CHAPTER cx.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Lancaster and District Tramways, Lincolnshire Tramways, and Stockport and Hazel Grove Tramways. A.D. 1889.

[26th July 1889.]

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

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

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

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

1. This Act may be cited as the Tramways Orders Confirmation (No. 1) Act, 1889. Short title.

2. The several Orders as amended 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. Confirmation of Orders in Schedule.

3. The Promoters mentioned in the said Orders shall not, in the exercise of the powers of this Act, or of the said Orders, without the Protection of houses of labouring class.

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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 fifteenth 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.

Lancaster and District Tramways. Order authorising the construction of tramways in the parish of Lancaster in the county of Lancaster.

Lincolnshire Tramways. Order authorising the Lincolnshire Road Railways Company, Limited, to construct additional tramways in the city and county of the city of Lincoln.

Stockport and Hazel Grove Tramways. Order authorising the construction of tramways in the parishes of Stockport and Cheadle in the county of Chester.

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LANCASTER AND DISTRICT TRAMWAYS.

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Order authorising the construction of tramways in the parish of Lancaster in the county of Lancaster.

Short title.

1. This Order may be cited as the Lancaster and District Tramways Order 1889.

Incorporation of Acts.

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

Interpretation.

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

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

The expressions "the borough" and "the Corporation" shall mean respectively the borough of Lancaster in the county of Lancaster and the mayor aldermen and burgesses of the said borough acting by the council; and

The term "person" shall include a corporation.

Promoters.

The Promoters.

4. The Lancaster and District 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 let or dispose of any such lands which may not be necessary for such purposes and may erect or construct on any such lands any offices stables sheds workshops stores or other buildings yards works and conveniences for the purposes of the undertaking Provided that they shall not at any time hold for such purposes as aforesaid more than five acres of land Provided further that in addition to the lands required for the purposes of the undertaking the Promoters may by agreement from time to time purchase and acquire such lands as they may require for the purpose of widening the roads along which the tramways are to be laid to the extent shown upon the deposited plans and may level form and lay out such lands when so purchased and acquired to the intent that the same may be and form part of such roads but nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon lands taken under the powers of this section.

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 referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails points junctions plates offices weigh-bridges stables carriage-houses warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same.

The tramways authorised by this Order are—

Tramway No. 1 (4 furlongs 9 chains or thereabouts in length) commencing in the highway from Lancaster to Preston known as Preston Road at a point 1 chain to the south of the north corner of the Boot and Shoe Inn and passing thence in a northerly direction along Preston Road through the village of Scotforth and terminating in Preston Road at a point 1·50 chains north of the first milestone from Lancaster Town Hall;

Tramway No. 1 shall be laid as a single line except at the following places where it shall be laid as a double line:

In Preston Road where that road passes through the village of Scotforth from a point 1 chain north of the north corner of the Boot and Shoe Inn for a length of 4 chains in a northerly direction;

In Preston Road from a point ·25 chain north of the north corner of Barton Lane for a length of 3 chains in a northerly direction;

In Preston Road from a point 2·50 chains south of the south corner of Marshall Houses for a distance of 3 chains in a northerly direction;

In Preston Road from a point 1·50 chains south of the north-east corner of Scotforth Vicarage for a distance of 3 chains in a northerly direction;

In Preston Road from a point 1·50 chains south of the first milestone from Lancaster Town Hall for a length of 3 chains in a northerly direction;

Tramway No. 2 (7 furlongs 3·85 chains or thereabouts in length) commencing in Preston Road at the point of termination of Tramway No. 1 passing thence in a northerly direction along Preston Road and South Road to Penny Street Bridge (over the Lancaster and Kendal Canal) from thence over the said bridge and along a proposed new road passing in a north-easterly direction across the Prince William Henry Field and a garden to the south end of Upper Thurnham Street thence along Upper Thurnham Street Thurnham Street the west side of Dalton Square down Great John Street and terminating in Great John Street at its junction with Stonewell;

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

In Preston Road from the point of the commencement of such tramway for a distance of 13 chains in a northerly direction;

In Preston Road from a point 6·50 chains north of the north-east corner of Dog Kennel Lane for a distance of 14·15 chains in a northerly direction;

In South Road from a point 2·75 chains north of the south-east corner of the Boundary Inn for a distance of 11·50 chains in a northerly direction;

In the proposed new road from a point 5·20 chains south of the south-west corner of Upper Thurnham Street for a distance of 4·30 chains in a northerly direction.

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In Thurnham Street and Dalton Square from a point ·25 chain north of the north-west corner of Upper Thurnham Street to a point 3 chains south of the south-east corner of Great John Street ;

In Great John Street throughout the whole length thereof ;

Provided that the portions of Tramway No. 2 in Thurnham Street and Great John Street shall not be opened for public traffic until the roadway of that portion of Thurnham Street shall have been widened to the clear width of not less than twenty-four feet between the curbs and the gradient of Great John Street shall have been improved to 1 in 15 Provided also that so much of Tramway No. 2 as is situate between South Road (opposite White Cross Street) and Upper Thurnham Street shall not be constructed without the consent of the Corporation unless and until the proposed new road through the Prince William Henry Field is constructed in the situation and lines shown on the deposited plans and marked on such plans "Proposed New Road") and referred to in this Order as "the proposed new road" ;

Tramway No. 3 (2 furlongs 2·45 chains in length or thereabouts) commencing at the point of termination of Tramway No. 2 and passing thence in a northerly direction along Stonewell and Rosemary Lane from thence across North Road in a northerly direction along the west side of Chapel Street to Cable Street passing thence in an easterly direction along Cable Street and terminating on the west side of Cable Street at a point 1·30 chains north of the north-west corner of Messieurs Gillows' show-rooms ;

Tramway No. 3 shall be laid as a single line except at the following place where it shall be laid as a double line :—

From the point of commencement of such tramway in Stonewell for a distance of 6·15 chains in a northerly direction ;

Provided that the portion of Tramway No. 3 in Chapel Street and Cable Street shall not be opened for public traffic until the curve at the corner of the junction of those streets shall have been reduced to the satisfaction of the Board of Trade ;

Provided also that the portions of Tramway No. 3 in Rosemary Lane and Chapel Street shall be so laid as double lines that one only of such lines can be used at one and the same time in accordance with a plan to be submitted for the approval of the Board of Trade by the Promoters prior to commencing to lay down the said portions of tramway ;

Tramway No. 4 (1 furlong 1·20 chains in length or thereabouts) commencing on the east side of Rosemary Lane by a junction with Tramway No. 3 at a point 1·75 chains south of the south-west corner of the Tower of Saint John's Church and passing from thence in an easterly and north-easterly direction along the southerly side of North Road to a point 1 chain east of the north-east corner of Pitt Street and thence along the centre of North Road to a point opposite the south-west corner of Messieurs Gillows' show-rooms thence along the west side of North Road in a north-easterly direction and terminating on the east side of Cable Street at a point 1·30 chains north of the north-west corner of Messieurs Gillows' show-rooms ;

Provided that such portion of Tramway No. 4 as extends from a point opposite to the south-west corner of Messrs. Gillows' show-rooms to a point opposite to the north-west corner of the same building shall not be opened for public traffic until the carriageway of that portion of North Road is so widened that a space of not less than nine feet six inches shall intervene between the outside of the footpath on either side of the said road and the nearest rail of the tramway ;

