIST OF ORDERS.

BRADFORD AND SHELF TRAMWAYS.—Order authorising the construction of tramways in the borough of Bradford, and in the parishes of Bradford and Halifax, all in the west riding of the county of York.

CARDIFF DISTRICT AND PENARTH HARBOUR TRAMWAYS (EXTENSIONS).—Order authorising the construction of additional tramways in the borough of Cardiff in the county of Glamorgan.

CARDIFF TRAMWAYS (EXTENSIONS).—Order authorising the Cardiff Tramways Company (Limited) to construct additional tramways in the borough of Cardiff and county of Glamorgan.

SHIPLEY TRAMWAYS.—Order authorising the alteration of the gauge of certain existing tramways and the construction of additional tramways in the district or township of Shipley, in the parish of Bradford, in the west riding of the county of York.

TYNEMOUTH AND DISTRICT TRAMWAYS.—Order authorising the release of the balance of the Deposit Fund paid into court on the application for the Tynemouth and District Tramways Order, 1879.

WORCESTER TRAMWAYS.—Order amending the Worcester Tramways Order, 1881, with respect to the opening for public traffic of the tramways thereby authorised.

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Order authorising the construction of Tramways in the Borough of Bradford, and in the Parishes of Bradford and Halifax, all in the West Riding of the County of York.

Short title. 1. This Order may be cited as "The Bradford and Shelf Tramways Order, 1885."

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 Bradford, in the west riding of the county of York, acting by the council;

The expression "the borough" means the said borough of Bradford;

The expression "the local board" means the local board for the district of North Bierley, in the parish of Bradford, in the west riding of the county of York;

The expression "the North Bierley District" means the district of the local board; and

The term "person" includes a corporation.

Promoters.

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

Lands by agreement. 5. The Promoters may, by agreement, from time to time purchase, 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 pur-

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poses of this Order, the tramways herein-after described, with all proper rails, plates, curves, points, offices, weigh-bridges, carriage houses, engine sheds, 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 partly within the borough, partly within the North Bierley District, and partly within the district of the local board for the district of Shelf, in the parish of Halifax aforesaid, and are as follows:

Tramway No. 1A.—Commencing by a junction with the tramways of the corporation, in the township of Bowling, in the borough, at a point in Manchester Road sixty-six feet to the south-west of the Red Lion Inn, at the corner of Rooley Lane, and passing thence in a southerly direction along Manchester Road or Halifax Road, by whichever name the said road or street is called or known, and terminating by a junction with Tramway No. 1 in the last-mentioned street at a point opposite the eastern side of the Woodman Inn, in Manchester Road or Halifax Road aforesaid.

The total length of Tramway No. 1A is two chains.

Tramway No. 1B.—Commencing by a junction with the tramways of the corporation, in the said township of Bowling, at a point twenty-three feet in a north-easterly direction from the corner of Bankfoot, and passing thence along Manchester Road or Halifax Road aforesaid, and terminating by a junction with Tramway No. 1A at a point opposite the Woodman Inn, in Manchester Road or Halifax Road aforesaid.

The total length of Tramway No. 1B is two chains.

Tramways No. 1A and No. 1B shall be laid as single lines, and so as not to leave a less space than nine feet six inches intervening between the outside of the footpath and the nearest rail of the tramway.

Tramway No. 1.—Commencing by a junction with Tramways No. 1A and No. 1B, at the termination of Tramways No. 1A and No. 1B, at a point opposite the Woodman Inn, in Manchester Road or Halifax Road aforesaid, and passing thence in a southerly direction along Manchester Road for a length of four chains and twenty links within the said township of Bowling, and continuing along the Halifax Road, in the parish of Bradford aforesaid, passing through the North Bierley District for a length of one mile seven furlongs four chains and five links to the boundary of the North Bierley District aforesaid, on the Halifax Road aforesaid, and continuing thence on the Halifax Road aforesaid, in and through the district of Shelf, in the said parish of Halifax, for a length of five furlongs eight chains and forty-five links, and terminating at a point one chain from the entrance to the Bottomley's Arms Inn, in the direction of Halifax, in the parish of Halifax aforesaid, in the west riding of the county of York.

Tramway No. 1 shall be laid as a single line, save as herein-after mentioned, where it shall be laid as a double line.

For a length of three chains and thirty-five links opposite the King's Arms Inn, on the Halifax Road aforesaid.

For a length of three chains and thirty-five links opposite the Bottomley's Arms Inn, on the Halifax Road, in the said district of Shelf.

The total length of all the tramways will be two miles six furlongs and seventy links, and will consist of two miles five furlongs and four chains of single line, and six chains and seventy links of double line.

Gauge of tramways.

7. The tramways shall be constructed on a gauge of four feet: Provided always, that so much of section thirty-four of the Tramways Act, 1870, as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways, but no engine or carriage used on the tramways shall exceed six feet 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, at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade and the road authority a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade and by 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.

Promoters not to stop up streets, or alter levels, except with consent of local board.

9. The Promoters shall not in the construction, alteration, or relaying of any of the tramways stop up or interfere with any road within the North Bierley District so as to prevent the passage of traffic along such road, or alter the level of the surface of any road, or any part thereof, within the said district, except with the previous consent in writing of the local board.

As to rails of tramways.

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

Penalty for not maintaining rails and road in good condition.

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

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

Local authority to have access to sewers.

12. 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.

Local board to have access to sewers, &c.

13. The local board and their officers and servants shall have at all times free access to and communication with all existing and future sewers and drains (whether public or private) under the control of or maintained or repaired by the local board, and the manholes, ventilating shafts, and other works in connexion therewith; and shall have power, without the consent or concurrence of the Promoters, to construct any new or additional public or private sewers or drains, and any manholes, ventilating shafts, or other works connected therewith and any lateral or private drains to communicate therewith, and the provisions contained in sections thirty-two and thirty-three of the Tramways Act, 1870, shall be applicable to the case of any such works as aforesaid as though the same were a pipe for the supply of gas or water laid before the construction of the tramways: Provided always, that if at any time after the passing of the Act confirming this Order any such sewers or drains (whether public or private), or any other works of or belonging to or under the control of the local board, shall be or become injured or damaged by reason or in consequence of any act, deed, matter, or thing of or by the Promoters or their servants, it shall be lawful for the local board immediately thereupon or at any time thereafter, at the cost, expense, and risk of the Promoters, to do what the local board shall deem necessary in order to the thorough and efficient reinstatement of such sewer, drain, or other work as aforesaid; and if the Promoters shall not on demand pay the local board the cost and expense incurred by the local board as aforesaid, the local board may recover the same from the Promoters by all and the same means as any simple contract debt of like amount may be recovered.

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

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

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

15. The Promoters may from time to time hereafter make all such crossings, passing places, sidings, triangles, junctions, and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient to the efficient working of the tramways or any of them, or for providing access to any stables, engine-houses, carriage houses, sheds, or works of the Promoters, subject to the approval of the road authority: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid by writing under his hand addressed to the Promoters express his objection thereto: Provided also, that the number and situation of such crossings, passing places, sidings, junctions, triangles, 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, triangles, 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, triangle, 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.

Powers of local board with respect to laying down mains &c. reserved.

16. Nothing contained in this Order shall interfere with the exercise by the local board 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 or either of them may be laid under the authority of this Order.

Temporary tramways may be made when necessary.

17. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways 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.

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.

Application of road materials excavated in construction of works.

18. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters so far as may be necessary in

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or towards the reinstating of such road, and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided that if within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus is not removed by the said surveyor, or by some other person 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: Provided also, that all road materials excavated from any road by the Promoters in the construction of the tramways in the North Bierley District which shall not be required for the reinstating of such road shall belong to the local board, 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.

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

Motive Power.

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

20. The carriages used on the tramways may, subject to the provisions of this Order, be moved by animal power, and with the consent in writing of the Board of Trade during a period of seven years after the opening of the same for public traffic, 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 steam power or any mechanical power.

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

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

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

Byelaws.

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

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

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

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

For regulating the entrance to, exit from, and accommodation in the carriages used on such tramways, and the protection of passengers from the machinery of any engines 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.

