CHAPTER cxlviii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Bradford and Wyke Tramway, Church and Oswaldtwistle Tramways, and Matlock Tramway. A.D. 1891.

[21st July 1891.]

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 said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

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

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

Short title.

1. This Act may be cited as the Tramways Orders Confirmation (No. 1) Act, 1891.

Confirmation of Orders in schedule.

2. The several Orders as amended and 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.

Protection of houses of labouring classes.

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 consent of the Local Government Board, purchase or acquire in

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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 such persons who may be residing with them.

SCHEDULE.

LIST OF ORDERS.

Bradford and Wyke Tramway.—Order authorising the construction of a Tramway in the Townships of North Bierley and Wyke, in the Parishes of Bradford and Birstall, in the West Riding of the County of York.

Church and Oswaldtwistle Tramways.—Order authorising the construction of Tramways in the Districts or Townships of Church and Oswaldtwistle, in the Parish of Whalley, in the County of Lancaster.

Matlock Tramway.—Order authorising the construction of a Tramway in the Parish of Matlock, in the County of Derby.

BRADFORD AND WYKE TRAMWAYS.

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Order authorising the Construction of a Tramway in the Townships of North Bierley and Wyke, in the Parishes of Bradford and Birstall, in the West Riding of the County of York.

Short title.

1. This Order may be cited as the Bradford and Wyke Tramway Order, 1891.

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 inconsistent with or 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 local board" shall mean the local board for the district of North Bierley, in the parish of Bradford, in the West Riding of the county of York; and the expressions "the tramway" and "the undertaking" shall mean respectively the tramway and works and the undertaking by this Order authorised.

Promoters.

The Promoters.

4. The Bradford and Wyke 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, 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 Tramway.

Construction of tramway.

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 (in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramway herein-after described, with all proper rails, plates, curves, points, offices, weigh-bridges, carriage-houses, engine-sheds, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

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The tramway authorised by this Order will be situate in the townships of North Bierley and Wyke, in the parishes of Bradford and Birstall, and will be wholly in the West Riding of the county of York, and is as follows:—

A main line of tramway 1 mile 5 furlongs 8·40 chains in length, of which 1 mile 4 furlongs and 5·35 chains are single and 1 furlong 3·05 chains are double line, commencing in the district or township of North Bierley, in the parish of Bradford, in the West Riding of the county of York, by a junction with the existing line of the Bradford and Shelf Tramways, in the Bradford and Halifax Road, at a point in the said road opposite the centre of Pearson Road, at Odsal Top, passing thence in a southerly direction along the Huddersfield Road, through Lowmoor, New Road Side, and Storr Hill, and into and along Town Gate, and terminating at Upper Wyke, in the township of Wyke, in the parish of Birstall, in the said West Riding of the county of York, at a point in the said Town Gate 10 yards south of the north-east corner of the Temperance Hall.

The tramway shall be laid as a single line throughout, except at and between the following points, where it shall be laid as a double line, namely:—

For a length of 3·35 chains in the Huddersfield Road, commencing at a point 300 yards south of the south corner of the Coll Hotel, and terminating 3·35 chains south of that point.

For a length of 3·35 chains in the Huddersfield Road, commencing at a point opposite the centre of Common Road, Lowmoor, and terminating 3·35 chains south of that point.

For a length of 3·35 chains in the Huddersfield Road, commencing at a point 200 yards north of the centre of Hollin Hall Lane, at New Road Side, and terminating 3·35 chains south of that point.

For a length of 3 chains in the Huddersfield Road and Town Gate at Upper Wyke, commencing at a point in the Huddersfield Road 78 yards north of the north-west corner of the Temperance Hall, and terminating in the Town Gate 12 yards north of the north-east corner of the Temperance Hall.

Gauge of tramway.

7. The tramway shall be constructed on a gauge of four feet, provided always that so much of section 34 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 tramway, but no engine or carriage used on the tramway shall, except with the consent in writing of the Board of Trade, exceed six feet six inches in width.

Provisions as to construction of tramway.

8. In addition to the requirements of section 26 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 the tramway, lay before the Board of Trade and the road authority a plan and section showing the proposed mode of constructing, laying down, maintaining, and renewing the tramway, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, or renewal of the tramway or any part of the tramway except for the purpose of necessary repairs until such plan, section, and statement have been approved by the Board of

Trade and the road authority, and after such approval the works shall be executed in accordance in all respects with such plan, section, and statement, and under the superintendence and to the reasonable satisfaction of the surveyor of the road authority, as provided by section 26 of the said Act.

As to rails of tramway.

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

Promoters not to stop, &c. roads in local board district.

10. The Promoters shall not, in the construction, alteration, or relaying of any part of the tramway, stop up or interfere with any road within the district of the local board so as to prevent the passage of traffic along such road, nor alter the level of the surface of any road or any part thereof within the said district, except with the previous consent in writing of the local board.

Penalty for not maintaining rails and road in good condition.

11. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which the tramway for the time being consists, 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 28 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 in such manner as by section 56 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 tramway or any part thereof 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 inspection by an officer to be appointed by the said Board, and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report, certified by the Board of Trade, may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are imposed by this section.

Additional crossings may be made where necessary.