Tramway No. 4 shall be laid as a single line except from a point at the junction of North Road with Rosemary Lane and extending thence 4 chains in a northerly direction where the same shall be so laid as a double line that one only of such lines can be used at one and the same time;

Tramway No. 5 (6 furlongs 1·75 chains or thereabouts in length) commencing in Cable Street at the points of termination of Tramways Nos. 3 and 4 passing along Cable Street and Parliament Street in a north-easterly direction to Skerton Bridge over Skerton Bridge thence in a north-westerly direction along the Slyne Road to the junction of that road with Heysham Road passing along Heysham Road in a westerly direction and terminating in Heysham Road at the point where the new boundary of the borough of Lancaster between Lancaster and Skerton crosses that road;

Tramway No. 5 shall be laid as a double line throughout provided that in the Heysham Road the said tramway shall be so laid as a double line that one only of such lines can be used at one and the same time in accordance with a plan to be submitted for the approval of the Board of Trade by the Promoters prior to commencing to lay down the said portion of tramway;

Provided also that upon Skerton Bridge the said tramway shall be laid as a single line only in the centre of the bridge in accordance with a plan to be previously submitted to and approved by the county bridge surveyor or other officer of the County Council of the County Palatine of Lancaster and provided that before the said tramway over the said bridge is opened for public traffic the carriageway shall be so widened at the expense of the Promoters that a space of not less than nine feet six inches shall intervene between the outside of the footpath on either side of the said carriageway and the nearest rail of the tramway the County Council affording all necessary facilities for such widening and provided further that the speed at which any carriage may be driven or propelled over the said bridge shall not exceed the rate of six miles an hour on the level of the said bridge and four miles an hour descending the slopes thereof;

Tramway No. 6 (2 miles 6 furlongs 6·10 chains or thereabouts in length) commencing in Heysham Road at the point of termination of Tramway No. 5 passing thence in a westerly direction along Heysham Road to the junction of that road with Scale Hall Lane from thence along Scale Hall Lane to its junction with Morecambe Road thence turning in a north-westerly direction along Morecambe Road and Euston Road and terminating in Euston Road at a point ·80 chain east of the north-west corner of Moss Lane at the junction of Moss Lane with Euston Road;

Tramway No. 6 shall be laid as a single line except at the following places where it shall be laid as a double line:—

In Heysham Road from a point 12 chains from its commencement for a distance of 3 chains in a westerly direction;

In Heysham Road from a point 2 chains east of the south-east corner of Scale Hall Lane to a point in Scale Hall Lane 2 chains from the south-east corner of that lane;

In Scale Hall Lane from a point 4 chains south of the north-east corner of such lane for a distance of 3 chains in a northerly direction;

In Morecambe Road from a point ·50 chain west of the south-west corner of Powder House Lane for a distance of 3 chains in a westerly direction;

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In Morecambe Road commencing from a point opposite the south corner of Cross Hill Farm House for a distance of 3 chains in a north-westerly direction ;

In Morecambe Road from a point 5·50 chains south of the south-west corner of Green Lane for a distance of 3 chains in a north-westerly direction ;

In Morecambe Road from a point 9 chains west of the north-west corner of Green Lane to a point 6 chains east of the north-east corner of Torrisholme Moss Lane ;

In Morecambe Road from a point 1 chain east of the south-east corner of Anstable Holme Farm House for a distance of 3 chains in a north-westerly direction;

In Morecambe Road from a point 16 chains west of the south-east corner of Anstable Holme Farm House for a distance of 3 chains in a north-westerly direction ;

In Morecambe Road from a point 3 chains north-west of the north-west corner of Poulton Town Field for a distance of 3 chains in a north-westerly direction;

In Morecambe Road from a point opposite to the south-east corner of the field called Dear Bought for a distance of 4 chains in a north-westerly direction ,

In Euston Road from a point 3·30 chains east of the north-west corner of Moss Lane where that lane crosses Euston Road for a distance of 2·50 chains in a westerly direction;

Provided always that Tramway No. 6 in Morecambe Road from a point 1 chain south of the centre of Poulton Lane Bridge to a point 1 chain south of the intersection of Lancaster Road shall be so laid as a double line that one only of such lines can be used at one and the same time;

Provided also that Tramway No. 6 shall not be opened for public traffic until the widenings of Scale Hall Lane Morecambe Road and Euston Road to the extent and according to the lines shown on the deposited plans with respect to that tramway shall have been made to the satisfaction of the Board of Trade nor until the gradients of 1 in 13·6 and 1 in 13·3 in Morecambe Road shall have been improved to 1 in 15 nor until the existing footpath situate on the south side of Morecambe Road between a cottage known as Timperley's Cottage and the west end of the buildings known as Anstable Holme Farm House has been removed and levelled formed metalled and constructed as part of the carriage-way of the said Morecambe Road by and at the expense of the Promoters and to the satisfaction of the Morecambe Local Board and a new footpath constructed levelled and gravelled on the north side of the said Morecambe Road between the said Timperley's Cottage and the west end of the said Anstable Holme Farm House by and at the like expense and to the like satisfaction;

Tramway No. 7 (2 furlongs 2·80 chains in length or thereabouts) commencing at the point of termination of Tramway No. 6 on the southerly side of Euston Road passing thence in a southerly direction along the easterly side of Moss Lane thence along the southerly side of Cheapside and the westerly side of Market Street and from thence along the northerly side of Euston Road and terminating by a junction with Tramway No. 6 at the termination of that tramway on the northerly side of Euston Road.

Tramway No. 7 shall be so laid as a double line throughout that one only of such lines can be used at one and the same time.

Provided that Tramway No. 7 shall not be opened for public traffic until the widenings of Euston Road and Moss Lane to the extent and according to the lines shown on the deposited plans with respect to that tramway shall have been made to the satisfaction of the Board of Trade nor until the corner of Moss Lane and Cheapside is rounded off commencing at a distance of ten feet from Cheapside and Cheapside is widened on its north side for a distance of ninety feet from its junction with Moss Lane to the satisfaction of the Board of Trade.

The tramways herein-before described will all be situated in the parish of Lancaster in the county of Lancaster.

Part of Tramway No. 6 and Tramway No. 7 not to be constructed during summer months.

7. Notwithstanding anything in this Order the Promoters shall not without the consent of the Morecambe Local Board commence or proceed with the construction of so much of Tramway No. 6 as is situate between Scale Hall Lane and the termination of that tramway nor with Tramway No. 7 between the fifteenth day of May and the thirtieth day of September in any year and whenever any road or part thereof is opened or broken up by the Promoters for the construction of such parts of Tramway No. 6 and Tramway No. 7 fourteen days or less prior to the fifteenth of May in any year the Promoters shall prior to that date complete the work on account of which they have opened or broken up the same and fill in the ground and make good the surface to the satisfaction of the road authority and shall restore the road to as good condition as that in which it was before it was opened or broken up and clear away all surplus paving or metalling material or rubbish occasioned thereby.

Protection of traffic during the construction of tramways.

8. During the construction of any works of the Promoters in any road the Promoters shall cause as little impediment as possible to the traffic along such roads and shall make such arrangements in the execution of such works as the persons or Corporations having the control and management of such roads may from time to time by writing require for preventing such traffic from being unnecessarily impeded and for the prevention of accidents.

Provisions as to widened roads.