Provided always, that the use of the bell, whistle, or other warning apparatus under the provisions of this Order in the North Bierley District shall be subject to any regulations which, subject to this Order, or to any byelaw made by the Board of Trade under the provisions of this Order, the local board may make, and which they are hereby authorised to make, with respect to such use.

As to recovery of penalties.

23. 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 bye-law made by the Board of Trade under the authority of this Order.

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

24. The provisions of the Tramways Act, 1870, relating to the making of bye-laws by the local authority with respect to the rate of speed to be observed in

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travelling on the tramway shall not authorise any 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.

25. 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.

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

26. 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 situate.

Where at the time of the giving of any such notice any contract, agreement, or arrangement between the Promoters or such person and any 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 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 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. All the proper costs of and incident to any such contract or agreement shall be borne and paid by the Promoters.

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.

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

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

27. 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 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 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.

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Traffic upon Tramways.

Traffic upon tramways.

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

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

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

Powers of local board to suspend traffic on tramways.

30. The local board shall have power at any time and from time to time by giving twenty-four hours previous notice in writing to the Promoters, to absolutely stop, delay, or suspend the working of the tramways on any of the roads within the North Bierley District for the execution of any works by the local board, or for any reasonable purpose which the local board in the exercise of their powers for the good government of the North Bierley District deem necessary; such stoppage, delay, or suspension to continue only as long as may be reasonably necessary for the purposes aforesaid or any of them, and the Promoters shall not be entitled to claim nor shall the local board be liable to pay any compensation or damages in respect thereof.

Promoters to remove snow and other matters impeding the traffic on the tramways.

31. The local board may cleanse any road within the North Bierley District without reference to the tramways, but whatever cleansing owing to snow or other matter impeding the traffic is requisite for the proper working of the tramways shall be executed by the Promoters, who shall in performing the same remove the snow or other matter from off the centre of the road into the channel at the side thereof. Any dirt or other material or thing removed by the Promoters, their officers or servants, from the grooves of the tram rails shall not be allowed to remain on the road, but shall be at once taken away by the Promoters.

Promoters to give running powers in certain events.

32. If at any time hereafter the local board or any company (other than the Promoters) or any person shall be authorised to construct or purchase and shall construct or purchase any tramways or tramway extensions or additions (hereinafter referred to as "new tramways") within or partly within the North Bierley District, the Promoters shall, subject to the provisions of this Order, if and when and as required by the local board or by such company or person, permit all necessary and convenient junctions and communications to be made and maintained between the tramways and such new tramways as aforesaid, and the local board or such other company or person as aforesaid and the Promoters shall each respectively, if required by the other, grant to each other and their respective assignees and lessees, and subject as herein-after mentioned, may exercise reasonable running powers and traffic facilities over and on their respective tramways.

The powers conferred by this section shall not be exercised until the terms, conditions, and regulations to which the Promoters and the local board, such company or person respectively shall be subject in respect of such running powers and traffic facilities, and the tolls or other considerations to be paid by them for the same, have been respectively agreed upon between the Promoters on the one hand, and the local board, such company or person on the other hand, and such terms, conditions, and regulations, and the tolls or other consideration to be paid by them for the same, shall, if not agreed upon between the Promoters and the local board, such company or person, be from time to time determined by

an arbitrator to be appointed and acting in accordance with the provisions of section thirty-three of the Tramways Act, 1870: Provided always, that such terms, conditions, and regulations shall in every case be approved by the Board of Trade.

The Promoters and every such company or person in using or traversing the new tramways and the tramways respectively in accordance with the provisions herein-before mentioned shall at all times observe the regulations and byelaws for the time being in force on the new tramways and on the tramways respectively, so far as the same shall be applicable to the Promoters or to such company or such person respectively in the exercise of the said powers, and shall for their own acts and defaults in respect of such user respectively incur all and the same liabilities as the owners of the new tramways and of the tramways within the North Bierley District respectively:

Provided further, that the local board shall and will use their best endeavours to cause to be inserted in any Provisional Order confirmed by Act of Parliament, or in any Act of Parliament which may be obtained by them respectively, or by any company or person authorising the local board or such company or person to construct any such new tramways, clauses authorising the making of such junctions and communications between such new tramways and the tramways as may be necessary for giving effect to the provisions of this section: And provided also, that the provisions of this section shall not be binding upon the Promoters, except in the event of such clauses being inserted in such Order as confirmed or in such Act as passed.

Tolls.

Tolls for passengers.

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

Passengers luggage.

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

Cheap fares for labouring classes.

35. The Promoters at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run at least one carriage 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 five in the evening respectively, as the Promoters think most convenient for artisans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny), provided that in case of any complaint made to the

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Board of Trade as to the hours appointed by the Promoters for running such carriages, the said Board shall have power to fix and regulate the same from time to time.

Tolls for parcels, &c.

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

Payment of tolls.

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

Periodical revision of tolls.

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

Miscellaneous.

Provisions as to arbitration.

39. Where, under the provisions of the Tramways Act, 1870, and this Order, any matter in difference is referred to the arbitration of any person agreed on between the parties or 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, if given by the Promoters or by any local authority or any road authority, shall be signed by their secretary or clerk.

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

Agreements between Promoters and road authorities.

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

Power for corporation to elect to be substituted as Promoters as to tramways within the borough.

42. The powers in this Order contained for the construction and maintenance by the Promoters of such of the tramways as are situate within the borough shall be suspended for six months from the passing of the Act confirming this Order, and the corporation, if they so decide by a resolution passed at a special meeting of the council, may within a period of three months after the passing of the Act confirming this Order intimate to the Promoters, by notice in writing, the intention of the corporation to be substituted in the place of the Promoters for the purposes of this Order so far as the same relates to the tramways within the borough, and thereupon, provided that the corporation shall also cause a copy of such notice to be published within the like period once in the "London Gazette," all the rights, powers, and authorities conferred by this Order upon the Promoters as to the construction, maintenance, and use of the tramways within the borough, and the works connected therewith or incidental thereto, shall, subject to the provisions herein-after contained, be transferred to and vested in, and may thenceforward be exercised by the corporation in like manner as if the corporation had been in the first instance authorised by this Order to construct such tramways and works, and the corporation shall as to the tramways within the borough be deemed to be the Promoters of this Order instead of the Promoters, and this Order shall be construed accordingly, and the corporation may pay all expenses incurred by them in carrying into effect the provisions of this Order out of the local rate, and shall have the like powers to borrow on the same security as if such expenses were expenses incurred in carrying into effect the purposes of a Provisional Order applied for and obtained by them under the Tramways Act, 1870 : Provided always, that the amount of all moneys so borrowed by the corporation under this section shall not exceed the sum of three thousand pounds : Provided further, that the provisions of this Order, with respect to the traffic and tolls and charges by this Order authorised in relation to the tramways, shall be applicable to, and shall be observed

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by, and the said tolls and charges may be demanded and taken by the lessees of the corporation as though the same were by this Order made specially applicable to and were authorised to be observed, demanded, and taken on the tramways within the borough: Provided also, that nothing in this Order contained shall authorise the corporation to place or run carriages on any of the tramways within the borough, and to demand tolls or charges in respect of the use of such carriages.

Corporation to lease tramways in borough to Promoters.

43. If and when the tramways within the borough have been completed by the corporation, the corporation shall cause to be prepared and execute a lease of the same to the Promoters during the continuance of the term, at the like rent, upon the like terms, and subject to the like conditions, and subject in all other respects as is limited, reserved, and contained in and by the agreement for a lease by the corporation to the Promoters and now subsisting with respect to the Manchester Road section of the tramways authorised by the Bradford Corporation Tramways Order, 1883, subject, however, in all respects to the approval of the Board of Trade, and the Promoters shall accept such lease and execute a counterpart thereof.

Power for local board to purchase so much of undertaking as relates to North Bierley District.