12. 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, triangles, junctions, and other works in addition to those particularly specified in and authorised by this Order, as may from time to time be necessary or convenient for the efficient working of the tramway, or for providing access to any stables, engine-houses, carriage-houses, sheds, or works of the Promoters subject to the approval of the road authority, provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side

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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. Provided also that the number and situation of such crossings, passing places, sidings, junctions, triangles, and other works shall be determined by the road authority, and if any difference arise between the Promoters and the road authority with respect to the number or situation of any such crossings, passing places, sidings, junctions, triangles, or works the same shall be settled in the manner specified in section 33 of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

If any crossing, passing place, siding, junction, triangle, or other work so made with the approval of the road authority, or any part thereof, is subsequently objected to by the road authority, the road authority may, by written notice to the Promoters, require them to remove the same, and if the road authority so think fit, to remake or relay the same in some other position to be specified in the notice, and the Promoters shall comply with such requirement.

Tramway to be kept on level of surface of roads.

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

Temporary tramways may be made when necessary.

14. Where by reason of the execution of any work affecting the surface or soil of any road along which the tramway is laid it is in the opinion of the road authority necessary or expedient temporarily to remove or discontinue the use of the tramway or any part thereof the Promoters shall within fourteen days of receiving a notice in writing to that effect from the road authority discontinue or take up the tramway or such part thereof temporarily for such term as may be necessary for the execution of such works. Provided that the execution of such works shall be conducted as expeditiously as possible, and that the Promoters may, with the consent of the road authority, subject to such conditions and in accordance and in all respects with such regulations as the road authority may from time to time make, construct on 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 in lieu of the tramway, or part of the tramway, so removed or discontinued. If any difference arises between the Promoters and any road authority with respect to the reasonableness of any conditions or regulations, or with respect to the mode of constructing any temporary tramway under the authority of this section, the same shall be settled in the manner specified in section 33 of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Local authority to have access to sewers, &c.

15. Every local authority and their officers and servants shall have at all times free access to and communication with all existing and future sewers and drains (whether public or private) under the control of or maintained or repaired by the local authority, and the manholes, ventilating shafts, and other works in connexion therewith, and shall have power, without the consent or concurrence of the Promoters, to construct any new or additional public or private sewers or drains and any manholes, ventilating shafts, or other works connected therewith,

and any lateral or private drains communicating therewith, and the provisions contained in sections 32 and 33 of the Tramways Act, 1870, shall be applicable to the case of any such sewers, drains, or works as aforesaid as though the same were pipes for the supply of gas or water. Provided always that if at any time after the passing of the Act confirming this Order any such sewers or drains (whether public or private) or any other works of or belonging to or under the control of the local 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 the local authority immediately thereupon or at any time thereafter at the cost, expense, and risk of the Promoters, to do what the local authority shall deem necessary in order to the thorough and efficient reinstatement of such sewer, drain, or other work as aforesaid, and if the Promoters shall not on demand pay the local authority the cost and expense incurred by them 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.

Application of road material excavated in construction of tramway.

16. Any paving, metalling, or material excavated by the Promoters in the construction of the tramway from any road under the jurisdiction or control of any road authority may be applied by the Promoters, so far as may be necessary, in or towards the construction of the tramway or in or towards the reinstating of such road and the maintenance for six months after completion of the tramway within the district of such road authority of so much of the roadway of such road on either side of such tramway as the Promoters are by section 28 of the Tramways Act, 1870, 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 as he may appoint to receive the same, and at such places by the side of such road as such surveyor shall direct. Provided that all paving, metalling, or material excavated from any road by the Promoters in the construction of the tramway in the district of the local board which shall not be required by the Promoters for the construction of the tramway or for the reinstating of such road shall vest in and belong to the local board, and may be dealt with, removed, and disposed of by them in such manner as they think fit.

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

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

Tramway not to be opened until certified by Board of Trade

18. The tramway shall not be opened for public traffic until the same has been inspected and certified to be fit for such traffic by the Board of Trade.

Motive Power.

Carriages on tramway may be moved by animal, steam,

19. The carriages used on the tramway 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 from the time specified in such consent

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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 of the said Board, by steam power, electrical power, or any mechanical power.

electrical, or mechanical power.

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

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

20. The Promoters or any person using steam, electrical, or any mechanical power on the tramway contrary to the provisions of this Order or to any of the regulations set forth in the Schedule A to this Order annexed, or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order, shall, for every such offence, be subject to a penalty not exceeding ten pounds, and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues after conviction therefor; provided always that whether any such penalty has been recovered or not, the Board of Trade, in case, in their opinion, the Promoters, or any person using steam, electrical, or any mechanical power on the tramway 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 by Board of Trade.

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

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

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

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

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

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

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

Further powers to local board as to regulations and byelaws.

22. The powers of the local board as the local authority under section 46 of the Tramways Act, 1870, with respect to the making of regulations and byelaws as to the matters and for the purposes in the said section mentioned, and with respect to the repeal or alteration of such regulations and byelaws, shall, subject to the provisions of this Order, and of any byelaw made by the Board of Trade under the authority of this Order, extend and apply to regulations and byelaws for regulating the use of the bell, whistle, or other warning apparatus fixed to any engine used on the tramway within their district.

As to recovery of penalties.

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

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

24. The provisions of the Tramways Act, 1870, relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway, shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Order, or by any regulation made by the Board of Trade under the authority of this Order, at which engines and carriages are to be driven or propelled on the tramway 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.