9. All road widenings made by the Promoters shall be made with such width of carriageway and footpath as the persons or Corporations having the control and management of the roads in which the widenings are made require and the same and the adjacent part of the existing road shall be levelled formed constructed metalled surface-drained and in all other respects completed to the satisfaction of such persons or Corporations and as and when the road widenings shall have been completed to such satisfaction the road so widened (subject to the provisions of the Tramways Act 1870 and of this Order as to the repair by the Promoters of portions of the roads in which the tramways are laid) shall be and continue vested in and repairable by and under the control and management in all respects of such persons or Corporations.

Section thirty of Tramways Act to extend to Corporation and Morecambe Local Board.

10. Section thirty of the Tramways Act 1870 shall extend and apply to the Corporation and the Morecambe Local Board with reference to the water and gas mains pipes and apparatus belonging to or under the control of the Corporation and the Morecambe Local Board respectively in like manner as the same apply to a company or person being the owner or having the control of water or gas mains or pipes and apparatus.

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Provisions as to construction of tramways.

11. 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 or 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.

Paving roads within district of the Corporation and the Morecambe Local Board.

12. Subject to the provisions of this Order the Promoters shall pave with stone granite cubes or sets or macadamise upon a foundation or substructure of concrete or otherwise to the satisfaction of and as may be required by the Corporation or the Morecambe Local Board so much of every road within their respective districts whereon the tramways are laid as lies between the rails of the said tramways and extends eighteen inches beyond the rails of and on each side of the said tramways.

As to rails of tramways.

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

Penalty for not maintaining rails and road in good condition.

14. The Promoters shall at all times maintain and keep in good condition and repair to the satisfaction of the road authority and so as not to be a danger or annoyance to the ordinary traffic the rails of which any of the tramways for the time being consist and the substructure upon which the same rest and if the Promoters at any time make default in complying with this provision or with any of the requirements of section twenty-eight of the Tramways Act 1870 they shall without prejudice to any other remedy of the road authority or of any person or persons against them 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.

15. Every local authority and their officers and servants shall at all times have free access to and communication with all existing and future sewers and drains whether public or private under the control of or maintained by the local authority and all 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 tramway Provided always that if at any time after the passing of the Act confirming this Order any of such sewers or drains whether public or private or any other works of or belonging to or under the control of any local authority 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 such local authority immediately thereupon or at any time thereafter at the cost expense and risk of the Promoters to do all reasonable and proper works for the thorough and efficient repair and reinstatement of such sewer drain or other works as aforesaid and if the Promoters shall not on demand pay to such local authority the costs and expenses incurred by such local authority as aforesaid the local authority may recover the same from the Promoters by all and the same means as any simple contract debt of like amount may be recovered.

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

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

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

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

Single lines may be laid as double with consent of the local and road authorities and Board of Trade.

18. Any of the tramways by this Order authorised to be laid as a single line may at the option and with the consent in writing of the local authority and of the road authority and with the consent in writing of the Board of Trade be laid as a double line Provided nevertheless that in substituting such double line for such single line as aforesaid no rail shall be so laid that a less space than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road if any owner or occupier of any house shop or ware-

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house abutting upon the place where such rail is proposed to be laid by notice in writing under his hand addressed to the Promoters express his objection thereto.

Additional crossings &c. may be made where necessary.

19. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove all such crossings passing places sidings junctions turnouts and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient for the efficient working of the tramways or any of them or for facilitating the traffic of the roads in which the same are laid or for providing access to any stables carriage-houses sheds or works of the Promoters subject in each case 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 any house shop or warehouse abutting on the place where such rail is proposed to be laid by notice in writing under his hand addressed to the Promoters express his objection thereto.

If any crossing passing place siding junction turnout or other additional work so made with the approval of the road authority in manner aforesaid or any part thereof is subsequently objected to by such road authority such road authority may by written notice to the Promoters require them to remove the same and if such 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 every such removal re-making or re-laying shall be borne by such road authority.

Temporary tramways may be made where necessary.

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

21. Any paving metalling or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters so far as may be necessary in or towards such works or 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 on either side of such tramways as the Promoters are by section twenty-eight of the Tramways Act 1870 or by this Order required to maintain and the Promoters shall if so

required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority or to such person or persons as he may appoint to receive the same Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice thereof duly given to the road authority such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material or so much thereof as may not have been removed by such surveyor or person 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 differences between the Promoters and any road authority.

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

22. For the protection of the London and North Western Railway Company (herein-after called "the North Western Company") the following provisions shall apply and have effect:—

(1.) No additional crossing passing-place siding junction turnout or other work shall be made for or in connection with so much of Tramway No. 6 as will extend over the distance in front of the approach road to the Morecambe station of the North Western Company and as will extend for a length of ten yards at each end of such distance and no tramcar or other carriage or vehicle used on the said tramway shall without the consent of the North Western Company be stopped or permitted to be stopped within such distance and lengths except for and only for so long as may be absolutely necessary for the purposes of setting down and taking up passengers.

(2.) The Promoters shall not in any way vary alter or interfere with the structure of any bridge carrying any road over any railway or canal of the North Western Company or of the approaches thereto and they shall so construct and maintain the said tramways over such bridge and the approaches thereto as not injuriously to affect the same.

(3.) In the event of any injury being caused to any such bridge or approaches by the construction maintenance repairing user or removal of any of the said tramways the North Western Company may at the expense of the Promoters restore such bridge and approaches or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Promoters shall indemnify the North Western Company against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge and approaches as the Promoters are liable to maintain and repair under section twenty-eight of the Tramways Act 1870 and the North Western Company may recover from the Promoters all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered.

(4.) Whenever and so often as the North Western Company shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or approaches or to widen or alter their railways or canal or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and they shall find it necessary for effecting any of such purposes that the working

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and user of any of the said tramways over such bridge or approaches shall be wholly or partly stopped or delayed or that such tramways shall be temporarily diverted or be wholly or in part taken up or removed and shall except in cases of emergency give to the Promoters seven clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramways shall be stopped or delayed or such tramways shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer if such engineer shall give such superintendence but only for so long as the North Western Company may find it to be absolutely necessary for effecting such purpose and without their being liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto.

(5.) In case the principal engineer of the North Western Company shall be of opinion that any such strengthening is desirable or necessary owing to the carriages or other vehicles or any of the said tramways being or being intended to be moved by electrical power such strengthening shall be effected in all things at the expense of the Promoters who shall also pay to the North Western Company all additional expense which they may incur or be put to in effecting any such widening lengthening strengthening reconstructions alterations repairs lifting or supporting by reason of the existence of the tramway so passing or any of the works connected therewith the amount of such expenditure to be recoverable as aforesaid by the North Western Company from the Promoters with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered.

(6.) All works which may be necessary in constructing and maintaining any of the said tramways over any bridge works or property of the North Western Company or over or connected with any railway leased or worked by them shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the principal engineer of the North Western Company or in case of difference of an engineer to be appointed by the Board of Trade on the application of the North Western Company or the Promoters.

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

For the protection of Midland Railway Company.

23. In constructing and maintaining so much of Tramway No. 5 as will pass over the bridge which crosses the Midland Railway the Promoters shall be subject to the following conditions:—

(1.) The Promoters shall not in any way alter or interfere with the structure of the said bridge or of the approaches thereof and they shall so construct and maintain such tramways as not injuriously to affect the said bridge or approaches.

(2.) The Promoters shall give fourteen days' notice in writing to the engineer of the Midland Railway Company of their intention to commence the works affecting the said bridge and approaches and shall at the same time send sufficient specifications or other information showing the nature of the proposed works and such works shall be constructed to the reasonable

satisfaction and under the superintendence of the said engineer and so as not in any way to impede or interfere with the traffic upon the railway.