44. In addition to the powers conferred upon them by section forty-three of the Tramways Act, 1870, the local board, if they shall so decide by a resolution passed at a special meeting of the members constituting the local board, in accordance with the provisions of section forty-three of the Tramways Act, 1870, may, within a period of six months after the passing of the Act confirming this Order, by notice in writing to be given to the Promoters within three months after the passing of the Act confirming this Order, require the Promoters to sell to the local board so much of the undertaking as is within the North Bierley District, and thereupon, provided that the local board shall also cause a copy of such notice to be published within the like period once in the "London Gazette," the local board shall, if so required by the Promoters within one month from the date of such notice, enter into an agreement with the Promoters for such purchase, and to pay the purchase money within six months from the passing of the Act confirming this Order, and the Promoters shall, in pursuance of such agreement (if entered into), sell and transfer such portion of the undertaking as aforesaid to the local board, and such sale shall, as to such of the tramways within the North Bierley District as may at the date of such sale be commenced or completed, be deemed to be a sale within the meaning of section forty-three of the Tramways Act, 1870, and the provisions of the said section so far as the same are applicable shall apply to any sale of such tramways under the authority of this section: Provided always, that the amount of the purchase money to be paid by the local board in respect of such sale shall be the nett cost price of such of the tramways within the North Bierley District as may at the date of such sale have been commenced or completed, including an aliquot proportion of all reasonable costs, charges, and expenses incurred by the Promoters in the application for, obtaining, and confirmation of this Order, and in relation thereto, and of all interest and bank commission paid by the Promoters incidental to the construction of such tramways, or such other price as may be agreed upon between the local board and the Promoters, and that the terms upon which such sale shall be made shall be such as may be agreed upon between the local board and

the Promoters, or failing agreement as to such price or terms, 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 such portion of the undertaking as aforesaid. Upon the completion of any sale under this section all the rights, powers, and authorities conferred by this Order upon the Promoters as to the construction, maintenance, and use of the tramways within the North Bierley District, and the works connected therewith or incidental thereto, shall, subject to the provisions herein-after contained, be transferred to and vested in, and may thenceforward be exercised by the local board in like manner as if the local board had been in the first instance authorised by this Order to construct such tramways and works, and the local board shall, as to the tramways within the North Bierley District, be deemed to be the Promoters of this Order instead of the Promoters, and this Order shall be construed accordingly; and the local board may pay all expenses incurred by them in carrying into effect the provisions of this Order out of the local rate, and shall have the like powers to borrow on the same security as if such expenses were expenses incurred in carrying into effect the purposes of a Provisional Order applied for and obtained by them under the Tramways Act, 1870: Provided always, that the amount of all moneys so borrowed by the local board under this section shall not exceed the sum of eight thousand pounds: Provided further, that the provisions of this Order with respect to the traffic and tolls and charges by this Order authorised in relation to the tramways shall be applicable to and shall be observed by, and the said tolls and charges may be demanded and taken by, the lessees of the local board as though they were by this Order made specially applicable to and were authorised to be observed, demanded, and taken on the tramways within the North Bierley District: Provided also, that nothing in this Order contained shall authorise the local board to place or run carriages on any of the tramways within the North Bierley District and to demand tolls or charges in respect of the use of such carriages.

Local board to lease tramways within North Bierley District to Promoters.

45. Upon the completion of the purchase by the local board of such of the tramways as are situate within the North Bierley District, in manner hereinbefore provided, and upon the completion by the local board of such tramways as shall not have been prior to such purchase constructed by the Promoters, the local board shall cause to be prepared and execute a lease of all of the tramways within the North Bierley District to the Promoters, at an annual rental equal to 6½ per centum per annum on the total amount of the purchase money paid in respect of such tramways to the Promoters by the local board, together with the amount expended by the local board in the construction of any of such tramways, and for such a term as to expire at the same time as the term of the lease, or agreement for a lease, by the corporation to the Promoters and now subsisting with respect to the Manchester Road section of the tramways authorised by the Bradford Corporation Tramways Order, 1883, and subject to all such usual and necessary conditions, regulations, and restrictions for working and using such tramways as shall, with the approval of the Board of Trade, be agreed upon between the local board and the Promoters, or as, failing such agreement,

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shall be settled by an arbitrator to be appointed by the Board of Trade, in manner provided by section thirty-three of the Tramways Act, 1870, and the Promoters shall accept such lease and shall execute a counterpart thereof.

Separate accounts to be kept as to undertaking.

46. The Promoters shall keep separate accounts of the capital expended on so much of the undertaking as is within the North Bierley District; and all costs, charges, and expenses incurred in relation to the application for and obtaining this Order and to the confirmation thereof by Act of Parliament, including parliamentary agents and counsels fees, shall be apportioned in three sums, according to the capital to be expended as aforesaid by the Promoters on so much of their undertaking as shall be within the borough, and on so much thereof as shall be within the North Bierley District, and on so much thereof as shall be within the district of Shelf, and one of such sums shall be considered as capital expended within the borough, and another of such sums as capital expended within the North Bierley District, and the remaining sum as capital expended within the district of Shelf, according to the proportions of such sums respectively to such expended capital respectively.

As to contracts.

47. All contracts entered into and all moneys paid by the Promoters for making, forming, laying down, building, maintaining, repairing, renewing, or otherwise relating to so much of the undertaking as is within the North Bierley District, shall be separate from contracts entered into and moneys paid for the like purposes as to so much of the undertaking as is within the borough or the district of Shelf.

Copies of Promoters yearly balance sheets to be furnished to local board.

48. A copy of every yearly balance sheet of the accounts of the Promoters shall within seven days after the same have been approved at an ordinary meeting of the Promoters be delivered to the local board or to their clerk for the time being.

Promoters to produce their books, &c. to local board.

49. The Promoters shall, on the request of the local board, before the completion of the purchase by the local board of so much of the undertaking as relates to the North Bierley District, at all reasonable times produce to such person as the local board may require all the books, accounts, and vouchers with reference to the construction of the tramways and undertaking within the North Bierley District, and shall permit such person to take such copies of and extracts from such books and accounts as he may think fit.

Promoters or lessees to be responsible for all damages.

50. The Promoters or lessees, as the case may be, shall be answerable for all accidents, damages, and injuries happening through their act or default, or through the act or default of any person in their employment or service by reason or in consequence of any of their works or carriages, and in consequence of any defects therein, and shall save harmless all road and other authorities, companies, or bodies collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages, and injuries.

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

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

Saving as to powers of borrowing on mortgage.

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

Audit of accounts in event of purchase of tramways by corporation or local authority.

53. In case the corporation purchase the tramways, or any part of the tramways, or elect to be substituted for the Promoters of this Order with respect to the tramways within the borough, or in case any local authority purchase the tramways, or any part of the tramways, the provisions of the Public Health Act, 1875, with respect to the audit of accounts of local authorities shall apply to the audit of the accounts of the receipts and expenditure of the corporation, or of such local authority, and their officers respectively with respect to the tramways as if such accounts related to receipts and expenditure under that Act.

Carrying of mails by Promoters.

54. (1.) The Promoters, if required by the Postmaster-General, shall perform, with respect to any tramway owned or worked by them, all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires, provided as follows:—

(*a.*) Nothing in this section shall authorise the Postmaster-General to require mails in excess of the following weights to be carried by the Promoters in or upon any carriage, that is to say:—

(i.) If the carriage is conveying or intended to convey passengers and not goods or parcels, then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and

(ii.) If the carriage is conveying or intended to convey parcels only, then in excess of such maximum weight as is for the time being fixed for ordinary parcels, or, if that maximum appears to the Postmaster-General to be so low as to exclude him from availing himself of the use of any such carriage, then as is for the time being fixed by agreement, or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England; and

(iii.) If the carriage is conveying or intended to convey both parcels and passengers, but not goods, then in excess of the maximum weight for the time being fixed for ordinary parcels, or for the luggage of ordinary passengers, whichever is the greater.

(*b.*) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers, but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with.

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(*c.*) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the Promoters in or upon a carriage conveying or intended to convey passengers but not goods or parcels except in charge of an officer of the Post Office travelling as a passenger.

(*d.*) If the Promoters carry goods as well as passengers and parcels, the enactments relating to the conveyance of mails by railway shall, subject to the provisions of this section, apply in like manner as if the Promoters were a railway company, and the tramways were a railway.