25. All orders and byelaws made and consents, approvals, 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 purporting to be so signed, the same shall be deemed to have been duly made or given in accordance with the provisions of this Order, and to be orders and regulations within the meaning of the Documentary Evidence Act, 1868, and may be proved accordingly.

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

26. Where the Promoters or any person intend or intends to use steam, electrical, or any mechanical power under the authority of this Order on the tramway, 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 tramway or such part thereof upon which they or he intend or intends to use such power is situate.

Where at the time of giving 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 tramway or such part of the tramway 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

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user paving and keeping in repair of such road, then and in every such case with the consent of the Board of Trade it shall be lawful for the Promoters or such person by such notice, or for such road authority by notice to be served upon the Promoters or such person not later than forty days after the receipt by such road authority of such first-mentioned notice to determine such contract, agreement or arrangement, and thereupon such contract, agreement, or arrangement shall from and after the commencement of the use of steam, electrical, or any mechanical power upon the tramway, or such part thereof, be determined and of no effect.

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

In case any difference arises between any such road authority and the Promoters or such person as to the determination of any such contract, agreement, or arrangement, or in case any such road authority after request in writing by the Promoters or such person, or the Promoters or such person after request in writing by any such road authority during a period of one month after such request, refuse or fail to enter into any such contract, agreement, or arrangement, or to renew the same with or without modification, or to make a new contract instead thereof, or in case of any difference as to the terms of any such contract, agreement, or arrangement, or any renewal thereof, with or without modification or any new contract instead thereof, then and in every such case the difference with respect to such determination or the reasonableness of such refusal or failure or the terms of such contract, agreement, or arrangement, or any renewal thereof with or without modification or any new contract instead thereof shall from time to time on the appeal of either of the parties to the Board of Trade be determined in manner provided by the Tramways Act, 1870, with respect to differences between the Promoters and any road authority, and thereupon the parties shall in all respects conform to such determination and make and observe any contract, agreement, or arrangement thereby prescribed, provided always that while any such appeal is pending the Board of Trade may order that no steam, electrical, or mechanical power shall be used on the tramway or the part thereof to which such appeal relates.

No steam, electrical, or mechanical power shall be used on the tramway or any part of the tramway unless there is in force in relation to the tramway or such part of the tramway 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 tramway is laid.

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

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

Traffic upon Tramway.

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

Traffic upon tramway.

29. No carriages adapted for use upon railways shall be used upon the tramway.

Railway carriages not to be used.

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

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

31. In case the Promoters carry animals, goods, minerals, 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.

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

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

Powers of local board to suspend traffic on tramway.

33. The local board may cleanse any road within their district without reference to the tramway, but whatever cleansing, owing to snow or other matter impeding the traffic, is requisite for the proper working of the tramway shall be executed by the Promoters, who shall in performing the same remove the snow

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

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or other matter from off the centre of the road into the channel at the side thereof. Any dirt or other material or thing removed by the Promoters, their officers or servants, from the grooves of the tram rails shall not be allowed to remain on the road, but shall be at once taken away by the Promoters.

Provisions for mutual running powers in connection with Bradford and Shelf tramways.

34. The Promoters shall, subject to the provisions of this Order, if and when and as required by the local board or the owners for the time being of such portion of the tramways constructed under the authority of the Bradford and Shelf Tramways Order, 1885, as is within the district of the local board and not within the borough of Bradford (which portion of tramways is in this section referred to as "The North Bierley Tramways"), permit all necessary and convenient junctions and communications to be made and maintained between the tramway and the North Bierley tramways; and the Promoters and the owners for the time being of the North Bierley Tramways shall each respectively, if required by the other, grant to each other and their respective assigns and lessees, and, subject as hereinafter mentioned, may exercise reasonable running powers and traffic facilities over and on the North Bierley Tramways and the tramway respectively.

The powers conferred by this section shall not be exercised until the terms, conditions, and regulations to which the Promoters and the local board or such owners and their assigns and lessees respectively, shall be subject in respect of such running powers and traffic facilities, and the tolls or other considerations to be paid by them for the same have been respectively agreed upon between the Promoters on the one hand and the local board or such owners on the other hand, or determined as hereinafter provided, and such terms, conditions, and regulations, and such tolls or other considerations shall, if not agreed upon between the Promoters and the local board, or such owners, be from time to time determined by an arbitrator to be appointed and acting in pursuance of section thirty-three of the Tramways Act, 1870. Provided always that such terms, conditions, and regulations shall in every case be subject to the approval of the Board of Trade.

The Promoters and every company or person in using or traversing the North Bierley Tramways and the tramway respectively, in accordance with the provisions hereinbefore contained, shall at all times observe the regulations and byelaws for the time being in force on the North Bierley Tramways, and on the tramway respectively, so far as the same shall be applicable to the Promoters or to such company or person respectively in the exercise of the said powers, and shall for their own acts and defaults in respect of such user respectively incur all and the same liabilities as the owners or lessees of the North Bierley Tramways and of the tramway respectively.

Provided always that nothing in this Order contained shall apply to or affect any of the tramways within the borough of Bradford, and that nothing in this Order or in the Bradford and Shelf Tramways Order, 1885, contained, shall authorise the local board to place or run carriages upon any tramway, and to demand and take tolls and charges in respect of the use of such carriages.