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

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For the protection of the Lancashire County Council.

24. For the protection of the County Council of the county palatine of Lancaster (in this section referred to as "the County Council") the following provisions shall apply and have effect (that is to say):—

(A.) The Promoters shall at their own expense macadamise or pave with the best granite cubes or setts whichever the County Council may require the entire width of the roadway over the said Skerton Bridge and shall also pave in a similar manner so much of any road whereon any of the tramways is laid upon over or adjoining any bridge or length of roadway adjacent thereto repairable by the inhabitants of the said county or of any hundred therein as lies between the rails and as extends eighteen inches beyond the rails of and on each side of such tramway to the satisfaction of the county bridge surveyor or other officer of the County Council or with such other paving as the County Council may approve.

(B.) In constructing the tramways upon and across the said Skerton Bridge the work shall be executed to the reasonable satisfaction of the county bridge surveyor or other officer of the County Council and in constructing any of the tramways upon or over any bridge or any parts of the road at either end of any bridge in the said county the Promoters shall not alter or interfere with the structure of such bridge or of the approaches thereto unless such alteration or interference with the construction of such bridge be absolutely necessary for the purpose of constructing such tramway and in the event of any such alteration or interference the Promoters shall together with the notice required in such cases by section twenty-six of the Tramways Act 1870 submit to the County Council detailed drawings and specifications showing the proposed work as affecting such bridge or approaches and if any difference arise between the Promoters and the County Council as to such alteration or interference or the necessity therefor the same shall be left for the decision of the Board of Trade and the Promoters shall so construct and maintain such tramway in the road over such bridge and the approaches thereto as not to injuriously affect such bridge or approaches and in the event of any injury being occasioned to such bridge or approaches or any part or parts thereof respectively by the construction of any of the tramways on or over the same (whether such injury shall occur either during or after construction or in effecting the maintenance of the tramways the County Council may restore such bridge and approaches or the part or parts which

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may be injured to as good a state as they were in before such injury was occasioned at the expense of the Promoters and the Promoters shall recoup to and indemnify the County Council against all sums costs and expenses which they may pay or be put to in restoring such bridge and in maintaining and repairing so much of the road over such bridge and approaches as the Promoters are liable to maintain and keep in good condition and repair under section twenty-eight of the Tramways Act 1870 and the County Council may recover from the Promoters all such sums costs and expenses together with full costs and charges in like manner as any simple contract debt of the like amount may be recovered.

(c.) In case electrical power is used on any of the tramways laid on any bridge or length of roadway adjacent thereto repairable by the inhabitants of the said county or of any hundred therein the County Council may execute such works as may in the opinion of their engineer and of the engineer of the Promoters (or in case of difference between them of an engineer to be appointed by the Board of Trade) be necessary for strengthening the fabric of such bridge and the County Council may execute all such works in all things at the expense of the Promoters and the County Council may recover from the Promoters in manner aforesaid all moneys expended by them in the execution of such works as aforesaid together with full costs and charges in like manner as any simple contract debt of like amount may be recovered If it become necessary for effecting such strengthening that the working and use of any such tramways be wholly or in part stopped or delayed and the County Council give the Promoters three clear days' notice in writing requiring such stoppage or delay the working and user of such tramways or tramway shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the County Council shall not be liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage or delay.

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

(e.) If any bridge repairable by the inhabitants of the said county or of any hundred therein upon or along which any of the tramways are laid be altered widened or rebuilt by the County Council the County Council may

require the Promoters to alter any such tramways in such manner as the circumstances of the case may reasonably require Provided that in case of any difference between the County Council and the Promoters as to such alteration widening or rebuilding the same shall be settled in manner hereinafter mentioned And provided also that it shall be lawful for the Promoters to contribute such sum as may be mutually agreed upon between the Promoters and the County Council towards the expense of altering widening or rebuilding any of such bridges as in this section mentioned.

(F.) If any dispute or difference arises between the County Council and the Promoters respecting the necessity for the exercise of or in any way relating to the powers or provisions of this section or otherwise such dispute or difference shall except where otherwise expressly provided be settled in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

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

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

26. 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 not exceeding seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary to the said Board by means only of electrical power carried along with the carriages or placed underground (in this Order referred to as "electrical power") and not otherwise;

Provided that no motive power other than animal power shall be used on such part of Tramway No. 3 as is situate in Chapel Street or on such part of Tramway No. 7 as is situate in Cheapside Market Street and Euston Road without the consent in writing of the Board of Trade;

Provided also that the exercise of the powers hereby conferred with respect to the use of electrical 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 power on the tramways.

Penalty for using electrical power contrary to Order or regulations.

27. The Promoters or any person using electrical 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

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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 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.

28. Subject to the provisions of this Order the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of the tramways upon which electrical 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 carriages;

For providing that 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 electrical power used for drawing or propelling such carriages;

For limiting the number of carriages for the conveyance of goods or parcels to be drawn or propelled together by electrical power and the hours during which such carriages may be used on such tramways;

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

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

As to recovery of penalties.

29. 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 Tramways Act 1870 as to byelaws by local authority.

30. 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 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.

31. All orders and byelaws made and certificates given 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 byelaw or certificate purporting to be signed as aforesaid shall be primâ facie evidence of such order byelaw or certificate in all courts of justice and in all legal proceedings.

As to contracts with road authorities where electrical power is used.

32. Where the Promoters or any person intend or intends to use electrical 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 electrical power upon the tramways or such part thereof be determined and of no effect.

Before using electrical power on the tramways or any part thereof and there after 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

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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 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 power shall be used on the tramways to which such appeal relates.

No electrical 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.

Plans and specifications to be submitted to Corporation and Local Board.

33. The Promoters shall before they commence to lay down any line or rail or to do any act or works for working the tramways by electrical power within the borough or the district of the Morecambe Local Board at the same time as they give the notice referred to in the section of this Order of which the marginal note is "As to contracts with road authorities where electrical power is used" deposit with the Corporation and the Morecambe Local Board respectively plans specifications and other necessary particulars showing the course of the line or rail and the exact nature and strength of the power to be used and its situation and mode of working including the gauge of any wire or conductor And the Promoters and their agents shall conform in all respects with such requirements as may from time to time be made by the Corporation or the Morecambe Local Board for the purpose of preventing in the borough or the district of the Morecambe Local Board the roads and streets and traffic thereon or any pipes sewers or other things underground from being injuriously affected or impeded by the said act or work.

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

34. Where electrical 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 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 electrical 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.

35. The tramways may be used for the purpose of carrying passengers goods and parcels.

Promoters not to use carriages constructed for use on railways.

36. The Promoters shall not use upon the tramways carriages or trucks constructed or adapted for use upon railways.

Promoters not bound to carry goods &c.

37. 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.

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

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

Further regulations as to traffic.

39. In addition to the powers conferred upon the local authorities by section forty-six of the Tramways Act 1870 the mayor of the borough shall have power by public notice to prohibit or regulate the traffic on the tramways in the borough or any part of them on any special occasion when and for so long as the public convenience may in his opinion render such prohibition or regulation necessary or desirable Provided that no carriages shall be run on any Sunday between the hours of 10.30 a.m. and 12 noon or between 6.30 p.m. and 8 p.m. on the portion of the tramways between Penny Street Bridge and the junction of North Road and Cable Street.

Traffic to be suspended during works of drainage.