(2.) The remuneration for any services which have been performed by the Promoters in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the Promoters, or in default of agreement, by a referee to be appointed by the Lord Chief Justice of England at the request of either party; and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.

(3.) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act, 1873, and includes parcels within the meaning of the Post Office (Parcels) Act, 1882.

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General, or a secretary or assistant secretary of the Post Office, or the Inspector-General of mails; and any document purporting to be signed by any such person as aforesaid, shall, until the contrary is proved, be deemed without proof of the official character of such person to have been duly signed as required by this section.

Saving for general Acts.

55. 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.

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 and 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 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.

SCHEDULE B.

Parcels.

		Any Distance. s.	d.
For any parcel not exceeding in weight 7 lbs. - -	each	0	3
For any parcel exceeding 7 lbs. but not exceeding 14 lbs. in weight - - - - -	,,	0	5
For any parcel exceeding 14 lbs. but not exceeding 28 lbs. in weight - - - - -	,,	0	7
For any parcel exceeding 28 lbs. but not exceeding 56 lbs. in weight - - - - -	,,	0	9
For any parcel exceeding 56 lbs. but not exceeding 500 lbs. in weight such sum as the Promoters may think fit.			

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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.

Cardiff District and Penarth Harbour.

CARDIFF DISTRICT AND PENARTH HARBOUR TRAMWAYS (EXTENSIONS).

Order authorising the Construction of additional Tramways in the Borough of Cardiff, in the County of Glamorgan.

Short title.

1. This Order may be cited as "The Cardiff District and Penarth Harbour Tramways (Extensions) Order, 1885."

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 Cardiff District and Penarth Harbour Tramways Order, 1880;

The expressions "the borough" and "the corporation" mean respectively the borough of Cardiff, in the county of Glamorgan, and the mayor, aldermen, and burgesses of the said borough acting by the council; and

The term "person" includes a corporation.

Promoters.

The Promoters.

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

Promoters of Order to be substituted for Promoters of Order of 1880.

5. From and after the passing of the Act confirming this Order, the Order of 1880 shall be read and construed as though in section four of the said Order the Promoters of this Order were substituted for the Promoters in the said section mentioned, and all the rights, powers, authorities, obligations, and liabilities of the Promoters of the Order of 1880 in respect of the tramways and undertaking by the said Order authorised, shall be transferred to, vested in, and may be exercised by, and shall attach to the Promoters of this Order in like manner as if

such tramways had been authorised to be constructed by the Promoters of this Order.

Lands by agreement.

6. 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, let, or dispose of any such lands which may not be necessary for such purpose, provided that they shall not at any time hold for such purposes more than two acres of land.

Construction of Tramways.

Construction of tramways.

7. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited for the purposes of this Order 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, weighbridges, stables, carriage houses, sheds, warehouses, workshops, 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) 6 furlongs 8·32 chains in length, partly in the parishes of Roath, Saint John the Baptist, and Saint Mary, all in the borough of Cardiff, in the county of Glamorgan, commencing in Moira Terrace by a junction with the Promoters existing tramway in that street, at a point four chains or thereabouts east of the east side of the Rhymney Railway Bridge, thence passing along Moira Terrace and Glossop Road, across Newport Road, crossing the line of the Provincial Tramways Company (Limited) in Newport Road, and thence along Castle Road, and terminating near the intersecting point of the centres of Castle Road and Richmond Road.

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

Between two points, respectively about 137 yards and about 203 yards north-east of Moira Place.

Between two points, respectively about 30 yards and about 96 yards north-west of the south boundary wall of Tredegarville Schools in Glossop Road.

Between two points, respectively about 17 yards and about 83 yards north-west of Penlline Street.

Between two points, respectively about 80 yards and about 14 yards south-east of Northcote Street.

Between two points, respectively about 29 yards and about 7 yards south-east of Richmond Road.

The total length of the double portion of the Tramway No. 1 will be 1 furlong 3 chains.

The total length of the single portion will be 5 furlongs 5·32 chains.

Provided always, that Tramway (No. 1) shall not be laid between the Parade and St. Peter Street, nor between Newport Road and the Parade, so that a

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space of less than nine feet six inches will intervene between the nearest rail of the tramway and the outside of the footpath on either side of the road, without the consent in writing of the Board of Trade.

A Tramway (No. 2) 6·50 chains in length, wholly in the parish of Roath aforesaid, commencing in Tin Street by a junction with the termination of the Promoters existing tramway in that street, thence passing across Clifton Street, and along Pearl Street, and terminating near the intersecting point of the centres of Pearl Street and Agate Street.

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

The total length of Tramway No. 2 will be 6·50 chains.

Provisions as to construction of tramways.

8. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, 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, 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 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.

9. The rails of the tramways shall be such as the Board of Trade and the road authority may approve, and the Board of Trade may from time to time, upon the application of the road authority of any district in which the tramways or any portion thereof are or is situate, require the Promoters to adopt and apply such improvements in the tramways in 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.

10. The seven days notice required by section twenty-eight of the Tramways Act, 1870, 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 the said section shall for the purposes of this Order be construed accordingly.

Penalty for not maintaining rails and road in good condition.

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

for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

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.

12. 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.

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

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

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

Additional crossings, &c may be made where necessary.

15. The Promoters may from time to time hereafter make all such crossings, passing places, sidings, junctions, and other works in addition to those particularly specified in and authorised by this Order, as may from time to time be necessary or convenient to the efficient working of the tramways or any of them, or for providing access to any stables, engine-houses, 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,

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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, and the expense of every such removal, remaking, or relaying shall be borne by the Promoters.

Temporary tramways may be made when necessary.

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

If any difference arise between the Promoters and 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.

Application of road materials excavated in construction of works.

17. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters so far as may be necessary in or towards the reinstating of such road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority or to such person or persons as he may appoint to receive the same: Provided that if within seven days after notice in writing to 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 think fit. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid, shall be

determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Promoters and any road authority.

Tramways to be laid to approved levels.

18. The Promoters shall, subject to the provisions of this Order and in accordance with 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.

Period for completion of tramways.

19. The period within which the tramways shall be completed and opened 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 to be laid in granite pitching.

20. The tramways shall be laid in granite pitching, and whenever the road is made with granite so much of the road whereon any of the tramways is laid as is by section twenty-eight of the Tramways Act, 1870, required to be maintained and kept in good condition and repair by the Promoters, 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.

Promoters to repair certain parts of roadway.

21. Whenever any rail of the tramways is laid within a distance of eight feet from the kerb 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 or kerb line and the tramway rail.

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

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

Motive Power.

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

23. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power, and with the consent in writing of the Board of Trade during a period of seven years after the opening of the same for public traffic, 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 steam power or any mechanical power, provided that steam or mechanical power shall not be used on any of the tramways except with the permission of the corporation in writing under their corporate seal, and such permission 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 (not being inconsistent with the provisions of this Order) as the Corporation may from time to time think fit.

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

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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.

24. The Promoters or any person using steam or any mechanical power on any of the tramways contrary to the provisions of this Order, or to any of the regulations set forth in the Schedule to this Order annexed, or to any regulations 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.

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

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

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

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As to recovery of penalties.

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

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

27. The provisions of the Tramways Act, 1870, relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway, shall not authorise the local authority to make any 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.

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

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

29. 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 situate.

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

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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 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.

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

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

30. Where steam or any mechanical power is used by the Promoters or any person on the tramways or any part thereof, no contract, agreement, or arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid 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 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 shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or any mechanical power as aforesaid, or the making

of such contract, agreement, or arrangement: Provided always, that any such contract, agreement, or arrangement may from time to time be renewed with or without modification, or a new contract, agreement, or arrangement may be made instead thereof.

Traffic upon Tramways.

Traffic upon tramways.

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

Promoters not bound to carry heavy parcels.

32. The Promoters shall not be bound to carry unless they think fit any parcel or passengers luggage which exceeds twenty-eight pounds in weight.

Railway carriages not to be used on tramways.

33. No carriages or trucks adapted for use upon railways shall be used upon the tramways.

Carriages not to be run on Sundays.