Tolls.

Tolls for passengers.

35. The Promoters may demand and take, for every passenger travelling upon the tramway or any part thereof, including tolls and charges for the use of the

tramway, and of carriages, and for motive power and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per mile (and for this purpose the fraction of a mile beyond an integral number of miles shall be deemed a mile), but the Promoters may charge for any less distance than two miles any sum not exceeding twopence.

Passengers' luggage.

36. Every passenger travelling upon the tramway may take with him his personal luggage, not exceeding twenty-eight pounds in weight, without any charge being made for the carriage thereof; all such personal luggage to be carried 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.

37. The Promoters at all times after the opening of the tramway, or any part thereof, for public traffic, shall, and they are hereby required to run at least one carriage each way every morning in the week, and every evening except Saturday evening in the week (Sundays, Christmas Day, and Good Friday, always excepted) at such hours, not being later than seven in the morning, or earlier than five in the evening respectively, as the Promoters think most convenient, for artisans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny), provided that in case of any complaint made to the 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 animals, goods, &c.

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

Payment of tolls.

39. The tolls and charges by this Order authorised shall be paid to such persons and at such places upon or near to the tramway, 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.

40. If at any time after three years from the opening for public traffic of the tramway or any portion of the tramway, or after three years from the date of any order made in pursuance of this section in respect of the tramway, or any portion of the tramway, it is represented in writing to the Board of Trade by the local authority of any district in which the tramway or such portion of the tramway 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 tramway, or on such portion of the tramway, 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

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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 tramway, or on such portion of the tramway, 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.

41. Where under the provisions of the Tramways Act, 1870, and this Order, any matter in difference is referred to the arbitration of any person agreed on between the parties or nominated by the Board of Trade, the provisions of the Arbitration Act, 1889, shall, except where otherwise especially provided, 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 fees in respect of the said taxation.

Form and delivery of notices.

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

(1) Every notice shall be in writing, 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 such principal office.

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

43. The Promoters, or any person using the tramway under the authority of this Order, may, with the consent of the Board of Trade from time to time, but subject to the provisions of this Order, enter into agreements with any company or person with respect to receiving from, or forwarding to, any such company or person any passengers, animals, goods, minerals, or parcels, and the fixing, collecting, and apportionment of tolls, charges, rents, or other receipts arising in respect of such traffic.

Power for local board to purchase the undertaking.

44. In addition to the powers conferred upon them by section 43 of the Tramways Act, 1870, the local board, if they so decide by a resolution passed at a special meeting of the members constituting the local board, in accordance with the provisions of section 43 of the Tramways Act, 1870, may, within a period of six months after the passing of the Act confirming this Order, by notice

in writing to be given to the Promoters within three months after the passing of the Act confirming this Order, require the Promoters to sell the undertaking to the local board, and thereupon, provided that the local board shall also cause a copy of such notice to be published within the like period once in the "London Gazette," the local board shall, if so required by the Promoters within one month from the date of such notice, enter into an agreement with the Promoters for such purchase, and to pay the purchase money within six months from the passing of the Act confirming this Order, and the Promoters shall, in pursuance of such agreement (if entered into), sell and transfer the undertaking to the local board, and such sale shall be deemed to be a sale within the meaning of section 43 of the Tramways Act, 1870, and the provisions of the said section so far as the same are applicable shall apply to any sale under the authority of this section. Provided always that the amount of the purchase money to be paid by the local board in respect of such sale shall be the net cost price of such part of the tramway (if any) as may at the date of such sale have been commenced or completed, and also all reasonable costs, charges, and expenses incurred by the Promoters in the application for, obtaining, and confirmation of this Order, and in relation thereto, and all interest and bank commission paid by the Promoters incidental to the construction of the tramway, or such part thereof, or such other price as may be agreed upon between the local board and the Promoters, and that the terms upon which such sale shall be made shall be such as may be agreed upon between the local board and the Promoters, or failing agreement as to such price or terms, such as may be settled by arbitration in manner provided by the provisions of the Lands Clauses Acts, with respect to the purchase and taking of lands otherwise than by agreement, and the term "lands" in the said provisions shall, for the purposes of this section, be construed to mean the undertaking.

Local board to lease tramway to Promoters on request of Promoters.

45. After the completion of the purchase by the local board of the undertaking, in manner hereinbefore provided, and the completion by the local board of the tramway or such part thereof as may not have been prior to such purchase constructed by the Promoters, the Promoters may within one month after receiving the notice from the local board requiring a sale of the undertaking as hereinbefore provided, by notice in writing to the local board, require the local board to grant them a lease of the tramway, and thereupon the local board shall cause to be prepared, and shall execute a lease of the tramway to the Promoters, at an annual rental equal to six and a half per centum per annum on the total amount of the purchase money paid in respect of the tramway to the Promoters by the local board, together with the amount expended by the local board in the construction of the tramway, and for such a term as to expire at the same time as the term of the lease, or agreement for a lease, by the local board to the Bradford and Shelf Tramway Company, Limited, and now subsisting with respect to the tramways authorised by the Bradford and Shelf Tramways Order, 1885, within the district of the local board, and subject to all such usual and necessary conditions, regulations, and restrictions for working and using the tramway as may, with the approval of the Board of Trade, be agreed upon between the local board and the Promoters, or as, failing such agreement, shall be settled by an arbitrator to be appointed by the Board of Trade, in manner provided by section thirty-three of the Tramways Act, 1870, and the Promoters shall, in the events aforesaid, accept such lease and shall execute a counterpart thereof.