40. If and whenever in the opinion of the Corporation it is necessary or expedient for the purpose of constructing or altering any sewer or drain to interfere with any of the tramways or the roadway in which such tramways are laid the Corporation may without any consent or concurrence on the part of the Promoters enter upon or interfere with such tramways or roadway after having given (except in cases of emergency when no notice shall be necessary) at least one month's previous notice in writing to the Promoters of their intention so to do and the Promoters shall during the execution of any such works either suspend the traffic upon such tramways or make provision at their own expense for carrying on the same in a manner satisfactory to the engineer for the time being of the Corporation so as not to interfere with any such works and shall have no claim for compensation against the Corporation.

Tolls.

Tolls for passengers.

41. 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 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 Provided always that children under three years of age accompanying passengers shall be taken without charge and children of three years and upwards but under twelve years of age at half the charge for an adult passenger (the Promoters nevertheless not being required to take any less fare than one penny).

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Passengers luggage.

42. 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.

43. The Promoters at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as the Promoters think most convenient for artizans mechanics and daily labourers at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny) Provided that in case of any complaint made to the Board of Trade 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 goods &c.

44. The Promoters may demand and take in respect of any goods or parcels conveyed by them on the tramways except as is by this Order specially provided including the tolls and charges for the use of the tramways and of carriages 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.

45. 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.

46. 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 make 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 Provided also that a copy of this section shall be annexed to every table or list of tolls published or exhibited by the Promoters.

Miscellaneous.

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Power to hold patents.

47. The Promoters may subject to the provisions of this Order (but only for the purposes of the undertaking and not so as to acquire any exclusive right therein) acquire hold and use any patent or other rights and any licenses to use patent rights relating to the construction or working of tramways or the carriages used thereon.

Provisions as to arbitration.

48. 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.

49. 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.

50. The Promoters and any road authority may subject to the provisions of this Order from time to time enter into agreements with respect to the proposed new road or the alteration of the widths or levels of any road along which any of the tramways is laid and 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 regulating and facilitating the passage of the traffic over the same.

Approval of Board of Trade to sale.

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 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

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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.

Carrying of mails by Promoters.

53.—(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 provisions of this section apply in like manner as if the Promoters were a railway company and the tramway 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.

For protection of the Postmaster-General.

54. In the event of the tramways of the Promoters being worked by electricity the following provisions shall have effect :—

(1.) It shall not be lawful for the Promoters to lay down any line or rail or to do any act or work for working the tramways by electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected and before any such line or rail is laid down or any such act or work is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing such work shall give written notice to the Postmaster-General specifying the course of the line or rail and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work.

(2.) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by the Board of Trade whose decision shall be final and sections thirty to thirty-two (both inclusive) of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.

(3.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.

(4.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the Court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the Postmaster or Sub-Postmaster of the Postal Telegraph Office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.

(5.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if

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telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.

(6.) For the purposes of this section and subject as therein provided sections two, eight, nine, ten, eleven, and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

For the protection of the Lancashire and Cheshire Telephonic Exchange Company Limited.

55. For the protection of the Lancashire and Cheshire Telephonic Exchange Company Limited its successors and assigns (in this section called "the Telephone Company") the following provisions shall have effect in the event of any tramways of the Promoters being worked by electricity otherwise than by electrical power carried along with the carriages that is to say:—

(1.) The Promoters shall so construct their electric circuits and other works of all descriptions and shall so work their tramway in all respects as to prevent any injurious interference by induction or otherwise with the electric circuits from time to time used or intended to be used by the Telephone Company for the purpose of telephonic communication or with the currents in such circuits Provided that as regards electric circuits erected or laid down by the Telephone Company after the construction of the works of the Promoters this sub-section shall only apply if reasonable and proper precautions have been taken in the erection of laying down of such circuits and if they have not been erected or laid down in unreasonably close proximity to the lines or works of the Promoters.

(2.) Seven days before commencing to lay down any electric line or to supply electricity through any electric line in any manner whereby the work of telephonic communication through any wires or lines belonging to the Telephone Company and lawfully laid down or placed in any position by them may be injuriously affected the Promoters shall unless otherwise agreed with the Telephone Company give to that Company notice in writing specifying the course nature and gauge of such electric line and the amount and nature of the current intended to be sent along the same and the Promoters shall conform with such reasonable requirements as may from time to time be made by the Telephone Company for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid.

(3.) If any difference arises between the Promoters and the Telephone Company with respect to anything in this section contained such difference shall be determined by the Board of Trade whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters and the Telephone Company were Companies within the meaning of that Act.

(4.) Nothing in this section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current sent along the same are not altered.

Provision as to costs of local authorities.

56. All costs charges and expenses which may have been incurred by the Corporation and the Morecambe Local Board of or incident to or by reason of this Order up to the making and issue thereof by the Board of Trade including all negotiations relative thereto shall be paid by the Promoters within two months after the date of the passing of the Act confirming the Order Provided

that such respective costs charges and expenses shall not exceed in each case the sum of seventy pounds and the Promoters shall also pay the costs of the Corporation and the Morecambe Local Board respectively which they may incur in and about the supervision of the construction and maintenance of the tramways within three months after the same are respectively incurred.

Saving for Corporation and the Morecambe Local Board.

57. Except as is by this Order otherwise expressly provided nothing in this Order contained shall extend or be construed to extend to take away abridge lessen prejudice or in anywise affect or alter any of the estates rights interests jurisdictions powers or authorities immunities advantages or privileges of or belonging or appertaining to the Corporation and to the Morecambe Local Board whether as the road sewer or sanitary authority or otherwise howsoever but the Corporation and that Board respectively shall and may subject to the provisions of this Order have use exercise and enjoy the same as fully freely and effectually in all respects as they respectively could or might have done if this Order had not been made and confirmed.

Saving for general Acts.

58. 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 or electrical power by any such general Act as aforesaid.

SCHEDULE A.

Break power of carriages.

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

As to fittings of carriages &c.

Every carriage 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 carriage so placed in front of such carriage as to command the fullest possible view of the road before him.

As to carriages.

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

Inspection of carriages.

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

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As to speed.

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

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

SCHEDULE B.

Tolls and Charges for Goods, &c.

Goods.

	Per Mile. s.	d.
For all sugar grain corn flour hides dyewoods earthenware staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - - - per ton	0	3
For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things - per ton	0	4

Parcels.

	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

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 parcels but that term shall apply only to single parcels in separate packages.

Regulations as to Tolls.

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

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

With respect to all articles the weight shall be determined according to the imperial avoirdupois weight.

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LINCOLNSHIRE TRAMWAYS.

Order authorising the Lincolnshire Road Railways Company Limited to construct additional Tramways in the City and County of the City of Lincoln.

Short title.

1. This Order may be cited as "The Lincolnshire Tramways Order 1889."

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 'Tram-

ways 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" shall mean the Lincolnshire Tramways Order 1881 ;

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

The expression "the undertaking" shall mean the undertaking of the Promoters as authorised by the Order of 1881 and this Order ; and

The term "person" shall include a corporation.

Promoters.

The Promoters.

4. The Lincolnshire Road Railways 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. Section five of the Order of 1881 is hereby repealed and the following provisions shall apply and have effect in lieu thereof namely 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 and may erect or construct on any such lands any offices stables sheds workshops stores or other buildings yards works and conveniences for the purposes of the undertaking Provided that they shall not at any time hold for such purposes more than 15 acres of land but nothing in the Order of 1881 or in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon lands taken under the powers of this section.