34. The Promoters shall not without the consent from time to time of the corporation first had and obtained run or permit or suffer to run any carriage upon the tramways or any part or parts thereof on any Sunday, Good Friday, or Christmas Day, and the corporation shall have power to make from time to time in accordance with the provisions of section forty-six of the Tramways Act, 1870, regulations as to the times and conditions of user of the tramways on any Sunday, Good Friday, or Christmas Day to which such consent shall apply.

Corporation may use tramways for sanitary purposes.

35. 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 for sanitary purposes, and for the conveyance of scavenging stuff, road metal, and any materials required for any work or undertaking of the corporation free of all tolls and charges in respect of such use: Provided that the wheels and trucks used for the above purposes shall be made 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 of the corporation to travel free of charge.

36. 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, waggon, or truck of the Promoters by which any passengers or parcels are conveyed upon the tramways or any part thereof.

Single horse car not allowed.

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

Tolls.

Tolls for passengers.

38. The Promoters may demand and take for every passenger travelling upon any of the tramways or any part thereof, including tolls and charges for the use of the tramways and of carriages, and for motive power and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per mile (and for this purpose the fraction of a mile beyond an integral number of

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miles shall be deemed a mile); but the Promoters may charge for any less distance than two miles any sum not exceeding twopence.

Passengers luggage.

39. 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.

40. 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 and 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 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.

Tolls for parcels.

41. The Promoters may demand and take in respect of any parcels conveyed by them on the tramways or any part thereof, except as is by this Order specially provided, including the tolls and charges for the use of the tramways, and of waggons or trucks and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding twopence for any parcel under fourteen pounds in weight, and fourpence for any parcel of fourteen pounds in weight and not exceeding twenty-eight pounds in weight.

Payment of tolls.

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

Periodical revision of tolls.

43. 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.

Power to make working arrangements with other companies.

44. The Promoters on the one hand and the following companies or either of them on the other hand, viz.: The Provincial Tramway Company (Limited) and the Cardiff Tramways Company (Limited) may, from time to time, with the consent of the Board of Trade, enter into and carry into effect, or rescind agreements with respect to the interchange of traffic coming from or destined for the respective undertakings of the Promoters and the contracting companies, and the division and appropriation of the revenue arising from that traffic.

Power for corporation to buy undertaking.

45. In case the corporation shall, after the completion and 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, desire to purchase the undertaking, the Promoters shall assent thereto, and, subject to the consent of the Board of Trade, accordingly sell 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 shall apply thereto; Provided that the terms upon which such sale shall be made shall, failing agreement between the corporation and the Promoters, be determined by arbitration, in manner provided by the Lands Clauses Acts, for the settlement by arbitration of questions of disputed compensation; Provided further that nothing in this section shall disentitle the corporation to the benefit of section forty-three of the Tramways Act, 1870, if they have not previously exercised the power of purchase hereby conferred upon them by this section; Provided further that nothing in this Order contained shall authorise the corporation to place or run carriages on any of the tramways, and to demand tolls or charges in respect of the use of such carriages.

As to further extension of tramways within the borough

46. The Promoters shall, from time to time, if and when required by the corporation, by resolution under their 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, 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 Act, 1845, with respect to the settlement of disputes by arbitration, and upon the passing of such resolution the consent of the corporation which is required by the Tramways Act, 1870, to the obtaining of a Provisional Order authorising the construction of such extension shall be deemed to have been given.

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Corporation may make additional regulations and byelaws.

47. The corporation may, from time to time, make, under and according to the provisions of section forty-six of the Tramways Act, 1870, regulations and byelaws for all or any of the following purposes, in addition to the purposes in the said section mentioned, that is to say:—

For preventing the overcrowding of any carriages used on the tramways.

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

Authentication of byelaws.

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

Provisions as to arbitration.

49. 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.

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

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

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

Audit of accounts in case of purchase of tramways by corporation.

51. In case the corporation purchase the tramways authorised by the Order of 1880 or this Order, or any part of such tramways, 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 or such part thereof, as if such accounts related to receipts and expenditure under that Act.

Promoters not to sell, &c. without consent of corporation.

52. The Promoters shall not sell, assign, lease, demise, let, or otherwise part with the possession of the tramways and the undertaking without the consent of the corporation in writing, under their common seal, for that purpose first had and obtained.

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

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

Saving as to powers of borrowing on mortgage.

54. Nothing in this Order or in the Tramways Act, 1870, contained shall prevent the Promoters borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage. Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Promoters in the event of a compulsory sale of the undertaking, or any part thereof, to the local authority under section forty-three of the Tramways Act, 1870, or under 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 under this Order, and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Carrying of mails by Promoters.

55. (1.) The Promoters, if required by the Postmaster-General, shall perform with respect to any tramway owned or worked by them, all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires; provided as follows:—

(*a.*) Nothing in this section shall authorise the Postmaster-General to require mails in excess of the following weights to be carried by the Promoters in or upon any carriage, that is to say,—

(i.) If the carriage is conveying or intended to convey passengers and not goods or parcels, then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and

(ii.) If the carriage is conveying or intended to convey parcels only, then in excess of such maximum weight as is for the time being fixed for ordinary parcels, or if that maximum appears to the Postmaster-General to be so low as to exclude him from availing himself of the use of any such carriage, then as is for the time being fixed by agreement, or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England; and

(iii.) If the carriage is conveying or intended to convey both parcels and passengers but not goods, then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers, whichever is the greater.

(*b.*) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers, but so nevertheless that the custody of the mails by any officer of the post office in charge thereof shall not be interfered with.

(*c.*) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the Promoters in or upon a carriage conveying or intended to convey passengers but not goods or parcels, except in charge of an officer of the post office travelling as a passenger.

(*d.*) If the Promoters carry goods as well as passengers and parcels, the enactments relating to the conveyance of mails by railway shall, subject to the

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provisions of this section, apply in like manner as if the Promoters were a railway company, and the tramways were a railway.

(2.) The remuneration for any services which have been performed by the Promoters in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the Promoters, or in default of agreement, by a referee to be appointed by the Lord Chief Justice of England at the request of either party, and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.

(3.) For the purposes of this section, the expression "mails" has the same meaning as in the Regulation of Railways Act, 1873, and includes parcels within the meaning of the Post Office (Parcels) Act, 1882.

(4.) For the purposes of this section, a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General, or a secretary, or assistant secretary of the post office, or the Inspector-General of Mails; and any document purporting to be signed by any such person as aforesaid shall, until the contrary is proved, be deemed, without proof of the official character of such person, to have been duly signed as required by this section.

Saving for general Acts.

56. 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.

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 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.

CARDIFF TRAMWAYS (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, 1885."

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;

The expression "the Order of 1884" means the Cardiff Tramways (Extensions) Order, 1884;

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) 3 furlongs 1 chain in length wholly in Cowbridge Road, in the parish of Canton, commencing by junctions with the Promoters existing tramways in that road at their terminations at points 2½ chains or thereabouts west of Llandaff Road, and terminating at points 1 chain 70 links or thereabouts west of Clive 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 its commencement and a point three-quarters of a chain or thereabouts west thereof:

Between two points respectively 30 links or thereabouts and 7 chains 30 links or thereabouts west of Penn-y-Peel Street:

Between its termination and a point 1½ chains or thereabouts east thereof:

A tramway (No. 2) 3 furlongs 0·50 chains in length, wholly in Newport Road, in the parish of Roath, commencing by junctions with the Promoters existing tramway in that road at its termination at a point 3½ chains or thereabouts north-east of Oakfield Street, and terminating at points 2 chains or thereabouts east of Spring Gardens Road.

Tramway No. 2 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 65 links or thereabouts east of the north-east corner of Roath House and a point 4 chains 50 links or thereabouts west of Stacey Road:

Between its termination and a point 1½ chains or thereabouts west thereof.

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 and the corporation 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, 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

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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.

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

14. The Promoters may from time to time hereafter make all such crossings, passing places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient to the efficient working of the tramways or any of them, or for providing access to any stables, 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 works so made with the approval of the road authority or any part thereof is subsequently objected to by the road authority, the road authority may, by written notice to the Promoters, require them to remove the same; and if the road authority so think fit to remake or relay the same in some other position to be specified in the notice, and the Promoters shall comply with such requirement, provided that the expense of every such removal, remaking, or relaying shall be borne by the Promoters.