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Audit of accounts in case of purchase by local board.

46. In case the local board purchase the undertaking the provisions of the Public Health Act, 1875, with respect to the audit of accounts of local authorities shall apply to the audit of the accounts of the receipts and expenditure of the local board and their officers with respect to the undertaking, as if such accounts related to receipts and expenditure under that Act.

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

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

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

48. The Promoters shall, at the request of the local board, before the completion of the purchase by the local board of the undertaking, at all reasonable times produce to such person as the local board may require all the books, accounts, and vouchers with reference to the construction of the tramway and undertaking, and shall permit such person to take such copies of and extracts from such books and accounts as he may think fit.

Promoters or lessees to be responsible for all damage.

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

Approval of Board of Trade to sale.

50. 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.

Saving as to powers of borrowing on mortgage.

51. 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 43 of the Tramways Act, 1870, or this Order, and that any mortgage granted by the Promoters shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being purchased by the local authority under section 43 of the Tramways Act, 1870, or this Order, and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

For protection of the National Telephone Company.

52. For the protection of the National Telephone Company, Limited, its successors and assigns (in this section called "the Telephone Company,") the following provisions shall have effect in the event of any tramway 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 subsection shall only apply if reasonable and proper precautions have been taken in the erection or 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.

For protection of the Postmaster-General.

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

(1.) The Promoters shall construct their electric lines and other works of all descriptions, and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General, and the currents in such telegraphic lines, and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection, whether by induction or otherwise, to such telegraphic lines, or the currents therein. If any question arises as to whether the Promoters have constructed their electric lines or other works, or work their undertaking in contravention of this subsection, such question shall be determined by arbitration, and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

(2.)—(*a.*) Before any electric line is laid down or any act or work for working the tramway by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs, or the

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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 the work, shall give written notice to the Postmaster-General specifying the course of the line 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.

(*b.*) 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 arbitration.

(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, and, in particular, nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act, 1878, in relation to the matters mentioned in that section.

(7.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act, 1882.

(8.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party, whose decision shall be final, and sections thirty to thirty-two both inclusive, of the Regula-

tion 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.

(9.) Nothing in this section contained shall be held to deprive the Postmaster General of any existing right to proceed against the Promoters by indictment, action, or otherwise, in relation to any of the matters aforesaid.

Carrying of mails by Promoters.

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

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

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

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

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

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

(*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.

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

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

Saving for general Acts.

55. Notwithstanding anything in this Order contained, the Promoters and any person using the tramway 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, electrical power, steam power, or any mechanical power, by any such general Act as aforesaid.

SCHEDULES.

SCHEDULE (A).

Break power of engines.

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

As to fittings of engines.

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

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

With a suitable fender to push aside obstructions;

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

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

Every such engine shall be free from noise produced by blast or clatter of machinery, and the machinery shall be concealed from view at all points above

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four inches from the level of the rails; and all fire used on such engine shall be concealed from view.

As to carriages.

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

Inspection of engines and carriages.

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

As to speed.

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

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

SCHEDULE (B).

Tolls and Charges for Animals, Goods, &c.

		Per mile. s.	d.
Animals.			
For every horse, mule, or other beast of draught or burden -	per head	0	4
For every ox, cow, bull, or head of cattle - - -	,,	0	3
For every calf, sheep, pig, or other small animal - -	,,	0	1½
Goods and Minerals.			
For all coals, coke, culm, charcoal, cinders, dung, compost, manures, gravel, and all undressed materials for the repair of public roads or highways - - - - - - -	per ton	0	2
For all sand, lime, limestone, all stones for building, pitching, and paving, all bricks, tiles, slates, clay, chalk, marl, iron, iron stone, and iron ore - - - - - - - -	per ton	0	2½
For all pig iron, bar iron, hoop iron, and all other similar descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise - - - - -	per ton	0	2⅛
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, metals (except iron), trimmed rails, nails, anvils, vices, and chains - - - - - - -	per ton	0	3
For all wools, cottons, drugs, manufactured goods, fish, and all other ware, merchandise, articles, matters, or things - -	per ton	0	4

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	Any distance. s.	d.
Parcels.		
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.

FOR THE CARRIAGE OF SINGLE ARTICLES OF GREAT WEIGHT.

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

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

REGULATIONS AS TO TOLLS.

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

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

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

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

CHURCH AND OSWALDTWISTLE TRAMWAYS.

Order authorising the construction of Tramways in the Districts or Townships of Church and Oswaldtwistle, in the Parish of Whalley, in the County of Lancaster.

Short title.

1. This Order may be cited as the Church and Oswaldtwistle Tramways Order, 1891.

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 inconsistent with or 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 Blackburn Corporation" shall mean the mayor, aldermen, and burgesses of the county borough of Blackburn, in the county of Lancaster; and

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

Promoters.

The Promoters.