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 the tramways herein-after described with all proper rails points junctions 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 will be situate in the city and county of the city of Lincoln and are—

Tramway (No. 5) 36½ chains or thereabouts in length commencing in the parish of St. Nicholas and St. John or one of them by a junction with the authorised tramway of the Promoters (No. 2) at the western end of Longdales Road thence passing westward along the new road called Yarborough Road and terminating by a junction with the authorised tramway of the Promoters (No. 4) one chain or thereabouts from the commencement of that authorised tramway at or near the crossing of Burton Road by Yarborough Road.

Tramway No. 5 shall be laid as a single line excepting between the following points where it shall be laid as a double line

From a point distant fifteen and a half chains from its commencement for a length of eighteen chains or thereabouts ;

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Tramway (No. 6) 8 chains or thereabouts in length wholly situate in the said parish of St. Nicholas commencing by a junction with Tramway (No. 5) at the termination thereof before described thence passing in a northerly direction along the Burton Road and terminating at a point in that road opposite or nearly opposite the West Cliff Brickworks.

Tramway No. 6 shall be laid as a single line throughout.

Amendment of section 6 of Order of 1881.

7. Notwithstanding anything contained in section six or any other section of the Order of 1881 it shall not be lawful for the Promoters to lay down or construct any part of Tramway No. 2 (in the said Order described) and which may be situate in the city of Lincoln on the waste land by the side of any street or road in the said city but so much of such tramway as lies within the said city and all other tramways to be constructed by the Promoters within the limits of the said city shall be constructed and maintained as nearly as may be in the middle of the road.

Gauge of tramways.

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

Provisions as to construction of tramways.

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

Portions of roads in city of Lincoln to be paved with granite.

10. In addition to any other liability imposed on them by statute or otherwise the Promoters shall pave with granite pitching such portion of every road in the city of Lincoln on which any tramway shall be laid or constructed either under the Order of 1881 or under this Order as lies between the rails of such tramway and extends for a distance of two feet on either side of such rails and shall from time to time renew when necessary and keep in repair such granite paving so to be made and lying between the rails of every such tramway and extending for two feet on the outside of each such rails.

The granite paving herein-before required and its renewal and repair shall be done to the reasonable satisfaction of the road authority or their surveyor.

As to rails of tramways.

11. The rails of the tramways shall be such as the Board of Trade may approve and the Board of Trade may from time to time upon the application of the road authority require the Promoters to adopt and apply such improvements in the tramways including the rails thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Promoters shall with all reasonable despatch comply with

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

Penalty for not maintaining rails and road in good condition.

12. The Promoters shall at all times maintain and keep in good condition and repair to the satisfaction of the road authority and so as not to be a danger or annoyance to the ordinary traffic the rails of which any of the tramways for the time being consist and the sub-structure 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 or by twenty inhabitant ratepayers of the city and county of the city of Lincoln 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.

13. The 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.

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

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

Additional crossings &c. may be made where necessary.

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

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

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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 every such removal re-making or re-laying shall be borne by the road authority.

Temporary tramways may be made when necessary.

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

If any difference 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.

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 the road authority may be applied by the Promoters so far as may be necessary in or towards such works or in or towards the reinstating of such road and the maintenance for six months after completion of any of the tramways of so much of the roadway as the Promoters are by section twenty-eight of the Tramways Act 1870 or by this Order required to maintain and the Promoters shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority or to such person or persons as he may appoint to receive the same Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice thereof duly given to the road authority such surplus is not removed by such surveyor or by some other person or persons named by him for that purpose such surplus paving metalling or material or so much thereof as may not have been removed by such surveyor or person shall absolutely vest in and belong to the Promoters and may be dealt with removed or disposed of by them in such manner as they may think fit Any difference between the Promoters and the road authority or such surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the Promoters and any road authority.

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

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

Motive Power.

Carriages on tramways may be moved by

19. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power and during a period of seven years after the

opening of the same for public traffic and with the consent in writing of the Board of Trade during such further periods not exceeding seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board by steam power or any mechanical power.

animal steam or 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 the Order of 1881 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.

Extending to this Order provisions of Order of 1881 as to use of steam power.

20. The following provisions of the Order of 1881 (that is to say) sections twenty-seven to thirty-three (both inclusive) and Schedule A to the said Order annexed shall apply to the tramways authorised by this Order in like manner in every respect as if the said tramways formed part of the tramways authorised by the Order of 1881.

Traffic and Tolls.

Tramways for purposes of traffic and tolls to form part of tramways authorised by Order of 1881.

21. The tramways by this Order authorised shall for the purposes of traffic thereon and of the tolls and charges to be demanded and taken thereon be subject to the provisions in that behalf of the Order of 1881 as amended by this Order and sections thirty-four to forty-two (both inclusive) of the Order of 1881 as amended by this Order and the Schedule B to that Order annexed shall apply to the tramways by this Order authorised and to the traffic thereon and to the tolls and charges authorised to be demanded and taken in respect of such traffic in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Order of 1881.

Promoters not bound to carry animals &c.

22. The Promoters shall not be bound unless they think fit to carry on any of their tramways any traffic other than passengers passengers' luggage not exceeding twenty-eight pounds in weight and parcels not exceeding fifty-six pounds in weight.

As to traffic on tramways on Sundays.

23. The Promoters shall not run or permit or suffer to be run upon any of their tramways any car or carriage past any place of worship during the time of divine service on a Sunday at a faster pace than a walking pace and if the Promoters at any time fail to comply with this provision they shall for every such default be subject to a penalty not exceeding forty shillings and such penalty may be recovered as by section fifty-six of the Tramways Act 1870 is provided.

Amendment of section 42 of Order of 1881.

24. From and after the passing of the Act confirming this Order section forty-two of the Order of 1881 (with respect to the periodical revision of tolls) shall be read and construed as though the following words were inserted therein at the end of the said section namely—"Provided also that a copy of this section "shall be annexed to every table or list of tolls published or exhibited by the "Promoters."

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Miscellaneous.

Extension of time for completion of authorised tramways.

25. The time prescribed for the completion and opening for public traffic of the tramways and works authorised by the Order of 1881 as subsequently extended from time to time by special direction of the Board of Trade (except the portions of Tramways Nos. 2 and 4 and Tramway No. 3 authorised by the said Order which are by this Order directed to be abandoned) shall be and the same is hereby extended until the expiration of two years from the passing of the Act confirming this Order.

Abandonment of portions of tramway.

26. The Promoters may and shall abandon the construction of the following tramway and portions of tramway that is to say :—

So much of Tramway No. 2 authorised by the Order of 1881 as was proposed to extend from the western end of Longdales Road and through Newport to the eastern end of Rasen Lane ;

The whole of Tramway No. 3 authorised by the Order of 1881 ;

The first chain or thereabouts of Tramway No. 4 authorised by the same Order and forming the curve connecting Tramway No. 4 with the said Tramway No. 3 in Burton Road.

Sum deposited in respect of tramways authorised by Order of 1881 to apply to tramways authorised by this Order.

27. Whereas the estimated expense of the tramway and portions of tramway by this Order directed to be abandoned exceeds the estimated expense of the new or additional tramways by this Order authorised to be constructed therefore the sum paid into the Chancery Division of the High Court of Justice to the credit of ex parte the Lincolnshire Tramways 1881 in relation to the tramways authorised by the Order of 1881 shall be deemed to have been deposited in relation to the tramways authorised by this Order as well as the tramways authorised by the Order of 1881 and shall be applied in the same way and shall be subject to the conditions prescribed by the rules made by the Board of Trade under the Tramways Act 1870 with respect to dividends repayment interest and forfeiture in the same manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Order of 1881.