Temporary tramways may be made when necessary.

15. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways 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.

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.

Application of road materials excavated in construction of works.

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 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 whenever the road is made with granite so much of the road whereon any of the tramways is laid as is by section twenty-eight of the Tramways Act, 1870, required to be maintained and kept in good condition and repair by the Promoters, 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 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 tramrail.

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As to laying tramways to exact levels.

19. The Promoters shall, subject to the provisions of this Order, and in accordance with 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.

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

20. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed by 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 form part of tramways authorised by Orders of 1871, 1873, 1878, and 1884.

21. 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, the Order of 1878, and the Order of 1884, even though passengers may for the purpose of travelling over the same be forced to change carriages, and sections fifteen to seventeen (both inclusive) nineteen and twenty 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, the Order of 1878, and the Order of 1884, and for the purposes of such application the expressions "the tramways," "the Promoters," and "this Order," in the said sections shall be construed to mean respectively the tramways as defined by this Order, the Promoters of 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, the Order of 1878, or the Order of 1884, or any of them, for a less distance than one mile, tolls and charges may only be charged as for one mile.

Conveyance of scavenging stuff.

22. 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.

23. 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, waggon, or truck of the Promoters by which any passenger or parcels are conveyed upon the tramways or any part thereof.

Approval of cars.

24. 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.

25. The Promoters at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run 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.

Periodical revision of tolls.

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

Miscellaneous.

Purchase of tramways.

27. 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

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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 the 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; Provided further that nothing in this Order contained shall authorise the corporation to place or run carriages on any of the tramways, and to demand tolls or charges in respect of the use of such carriages.

Removal of tramways in certain events.

28. If the Corporation at any time or times after five years from the completion and opening for public traffic of the tramways or of such parts thereof as shall be completed within the period prescribed by the Tramways Act, 1870, 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.

29. 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.

As to future extensions of the tramways in borough of Cardiff.

30. 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, and upon the passing of such resolution the consent of the corporation which is required by the Tramways Act, 1870, to the obtaining of a Provisional Order authorising the construction of such extension shall be deemed to have been given.

Regulations, &c. by corporation.

31. 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.

Provisions as to arbitration.

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

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

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

34. 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.

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Audit of accounts.

35. In case the corporation purchase the tramways authorised by the Order of 1871, the Order of 1873, the Order of 1878, the Order of 1884, and this Order, or any part of such tramways, 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 such tramways or such part thereof as if such accounts related to receipts and expenditure under that Act.

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.

Carrying of mails by Promoters.

37. The Promoters, if required by the Postmaster-General, shall perform with respect to any tramway owned or worked by them, all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires: Provided as follows:—

(*a.*) Nothing in this section shall authorise the Postmaster-General to require mails in excess of the following weights to be carried by the Promoters in or upon any carriage; that is to say,

(i.) If the carriage is conveying or intended to convey passengers, and not goods or parcels, than in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and

(ii.) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels, or if that maximum appears to the Postmaster-General to be so low as to exclude him from availing himself of the use of any such carriage then as is for the time being fixed by agreement, or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England; and

(iii.) If the carriage is conveying or intended to convey both parcels and passengers, but not goods, then in excess of the maximum weight for the time being fixed for ordinary parcels, or for the luggage of ordinary passengers, whichever is the greater.

(*b*) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers, but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with.

(*c.*) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the Promoters in or upon a carriage conveying or intended to convey passengers, but not goods or parcels, except in charge of an officer of the Post Office travelling as a passenger.

(*d.*) If the Promoters carry goods as well as passengers and parcels, the enactments relating to the conveyance of mails by railway shall, subject to the provisions of this section, apply in like manner as if the Promoters were a railway company and the tramways were a railway.

(2.) The remuneration for any services which have been performed by the Promoters in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the Promoters, or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party, and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.

(3.) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act, 1873, and includes parcels within the meaning of the Post Office (Parcels) Act, 1882.

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General or a secretary or assistant secretary of the Post Office or the Inspector-General of Mails, and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

Repeal of sec. 38 of Order of 1884.

38. From and after the passing of this Act confirming this Order section thirty-eight of the Order of 1884 shall be and the same is hereby repealed.

Saving for 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.

SHIPLEY TRAMWAYS.

Shipley.

Order authorising the alteration of the gauge of certain existing Tramways and the construction of additional Tramways in the District or Township of Shipley, in the Parish of Bradford, in the West Riding of the County of York.

Short title.

1. This Order may be cited as "the Shipley Tramways Order, 1885."

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

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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 1881" means the Shipley Tramways Order, 1881.

The expression "the existing tramways" means the tramways authorised by and constructed under the Order of 1881 and therein described.

The expressions "the tramways" and "the undertaking" mean respectively the tramways (including the existing tramways during and after the alteration thereof as by this Order authorised) and works and the undertaking by this Order authorised.

The expression "the local board" means the local board for the district of Shipley, in the parish of Bradford, in the west riding of the county of York; and

The term "person" includes a corporation.

Promoters.

The Promoters.

4. Maurice Jones, of Moorhead Lane, Shipley, in the west riding of the county of York, tramway proprietor, his executors, administrators, or assigns, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Promoters of Order to be substituted for Promoters of Order of 1881.

5. The Order of 1881 shall from and after the passing of the Act confirming this Order be read and construed as though in section four of the said Order the Promoters of this Order were substituted for the Promoters in the said section mentioned, and from and after the passing of the Act confirming this Order all the rights, powers, authorities, obligations, and liabilities of the Promoters of the Order of 1881 in respect of the tramways and undertaking authorised by the Order of 1881 shall be transferred to, vested in, and may be exercised by and shall attach to the Promoters of this Order in like manner, as if such tramways had been authorised to be constructed by the Promoters of this Order.

Lands by agreement.

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

Alteration and Construction of Tramways.

Power to alter gauge of existing tramways to a four-feet gauge.

7. The Promoters may alter the gauge of the existing tramways to a gauge of four feet, and for such purpose they may in substitution for the existing tramways 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 (in this Order referred to as "the deposited plans" and "the deposited sections"), the tramways described in section six of the Order of 1881, and situate within the township or district of Shipley, in the parish of Bradford, in the west riding of the county of York, with all proper rails, plates, offices, weighbridges, stables, carriage houses, engine sheds, ware-

houses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same. And the Promoters may for the purposes of such alteration and construction and subject to the provisions of this Order take up the existing tramways or such parts of the same as they may think proper, and do and execute all such other works, acts, matters, and things as may in their opinion be necessary for such purposes. A.D. 1885. *Shipley.*

The above-mentioned tramways shall be constructed as a double line where the existing tramways are at present laid as a double line, and as a single line where the existing tramways are at present laid as a single line.

Construction of tramways.

8. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with 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, and may work and use the same.

The tramways authorised by this Order will all be situate within the district or township of Shipley, in the parish of Bradford, in the west riding of the county of York, and are as follows :—

Tramway No. 1.—Partly a double and partly a single line, commencing in Manningham Lane, of the Keighley and Bradford Trust, in the district of the local board, by a junction with the Tramway No. 1*d.* of the existing tramways authorised by the Order of 1881, at a point one chain east of the termination of the said existing tramways, and passing thence in an easterly direction along Manningham Lane, and terminating in the said Manningham Lane at the boundary of the said district or township of Shipley and the borough of Bradford. The double and single portions of Tramway No. 1 shall be as follows:—

1*a*. A single line commencing at the commencement of Tramway No. 1, and thence passing along and terminating in Manningham Lane, at a point 1·58 chains or thereabouts west of Back Park Road.

1*b*. A double line commencing at the termination of the last portion, and terminating in Manningham Lane, at a point 1·30 chains or thereabouts south-east of Park Road.

1*c*. A single line commencing at the termination of the last portion, and terminating in Manningham Lane, at a point 6·13 chains or thereabouts north-west of St. Paul's Road.

1*d*. A double line commencing at the termination of the last portion, and terminating in Manningham Lane, at a point 3·13 chains or thereabouts north-west of St. Paul's Road.