4. The Blackburn Corporation 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, 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, and in accordance with the plans and sections deposited for the purposes of this Order at the office of the Board of Trade (in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described, with all proper rails, plates, curves, points, offices, weigh-bridges, carriage-houses, engine-sheds, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

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The tramways authorised by this Order will be situate in the parish of Whalley, in the county of Lancaster, and are as follows:—

Tramway No. 1:

A main line of tramway, 1 mile 2·85 chains in length, of which 7 furlongs 3·85 chains are single, and 9 chains are double line, commencing by a junction with tramway No. 4, hereinafter described, at a point in Market Street, Church, opposite the Greyhound Inn, thence southwardly along Market Street, Church, and Union Road, Oswaldtwistle, and terminating at a point in Union Road immediately before the same crosses Smithy Brook Bridge.

Provided always that so much of tramway No. 1 as is authorised to be laid between the intersection of Roe Greave Road with Union Road and a point 2 chains westward of the said intersection shall not be constructed unless and until the roadway whereon the said portion of tramway is to be laid shall have been widened so that a space of not less than nine feet six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway.

Tramway No. 2:

1·88 chain in length, a single line throughout, commencing by a junction with tramway No. 1 at a point in Union Road 1·75 chain from the termination of such tramway, thence running into Brookside Lane, and terminating at a distance of 1·88 chain from its commencement.

Tramway No. 3:

0·50 chain in length, a single line throughout, commencing by a junction with tramway No. 1 at a point in Union Road 0·7 chain from the termination of such tramway, and running with a curve for a distance of half a chain, and terminating by a junction with tramway No. 2 at a point 1 chain from the termination thereof, and forming a loop or passing place between tramways Nos. 1 and 2.

Tramway No. 4:

7·50 chains in length, of which 4·50 chains are single and 3 chains are double line, commencing by a junction with the existing tramways of the Blackburn Corporation in Blackburn Road, at a point in Blackburn Road opposite the Navigation Inn, thence running south-westwardly along Wood Street, otherwise Wood Lane, or such new street as may be made on the site thereof under the authority of this Order, into Market Street, Church, and terminating in such street by a junction with tramway No. 1, at its commencement opposite the Greyhound Inn, Church.

The tramways shall be laid as single lines throughout, except at the following places, where they shall be laid as double lines, the lengths being calculated in every case from points nearest to the commencement of the said tramways, and running towards their termination:—

Tramway No. 1:

In Market Street, Church, from the intersection of Sadler Street, for a distance of 3 chains southwardly.

In Union Road aforesaid, from a point 0·75 chain south of the intersection of Spring Street, for a distance of 3 chains southwardly.

In Union Road aforesaid, from a point 0·50 chain south of the intersection of Cross Street, for a distance of 3 chains southwardly.

Tramway No. 4:

In Wood Street, otherwise Wood Lane, from a point 3·50 chains from Blackburn Road for 3 chains south-westwardly.

Gauge of tramways.

7. The tramways shall be constructed on a gauge of four feet, provided always that so much of section 34 of the Tramways Act, 1870, as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage, shall not apply to carriages used on the tramways, but no engine or carriage used on the tramways shall, except with the consent in writing of the Board of Trade, exceed 6 feet and 6 inches in width.

Provisions as to construction of tramways.

8. In addition to the requirements of section 26 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 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 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 26 of the said Act.

As to rails of tramways.

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

Penalty for not maintaining rails and road in good condition.

10. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest, and if the Promoters at any time make default in complying with this provision or with any of the requirements of section 28 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 56 of the said Act is provided.

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In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made any such default as aforesaid the Board of Trade may, if they think fit, direct an inspection by an officer to be appointed by the said Board, and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report, certified by the Board of Trade, may be adduced as evidence of such default, and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are imposed by this section.

Local authority to have access to sewers.

11. Every local authority shall at all times have free access to and communication with all their sewers and drains, and power to lay lateral and private drains and pipes to communicate therewith without the consent or concurrence of the Promoters, and the provisions contained in sections 32 and 33 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 level with surface of roads.

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

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

13. The Promoters may, subject to the provisions of this Order, with the consent of the road authority, from time to time make, maintain, alter, and remove all such crossings, passing places, sidings, triangles, junctions, and other works in addition to those particularly specified in and authorised by this Order, as may from time to time be necessary or convenient for the efficient working of the tramways, or any of them, or for providing access to any stables, engine-houses, carriage-houses, sheds, or works of the Promoters, 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. Provided also that no such crossing, passing place, siding, triangle, junction, or other work having a physical junction with any tramway belonging to the Blackburn Corporation shall be made without the consent in writing of the Blackburn Corporation first had and obtained.

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, with the consent of the road authority, and 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 in lieu of the tramway or part of the tramway so removed or discontinued.

If any difference arises between the Promoters and any road authority with respect to the reasonableness of any conditions or regulations or with respect to the mode of constructing any temporary tramway under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

As to removal and relaying of tramways in case of alterations in roads.