Provisions as to arbitration.

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

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

(1) Every notice shall be in writing or print or partly in writing and partly in print and if given by the Promoters or any local authority or any road authority shall be signed by their secretary or clerk and if given by the Corporation in any capacity other than that of local authority shall be signed by the town clerk ;

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

Agreements between Promoters and road authorities.

30. 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 alteration of the widths or levels of any road vested in such road authority and with respect to the construction maintaining removing renewing repairing and using of the tramways situated within the district of such road authority and the rails plates sleepers and works connected therewith and the facilitating of the passage of the traffic over the same.

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

31. 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 power of borrowing on mortgage.

32. Nothing in the Order of 1881 or 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.

Carrying of mails by Promoters.

33. (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

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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 tramway 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.

For protection of the Postmaster-General.

34. In the event of any tramways of the Promoters being worked by electricity the following provisions shall have effect:—

(1) It shall not be lawful for the Promoters to lay down any line or rail or to do any act or work for working such tramways by electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected and before any such line or rail is laid down or any such act or work is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing such work shall give written notice to the Postmaster-General specifying the course of the line or rail and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the

Postmaster-General from being injuriously affected by the said act or work;

(2) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by the Board of Trade whose decision shall be final and sections thirty to thirty-two (both inclusive) of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act;

(3) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues;

(4) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice;

(5) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work;

(6) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

Saving for general Acts

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

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STOCKPORT AND HAZEL GROVE TRAMWAYS.

Order authorising the construction of Tramways in the parishes of Stockport and Cheadle in the county of Chester.

Short title.

1. This Order may be cited as the Stockport and Hazel Grove Tramways Order 1889.

Incorporation of Acts.

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

Interpretation.

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

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

The term "person" shall include a corporation.

Promoters.

ThePromoters.

4. The Stockport and Hazel Grove Carriage and 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 let and dispose of any such lands which may not be necessary for such purposes and may erect or construct on any such lands any offices stables sheds workshops stores or other buildings yards works and conveniences for the purposes of the undertaking. Provided that they shall not at any time hold for such purposes more than five acres of land; but nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon lands taken under the powers of this section.

Construction of Tramways.

Construction of tramways.

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

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The tramways authorised by this Order are—

A Tramway No. 1 commencing in St. Peter's Square Stockport at a point in the road north-westward of and about half a chain distant from the north-west side of the "Cobden Monument" and from thence passing southward along St. Petersgate and by a curve south-eastward to Lord Street then passing along that street to Wellington Street and from thence by a curve to Wellington Street and thence passing along that street in a westerly direction to Wellington Road South thence in a curve in a south-eastwardly direction along Wellington Road South and Heaviley to opposite Kennerley Grave Lane. The above portion of Tramway No. 1 is within the township and parish of Stockport. From the end of Kennerley Grave Lane the tramway will pass in a south-eastwardly direction along Mile End Road Stockport Great Moor and Stepping Hill to a point westward of and 1·14 chains distant from the south-west corner of Hazel Grove Mill. This portion of Tramway No. 1 is within the townships of Stockport and Bramall. From the last described point the tramway will pass along the said road there called London Road in the townships of Bosden Bramall and Norbury to a point in the said road south-westward of and about 1·25 chains distant from the north-east corner of Button Lane. From thence in a south-eastwardly direction along the said road for a distance of 7·75 chains or thereabouts entirely within the said township of Norbury. From the last described point in a south-eastwardly direction along the said road for a distance of 8·66 chains or thereabouts to a point in the said road opposite the private road leading to Torkington Lodge and in the said township of Torkington. From the last described point in a south-eastwardly direction within the said township of Norbury and along the said road to a point 1·14 chains distant or thereabouts from the north-west corner of the Rising Sun Inn.

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

(1A) In Lord Street commencing at a point distant about ·5 chain north-eastwardly, measured from the north-east corner of County Borough Chambers and from thence in a southwardly direction terminating at a point 1·18 chains from such commencement.

(1B) In Wellington Road South in the township of Stockport commencing at a point 1·5 chains southward from the south-west corner of Wellington Street and from thence in a southwardly direction 3 chains from such commencement.

(1C) In Wellington Road South in the township of Stockport commencing at a point opposite the north-east corner of James Leech Street and from thence in a southwardly direction for a distance of 3 chains from such commencement.

(1D) In Wellington Road South in the said township of Stockport commencing at a point about 1 chain north-eastward of the north-east corner of Longshut Lane West thence in a southerly direction and terminating 3 chains from such commencement.

(1E) In Wellington Road South in the said township of Stockport commencing at a point opposite the north corner of the Blossoms Hotel thence in a

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south-easterly direction and terminating 2 chains from such commencement.

(1F) In Heaviley in the said township of Stockport commencing at a point 3 chains southward from the south-east corner of Hallam Terrace and from thence in a south-eastwardly direction and terminating 2 chains from such commencement.

(1G) At Mile End in the townships of Stockport and Bramall commencing at a point opposite the centre of the easterly entrance to Davenport Park thence in a south-easterly direction and terminating 6 chains from such commencement.

(1H) At Stockport Great Moor in the said townships of Stockport and Bramall commencing at a point 1·75 chains northward from the north-east corner of the Dog and Partridge Inn thence in a south-eastwardly direction terminating 2 chains from such commencement.

(1I) At Stockport Great Moor in the said townships of Stockport and Bramall commencing at a point opposite the south-west corner of Cherry Tree Lane, and from thence in a southwardly direction terminating 2 chains from such commencement.

(1J) At Stepping Hill, in the said townships of Stockport and Bramall commencing at a point about 2 chains southward of the south-west corner of Dialstone Lane thence in a southwardly direction terminating 2 chains from such commencement.

(1K) In London Road in the said townships of Stockport and Bramall, at a point about 1·25 chains southward from the south-east corner of the George and Dragon Inn thence in a south-eastwardly direction terminating 2 chains from such commencement.

(1L) In London Road in the townships of Bramall and Bosden at a point about 1·66 chains southward from the south-easterly corner of Lever Street thence in a south-eastwardly direction terminating 3 chains from such commencement.

(1M) In London Road in the said townships of Bosden and Norbury at a point about 1·66 chains north-westward from the north-east corner of Button Lane and from thence in a south-eastwardly direction terminating 3 chains from such commencement.

(1N) In London Road, in the township of Norbury, commencing at a point about 1 chain northwardly from the north-west corner of the Rising Sun Inn, and from thence in a northerly direction for a distance of 3 chains, and then forming a junction with Tramway No. 1.

The total length of Tramway No. 1 is 3 miles 1 furlong 5·8 chains. The total length of the double portions of Tramway No. 1 is 3 furlongs 7·18 chains.

Tramway No. 2 commencing at the easterly end of Cheadle Road in the township of Cheadle Bulkeley and parish of Cheadle opposite the northerly end of Dale Street and from thence in an eastwardly direction along Castle Street thence along Greek Street crossing Shaw Heath in the parish and township of Stockport to join the Tramway No. 1 in Wellington Road South at a point about 1 chain distant from the south-east corner of the Nelson Hotel.