1*e*. A single line commencing at the termination of the last portion, and terminating in Manningham Lane, at a point 4·40 chains or thereabouts north of the south-west corner of the Coach and Horses public-house.

1*f*. A double line commencing at the termination of the last portion, and terminating in Manningham Lane, at a point 1·40 chains or thereabouts north of the south-west corner of the Coach and Horses public-house.

1*g*. A single line commencing at the termination of the last portion, and terminating in Manningham Lane, at a point 0·55 chains or thereabouts south of Norwood House.

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1*h*. A double line commencing at the termination of the last portion, and terminating in Manningham Lane, at a point 3·55 chains or thereabouts south of Norwood House.

1*j*. A single line commencing at the termination of the last portion, and terminating in Manningham Lane, at a point 1·80 chains or thereabouts south-east of Beamsley Road.

1*k*. A double line commencing at the termination of the last portion, and terminating in Manningham Lane, at a point 0·63 chains or thereabouts north-west of Aireville Road.

1*l*. A single line commencing at the termination of the last portion, and terminating in Manningham Lane, at the boundary of the said district or township of Shipley and the borough of Bradford aforesaid.

The total length of Tramway No. 1 will be one mile three furlongs 1·50 chains, of which the total length of double line will be one furlong seven chains, and the total length of single line will be one mile one furlong 4·50 chains.

Gauge of tramways.

9. The tramways shall be constructed on a gauge of four feet. Provided always that so much of section thirty-four of the Tramways Act, 1870, as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways, but no engine or carriage used on the tramways shall, except with the consent in writing of the Board of Trade, exceed five feet six inches in width.

Provisions as to construction of tramways.

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

Provision as to paving roads.

11. Subject to the preceding provisions of this Order, so much of every road whereon any of the tramways is laid as lies between the rails or any sets of rails, and extends eighteen inches beyond the rails of and on each side of such tramway, shall be paved by the Promoters with Yorkshire setts to the reasonable satisfaction of the road authority.

As to rails of tramways.

12. The rails of the tramways shall be such as the Board of Trade may approve; and the Board of Trade may from time to time, upon the application of the road authority of any district in which the tramways or any portion thereof are or is situate, require the Promoters to adopt and apply such improvements in the tramways within such district, including the rails thereof, as experience may from time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic, and the Promoters shall with all reasonable

dispatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Penalty for not maintaining rails and road in good condition.

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

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

Local authority to have access to sewers.

14. 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.

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

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

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

17. The Promoters may from time to time hereafter make all such crossings, passing places, sidings, triangles, junctions, and other works, in addition to those particularly specified in and authorised by this Order, as may from time to time

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be necessary or convenient to the efficient working of the tramways or any of them, or for providing access to any stables, engine houses, carriage houses, sheds, or works of the Promoters, subject to the approval of the road authority; Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if any owner or occupier of premises abutting on the place where such rail is proposed to be laid, by writing under his hand addressed to the Promoters, express his objection thereto: Provided also, that the number and situation of such crossings, passing places, sidings, junctions, triangles, 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, triangles, 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, triangle, 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 re-make or re-lay 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 such removal, re-making or re-laying shall be borne by the road authority.

Temporary tramways may be made when necessary.

18. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways 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.

If any difference arise between the Promoters and the 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.

Application of road materials excavated in construction of works.

19. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters, so far as may be necessary in or towards the reinstating of such road, and the maintenance for six months after completion of any of the tramways within the district of such road authority, of so much of the roadway of such road on either side of such tramways as the Promoters are by this order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used, or required to be retained for the purposes aforesaid, to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided that if within seven days after notice in writing to 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.

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

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

21. 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 by steam power with wire ropes or other appliances placed underground, or by means of electrical 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 by an assistant secretary of the said Board, by electrical power, steam power, or any mechanical power (including such haulage as aforesaid). Provided always, 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.

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

22. The Promoters 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 Promoters 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 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.

23. 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 on 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.

As to recovery of penalties.

24. 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.

25. 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.

26. 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.

As to contracts with road authorities where elec-

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

trical, steam, or mechanical power is to be used.

such intention to every road authority within whose district the tramways or any 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 electrical, steam, or any mechanical power upon the tramways or such part thereof be determined and of no effect.

Before using electrical, 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 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, 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 electrical, steam, or mechanical power shall be used on the tramways to which such appeal relates.

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No electrical, 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.

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

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

28. Where electrical, 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 electrical, 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 of the paving and keeping in repair of the whole or any part of the roadway or 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, shall continue in force for any period exceeding two years at any one time after the commencement of the use of electrical, steam, or any mechanical power aforesaid, or the making of such contract, agreement, or arrangement: Provided always, that any such contract, agreement, or arrangement may from time to time be renewed with or without modification, or a new contract, agreement, or arrangement may be made instead thereof.

Traffic upon Tramways.

Traffic upon tramways.

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

Promoters not to be bound to carry parcels.

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

After alteration of existing tramways, sections 20 to 25 of Order of 1881 to be repealed.

31. When the existing tramways have been altered in the manner by this Order authorised sections twenty to twenty-five (both inclusive) of the Order of 1881, with respect to tolls and charges, shall be and the same are hereby repealed: Provided always, that until the existing tramways have been so altered as aforesaid, the following sections of this Order with respect to tolls and charges shall not apply to the existing tramways.

Tolls.

Tolls for passengers.

32. The Promoters may demand and take for every passenger travelling upon the tramways, or any part thereof, including tolls and charges for the use of the tramways and carriages, and for motive power and every other expense incidental to such conveyance, any tolls or charges not exceeding for any distance traversed in the same direction at one time the sum of threepence inside and twopence outside for each single journey of such passenger, whether with or without change of carriage.

Passengers luggage.

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

Cheap fares for labouring classes.

34. The Promoters, at all times after the opening of the tramways or any part or parts thereof for public traffic, shall, and they are hereby required to run carriages each way every morning in the week, and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than five in the evening, as the Promoters think most convenient for artisans, mechanics, and daily labourers, at tolls or charges not exceeding one penny for each single journey for any distance travelled at one time: Provided always, that the Board of Trade may from time to time for good cause shown, either authorise the Promoters to discontinue the running of such carriages, or may order the Promoters to run an extra carriage or extra carriages at such hours as aforesaid, and may from time to time revoke, alter, or modify such order, and the Promoters shall comply with every such order, and 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.

Tolls for parcels.

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

Payment of tolls.

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

Periodical revision of tolls.

37. If, at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of anyorder 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 board, or by twenty inhabitant ratepayers of the district of the local board, or by the Promoters, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways, or on such portion of the tramways, should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee, to be appointed by the said Board, in accordance with the provisions of the Tramways Act, 1870; and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways, or on such portion of the tramways, in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that

the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

Miscellaneous.

Provisions as to arbitration.

38. Where, under the provisions of the Tramways Act, 1870, and this Order, any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties; and the costs of and incidental to the arbitration and award shall, if either party so requires, be taxed and settled as between the parties by any one of the taxing masters of the High Court of Justice; and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters; and all those enactments, including the enactments relating to the taking of fees by means of stamps, shall extend to the fees in respect of the said taxation.

Form and delivery of notices.

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

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

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

Agreements between Promoters and road authorities.

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

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

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

Saving as to powers of borrowing on mortgage.

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

forty-three of the Tramways Act, 1870, and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Guarantee fund against accidents.

43. Before commencing to construct or lay down the tramways the Promoters shall either deposit the sum of five hundred pounds with the bankers of the local board in the names of the Promoters and of the clerk of the local board, or shall otherwise give security for that amount to the satisfaction of the local board, as a guarantee fund for affording security for any claims for compensation arising from accidents caused by the tramways or the carriages or other apparatus employed in connexion therewith being out of repair.

Local board may purchase the tramways within six months after August 1896.

44. The local board may exercise the powers of purchasing the tramways conferred upon them by section forty-three of the Tramways Act, 1870, within six months after the month of August in the year one thousand eight hundred and ninety-six, or within six months after the expiration of every subsequent period of seven years, and the said section shall, with respect to the tramways, be read and construed accordingly; Provided that nothing in this Order contained shall authorise the corporation to place or run carriages on any of the tramways, and to demand tolls or charges in respect of the use of such carriages.