15. If and whenever by reason of the alteration, widening, or diversion of any road or any part of any road along which any of the tramways is laid, it is, in the opinion of the road authority having the control of such road, necessary or expedient, temporarily or permanently, to remove or discontinue the use of such tramway or of any part thereof, such road authority may, if they think fit, by notice in writing, require the Promoters to remove or discontinue the use of such tramway, or such part thereof, and the Promoters shall within 48 hours of receiving such notice discontinue or take up such tramway, or such part thereof, either permanently or temporarily, for such term as may be necessary for the execution of such works, and may in such case, subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make, construct on the same or any adjacent road or on or along any part of the road as altered, widened, or diverted, and subject to the like conditions, and in accordance with the like regulations, maintain, either permanently or so long as occasion may require, a tramway in lieu of the tramway or part of the tramway so removed or discontinued. Provided that such works shall be carried out by the road authority with as little delay as possible, and that no part of the tramways shall be permanently removed so as to break the continuity of such tramways, and that no rail of any tramway shall be permanently laid under this section so that a less space than nine feet six inches shall intervene between it 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.

Application of road material excavated in construction of tramways.

16. Any 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 28 of the Tramways Act, 1870 or by this Order required to maintain, and the Promoters shall if so required deliver the surplus 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 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 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 metalling or material, or so much thereof as may not have been removed by such surveyor or person, shall

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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.

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

17. The tramways shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by the Board of Trade.

For the protection of the Oswaldtwistle Local Board.

18. For the protection of the local board for the district of Oswaldtwistle (in this section called "the local board"), the following provisions shall have effect :—

(1.) The Promoters shall widen the western side of Union Road, Oswaldtwistle, opposite the Castle Inn, by setting back the line of the road to the extent of a straight line drawn from the south corner of No. 22, Union Road, to the north corner of No. 30, Union Road, as shown on a certain plan deposited at the office of the Board of Trade, signed by Charles Courtney Cramp, the chairman, for and on behalf of the Promoters, and by Robert N. Hunter, for the surveyor of the local board, on behalf of the local board, the said line being marked red between the points A and B on the said plan.

(2.) The Promoters shall widen the easterly side of Union Road aforesaid, where the same crosses Tinker's Brook, by setting back the frontage of the said road to the line marked red between the points C and D on the said plan.

(3.) The Promoters shall widen the north-west side of Tinker's Brow, Union Road, aforesaid, by setting back the frontage of the said road to the line marked red between the points E and F on the said plan.

(4.) The Promoters shall widen the carriage-way between Roe Greave Road and New Lane by the addition thereto of the land coloured red on the said plan.

(5.) The Promoters shall raise the level of Union Road between the points marked G and H on the said plan to such an extent not exceeding 12 inches as may be required by the local board, and shall make good the surface of the said road between such points to the full extent of the carriage-way.

(6.) The Promoters shall lower the level of Union Road, aforesaid, between the points marked I and K on the said plan to such an extent not exceeding eight inches as may be required by the local board, and shall make good the surface of the said road between such points to the full extent of the carriage-way.

(7.) The Promoters shall not commence laying down any of the tramways until the above-mentioned works are completed.

(8.) The Promoters shall pave the space between the rails and to the extent of 18 inches on either side thereof for the whole length of the tramways within the district of the local board with granite setts with a straight margin course to the reasonable approval of the local board, and shall take up the existing setts which shall thereupon vest in and belong to, and shall

be removed by, the local board, and the local board shall provide sufficient stone or ballast for the concrete foundation of the tramways.

(9.) The situation of all crossings and passing places within the district of the local board shall be such as may be determined by the local board with the approval of the Board of Trade.

(10.) Sections thirty, thirty-two, and thirty-three of the Tramways Act, 1870, shall extend and apply to the apparatus of the local board, and to the local board in respect thereof, and in construing those sections for the purposes of this section, the word "company" shall include the local board; provided that all works which may in any way interfere with such apparatus under section 30 of the Tramways Act, 1870, or otherwise, may, if the local board so think fit, be executed by the local board, but at the cost in all things of the Promoters.

(11.) If by reason of the construction or maintenance of the tramways any new substituted or additional apparatus or sewers be requisite, the cost of constructing, providing, and laying such apparatus and sewers shall, on demand, and subject to credit being given to the Promoters for the value of any apparatus or sewers rendered useless by the construction or maintenance of the tramways be paid by the Promoters to the local board. Provided that if such substituted apparatus or sewers be of larger dimensions or better quality than those for which the same are substituted, the additional cost arising therefrom shall, unless such larger dimensions or better quality be required by reason of the tramways, be borne by the local board.

(12.) The local board may, from time to time, on giving 24 hours' previous notice in writing to the Promoters, stop, delay, or suspend the working of the tramways in any of the roads within their district, as well for police purposes and for regulating and facilitating traffic on any public occasion, as for the execution of any works of the local board or for any purpose which the local board in the exercise of their powers for the good government of their district, or the safety of the public, deem necessary, provided that such stoppage, delay, or suspension shall continue only as long as may be reasonably necessary for the purposes aforesaid, or any of them.

(13.) The Promoters, in the exercise of their powers, shall do as little damage as may be, and shall make compensation to the local board for any damage sustained by them, by reason or in consequence of the exercise of such powers.

(14.) The local board shall not, either during the progress of the works or at any time thereafter be liable for any loss which may accrue to the Promoters by reason of any suspension of, or interference with, the traffic on the tramways, nor for any accident, damage, or injury not occasioned by or arising as the consequence of any wilful act or default of the local board or their officers or servants, to the tramways, works, or property of the Promoters, or to any person or thing travelling or conveyed on, or using the tramways.