Tramway No. 2 shall be laid as a single line except at the following places (for passing purposes) where it shall be laid as a double line:

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(2A) Commencing at a point about ·33 chain north-eastward from the north-west corner of Dale Street and from thence in an eastwardly direction along Castle Street for a distance of one chain and then forming a junction with Tramway No. 2.

(2B) Commencing at a point about ·5 chain south-westward from the south-west corner of Bulkeley Street and from thence in an easterly direction for a distance of about 1·3 chains from such commencement.

The passing places 2A and 2B are situate wholly in the township of Cheadle Bulkeley in the parish of Cheadle.

(2C) In Greek Street and Shaw Heath commencing at a point about ·6 chain westward from the south-west corner of Barlow Street and from thence in an easterly direction for a distance of 3 chains from such commencement.

(2E) In Greek Street and Wellington Road South and commencing at a point 1·45 chains north-eastward from the south-east corner of Frances Street and from thence in a north-easterly direction along Greek Street and by means of a curve into and along Wellington Road South to join the passing place 1C in Tramway No. 1 at a point about 1·5 chains from its commencement.

The passing places Nos. 2C and 2E are both in the township and parish of Stockport.

The total length of Tramway No. 2 is 4 furlongs 8·6 chains. The total length of the double portions of Tramway No 2 is 6·8 chains.

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 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 or 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.

As to rails of tramways.

8. The rails of the tramways shall be such as the Board of Trade may approve and the Board of Trade may from time to time upon the application of the road authority of any district in which the tramways or any 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.

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Penalty for not maintaining rails and road in good condition.

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

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.

10. 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.

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

11. 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.

Single lines may be laid as double with consent of the local or road authority and Board of Trade.

12. Any of the tramways by this Order authorised to be laid as a single line may at the option and with the consent in writing of the local authority as to such of the tramways as are within the borough of Stockport and of the road authority as to such of the tramways as are not within the said borough and of the Board of Trade in either case be laid as a double line. Provided nevertheless that in substituting such double line for such single line as aforesaid no rail shall be so laid that a less space than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road if any owner or occupier of any house shop or warehouse abutting upon the place where such rail is proposed to be laid by notice in writing under his hand addressed to the Promoters express his objection thereto.

Additional passing places and sidings

13. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove all such crossings passing places sidings

junctions turnouts and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient for the efficient working of the tramways or any of them or for facilitating the traffic of the roads in which the same are laid or for providing access to any stables carriage-houses sheds or works or buildings of the Promoters subject in each case 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 any house shop or warehouse abutting on the place where such rail is proposed to be laid by notice in writing under his hand addressed to the Promoters express his objection thereto.

may be made where necessary.

Temporary tramways may be made when necessary.

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

15. Any paving metalling or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters so far as may be necessary in or towards such works or 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 on either side of such tramways as the Promoters are by section twenty-eight of the Tramways Act 1870 or by this Order required to maintain and the Promoters shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority or to such person or persons as he may appoint to receive the same. Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice thereof duly given to the road authority such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material or so much thereof as may not have been removed by such surveyor or person 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

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

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

16. For the protection of the London and North-Western Railway Company (herein-after called the North-Western Company) the following provisions shall apply and have effect:—

(1) No additional crossing passing place siding or turnout shall under this Order be made for or in connection with Tramway No. 1 south-west of the centre line of Wellington Road for the distance co-extensive with and opposite to the front of the approach road to the Stockport (Edgeley) station of the North-Western Company.

(2) The Promoters shall not in any way vary alter or interfere with the structure of any bridge carrying any road over any railway of the North-Western Company and they shall so construct and maintain the tramways over such bridge as not injuriously to affect the same.

(3) In the event of any injury being caused to any such bridge by the construction maintenance repairing user or removal of any of the tramways the North-Western Company may at the expense of the Promoters restore such bridge or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Promoters shall indemnify the North-Western Company against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge as the Promoters are liable to maintain and repair under section twenty-eight of the Tramways Act 1870 and the North-Western Company may recover from the Promoters all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered.

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

(5) In case the principal engineer of the North-Western Company shall be of opinion that any such strengthening is desirable or necessary owing to the carriages or other vehicles on any of the tramways being or being intended to be moved by steam or any mechanical power (in the event of the use of steam or any mechanical power being hereafter authorised on

the tramways) such strengthening shall be effected in all things at the expense of the Promoters who shall also pay to the North-Western Company all additional expense which they may incur or be put to in effecting any such widening lengthening strengthening reconstruction alterations repairs lifting or supporting by reason of the existence of the tramway so passing or any of the works connected therewith the amount of such expenditure to be recoverable as aforesaid by the North-Western Company from the Promoters with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered.

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

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

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

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

Traffic upon Tramways.

Traffic upon tramways.

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

Promoters not bound to carry parcels &c.

19. The Promoters shall not be bound to carry unless they think fit any parcel nor any passengers' luggage exceeding twenty-eight pounds in weight.

Provision as to carriage of parcels in separate carriages.

20. In case the Promoters carry parcels they may and when required by the local authority shall carry the same in separate carriages or separate parts of carriages set apart for that purpose. Provided that this provision shall not apply to the carriage of passengers' luggage.

Promoters not to carry animals and goods.

21. The Promoters shall not carry on the tramways any goods animals or things other than passengers and passengers' luggage and parcels.

Tolls.

Tolls for passengers.

22. 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 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 any 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.

23. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any

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charge being made for the carriage thereof all such personal luggage to be carried by hand and at the responsibility of the passenger and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers.

Cheap fares for labouring classes.

24. The Promoters at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run at least one carriage each way every morning in the week and every evening in the week except Saturday (Sunday Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning nor earlier than six in the evening respectively as the Promoters think most convenient for artisans mechanics and daily labourers at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny). Provided that the Board of Trade may from time to time for good cause shown either authorise the Promoters to discontinue the running of such carriage or may order the Promoters to run an extra carriage at such hours as aforesaid and may from time to time revoke alter or modify such order and in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Tolls for parcels.

25. 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 carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding the tolls and charges specified in the Schedule to this Order annexed subject to the regulations in that behalf therein contained.

Payment of tolls.

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

Periodical revision of tolls.

27. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by 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. Provided also that a copy of this section shall be annexed to every table or list of tolls published or exhibited by the Promoters.

Miscellaneous.

Provisions as to arbitration.

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

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

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

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

Agreements between Promoters and road authorities.

30. The Promoters and any road authority may subject to the provisions of this Order from time to time enter into and carry into effect agreements with respect to the alteration of the widths or levels of any road along which any of the tramways are laid and with respect to the construction maintaining removing renewing repairing working 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 the passage of the traffic over and along the same and over and along the roads in which such tramways are laid.

Acquisition of patent rights.

31. The Promoters may subject to the provisions of this Order (but only for the purposes of the undertaking and not so as to acquire any exclusive right therein) acquire hold and use any patents or patent rights and any licences to use patent rights in connection with tramways or the carriages to be used thereon.

Approval of Board of Trade to sale.

32. 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.

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Saving as to powers of borrowing on mortgage.

33. 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.

Carrying of mails by Promoters.

34. (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 provisions of this section apply in like manner as if the Promoters were a railway company and the tramway 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.

35. 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.

A.D. 1889.

Stockport and Hazel Grove.

SCHEDULE.

TOLLS AND CHARGES FOR PARCELS.

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

For any parcel exceeding fifty-six pounds in weight such sum as the 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 parcels but that term shall apply only to single parcels in separate packages.

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