Power for local board to require extension of tramways to other places in district.

45. If the local board at any time give six months notice to the Promoters requiring them to extend the tramways to other places within their district, the Promoters shall and they are hereby required to take all steps necessary for an application to the Board of Trade for a Provisional Order or to Parliament for an Act of Parliament to enable them to comply with such notice, and for the purpose of such application the consent of the local board shall be deemed to have been given: Provided always, that before giving any such notice to the Promoters, the local board shall send a copy of the same to the Board of Trade, and unless the Board of Trade certify that in their opinion such extension should be constructed, the Promoters shall not be required to take such steps as aforesaid under the provisions of this section.

Payments of costs of local board by promoters.

46. The Promoters shall pay to the local board the costs of inserting any necessary clauses in this Order, and any further charges incurred by the local board in relation to such clauses: Provided that the amount of such costs and charges shall in case of difference be settled by the Board of Trade.

Audit of accounts in event of purchase by local board.

47. In case the local board purchase the tramways authorised by the Order of 1881 and this Order, or any part of such tramways, the provisions of the Public Health Act, 1875, with respect to the audit of accounts of local authorities shall apply to the audit of accounts of the receipts and expenditure of the local board and their officers with respect to such tramways or such part thereof as if such accounts related to receipts and expenditure under that Act.

Carrying of mails by the Promoters.

48.—(1.) The Promoters, if required by the Postmaster-General, shall perform with respect to any tramway owned or worked by them, all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires; Provided as follows:—

(*a.*) Nothing in this section shall authorise the Postmaster-General to require mails in excess of the following weights to be carried by the Promoters in or upon any carriage; that is to say,

(i.) If the carriage is conveying or intended to convey passengers and not goods or parcels, then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and

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(ii.) If the carriage is conveying or intended to convey parcels only, then in excess of such maximum weight as is for the time being fixed for ordinary parcels, or if that maximum appears to the Postmaster-General to be so low as to exclude him from availing himself of the use of any such carriage, then as is for the time being fixed by agreement, or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England; and

(iii.) If the carriage is conveying or intended to convey both parcels and passengers, but not goods, then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers, whichever is the greater.

(*b.*) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers, but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with.

(*c.*) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the Promoters in or upon a carriage conveying or intended to convey passengers, but not goods or parcels, except in charge of an officer of the Post Office travelling as a passenger.

(*d.*) If the Promoters carry goods as well as passengers and parcels, the enactments relating to the conveyance of mails by railway shall, subject to the provisions of this section, apply in like manner as if the Promoters were a railway company and the tramways were a railway.

(2.) The remuneration for any services which have been performed by the Promoters in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the Promoters, or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party, and this provision shall have effect in lieu of any provision respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.

(3.) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act, 1873, and includes parcels within the meaning of the Post Office (Parcels) Act, 1882.

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General or a secretary or assistant secretary of the Post Office, or the Inspector-General of mails; and any document purporting to be signed by any such person as aforesaid shall, until the contrary is proved, be deemed, without proof of the official character of such person, to have been duly signed as required by this section.

Saving for general Acts.

49. 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.

SCHEDULE A.

Break power of engines.

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

As to fittings of engines, &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

As to carriages.

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

Inspection of engines and carriages.

The Board of Trade shall on the application of the local authority 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.

SCHEDULE B.

Tolls and Charges for Parcels.

Animals.

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

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

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

Tynemouth and District.

TYNEMOUTH AND DISTRICT TRAMWAYS.

Order authorising the Release of the Balance of the Deposit Fund paid into Court on the Application for the Tynemouth and District Tramways Order, 1879.

Short title.

1. This Order may be cited as "The Tynemouth and District Tramways (Release of Deposit) Order, 1885."

Authorising release of balance of deposit under the Tynemouth and District Tramways Order, 1879.

2. Whereas by the Tynemouth and District Tramways Order, 1879 (herein-after referred to as "the Order of 1879") the Promoters of the said Order were authorised to construct the tramways therein described, but as to parts of the said tramways such construction was so authorised only with the consent of the Duke of Northumberland:

And whereas the parts of the said tramways for the construction of which no such consent was required were duly completed and opened for public traffic within the prescribed period, and out of the total sum of one thousand two hundred and fifty pounds, which, pursuant to the provisions of the Tramways Act, 1870, and of the Rules of the Board of Trade made under the authority of the said Act, was paid into the Chancery Division of the High Court of Justice in relation to the said tramways the sum of five hundred and fifty-seven pounds fourteen shillings and fivepence in respect of the parts of the said tramways which have been so completed and opened has been paid out or transferred pursuant to the said Rules:

And whereas by the North Shields and District Tramways (Extension) Order, 1882 (herein-after referred to as "the Order of 1882") it was provided that the Promoters of the Order of 1882 should be substituted for the Promoters of the Order of 1879, and that the undertaking authorised by the Order of 1879, together with all the rights, powers, and authorities of the Promoters under the Order of 1879 should, subject to the duties, obligations, and liabilities of such Promoters in relation thereto, vest in and be exerciseable and enjoyable by the Promoters of the Order of 1882:

And whereas the parts of the said tramways for the construction of which such consent as aforesaid was so required as aforesaid could not be constructed by reason that such consent was withheld, and the same were not completed and opened for public traffic within the prescribed time, and the construction thereof has been abandoned, and it is expedient that provisions should be made for the payment or transfer to the Promoters of the Order of 1882 of the balance of the said sum so paid into the said Chancery Division as aforesaid: Therefore the Chancery Division of the High Court of Justice shall, on the application of the Promoters of the North Shields and District (Extension) Order, 1882, order any moneys forming part of the said sum of one thousand two hundred and fifty

Tynemouth and District.

pounds, which, pursuant to the provisions of the Tramways Act, 1870, and of the said Rules of the Board of Trade, was paid into the Chancery Division of the High Court of Justice to the credit of ex parte the Tynemouth and District Tramways, or otherwise standing to the credit of the account aforesaid at the passing of the Act confirming this Order, to be paid out and transferred to such Promoters or as they shall direct, and thereupon such moneys shall be so paid out or transferred as aforesaid.

Worcester.

WORCESTER TRAMWAYS.

Order amending the Worcester Tramways Order, 1881, *with respect to the opening for public traffic of the Tramways thereby authorised.*

Short title.

1. This Order may be cited as "The Worcester Tramways Order, 1881, Amendment Order, 1885."

Amendment of Worcester Tramways Order, 1881, with respect to the opening for public traffic of the tramways.

2. Whereas the tramways authorised by the Worcester Tramways Order, 1881, were not completed and opened for public traffic within the prescribed period, and such period was prolonged by the special direction of the Board of Trade, and the said tramways were completed but not opened for public traffic within the time so prolonged :

And whereas after the expiration of the time so prolonged as aforesaid the said tramways have been opened and the same are now open for public traffic, and it is expedient that in relation thereto the Worcester Tramways Order, 1881, should be amended and the provisions following should be in force and have effect: Therefore—

1. The powers conferred upon the Promoters by the Worcester Tramways Order, 1881, shall be deemed to have been and to be unaffected by the failure to open for public traffic the tramways thereby authorised within the time so prolonged as aforesaid, and the said Order shall have effect in all respects as though the opening for public traffic of the said tramways had taken place within the time so prolonged as aforesaid ;
2. The Chancery Division of the High Court of Justice shall on the application of the depositors order the sum of six hundred pounds or any part thereof which, pursuant to the provisions of the Tramways Act, 1870, and of the Rules of the Board of Trade made under the authority of the said Act was paid in relation to the tramways authorised by the said Order into the Chancery Division of the High Court of Justice to the credit of ex parte the Worcester Tramways or otherwise, standing to the credit of the account aforesaid at the passing of the Act confirming this Order, together with any interest or dividends due and payable thereon, to be paid out or transferred to the depositors, or as they shall direct, and thereupon such sum, together with any such interest or dividends, shall be so paid out or transferred as aforesaid.

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