(15.) The word "apparatus" in this section includes gas and water mains, pipes, syphons, plugs, valves, fire-cocks, hydrants, and all apparatus now or hereafter to be used for the supply of gas or water, and the word "sewers"

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includes all present and future public and private sewers and drains and manholes, ventilating shafts, and other works connected therewith.

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For the protection of Church Local Board.

19. For the protection of the local board for the district of Church (in this section called "the Church Local Board") the following provisions shall have effect :—

(1.) Before commencing to lay down any part of Tramway No. 4, in Wood Street, the Promoters may, and shall, in the line and manner shown in the deposited plans, and in accordance with the byelaws of the Church Local Board, construct and make a new street on the site of Wood Street, of a width of 36 feet, with a footpath on either side thereof of 5 feet in width. The Promoters shall pave with granite setts so much of the roadway of the said new street as they are by section 28 of the Tramways Act, 1870, required to maintain and repair, and shall form and lay out the remaining portion of the roadway with ballast to the satisfaction of the Church Local Board, and shall form and lay out with gravel the footpaths on either side of the said street, but shall not be required to kerb or flag the said footpaths, or to lay any sewer in under or in connexion with the said street. Provided always that nothing in this sub-section shall affect any rights or powers of the Church Local Board under the provisions of sections 150 and 257 of the Public Health Act, 1875, against the owners and occupiers of premises fronting, adjoining, or abutting on such new street.

(2.) The Promoters shall set back the wooden building belonging or reputed to belong to them on the east side of Market Street to the line of the first adjoining house on that side of Market Street, and shall also round off the corner of such building towards the Blackburn Road, to a depth of three feet at the corner, so as to make the angle less sharp.

As to junction with tramways of Blackburn Corporation.

20. Any physical junction with any existing tramway belonging to the Blackburn Corporation shall be made, maintained, and worked by and at the expense of the Promoters subject to the approval and to the satisfaction of the Blackburn Corporation, and the provisions of all enactments relating to or affecting the tramways of the Blackburn Corporation, shall, so far as the same are applicable, extend and apply to the making, maintenance, and working of such physical junction by the Promoters.

Saving rights of Blackburn Corporation.

21. Except as is by this Order otherwise expressly provided, nothing in this Order contained shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, or authorities of or belonging to the Blackburn Corporation, but the Blackburn Corporation shall have and may use, exercise, and enjoy the same as fully, freely, and effectually in all respects as they could or might have done if this Order had not been made and confirmed.

Motive Power.

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

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

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

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

Byelaws.

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

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

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

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

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

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

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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.

25. 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.

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

Orders and byelaws to be signed, &c.

27. All orders and byelaws made and consents, approvals, 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 purporting to be so signed, the same shall be deemed to have been duly made or given in accordance with the provisions of this Order, and to be orders and regulations within the meaning of the Documentary Evidence Act, 1868, and may be proved accordingly.

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

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

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

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

In case any difference arises between any such road authority and the Promoters or such person as to the determination of any such contract, agreement, or arrangement, or in case any such road authority after request in writing by the Promoters or such person, or the Promoters or such person, after request in writing by any such road authority during a period of one month after such request, refuse or fail to enter into any such contract, agreement, or arrangement or to renew the same with or without modification, or to make a new contract instead thereof, or in case of any difference as to the terms of any such contract, agreement, or arrangement, or any renewal thereof, with or without modification or any new contract instead thereof, then and in every such case the difference with respect to such determination or the reasonableness of such refusal or failure or the terms of such contract, agreement, or arrangement, or any renewal thereof with or without modification, or any new contract instead thereof, shall from time to time, on the appeal of either of the parties to the Board of Trade, be determined in manner provided by the Tramways Act, 1870, with respect to differences between the Promoters and any road authority, and thereupon the parties shall in all respects conform to such determination and make and observe any contract, agreement, or arrangement thereby prescribed, provided always that while any such appeal is pending the Board of Trade may order that no steam, electrical, or mechanical power shall be used on the tramways to which such appeal relates.

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

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

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

29. Where steam, electrical, or any mechanical power is used by the Promoters or any person on the tramways or any part thereof, no contract, agreement, or arrangement made before or after the commencement of the use of steam, electrical, or mechanical power as aforesaid between the Promoters or such person and any road authority with respect to the user by the Promoters or such person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which the tramways or such part of the tramways are or is laid or with respect to the payment by the Promoters or such person to such road authority of any annual

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

Traffic upon Tramways.

Traffic upon tramways.

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

Railway carriages not to be used on tramways.

31. No carriages adapted for use upon railways shall be used on the tramways.

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

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

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

33. In case the Promoters carry animals, goods, minerals, 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.

Tolls.

Tolls for passengers.

34. 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.

Passengers' luggage.

35. 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.

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

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

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

39. 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 may 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. Periodical revision of tolls.

Miscellaneous.

40. 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 Arbitration Act, 1889, shall, except where otherwise specially provided, 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 fees in respect of the said taxation. Provisions as to arbitration.

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Form and delivery of notices.

41. 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 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.

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

42. The Promoters, or any person using the tramways under the authority of this Order, may, with the consent of the Board of Trade from time to time, but subject to the provisions of this Order, enter into agreements with any company or person with respect to the receiving from, or forwarding to, any such company or person any passengers, animals, goods, minerals, or parcels, and the fixing, collecting, and apportionment of tolls, charges, rents, or other receipts arising in respect of such traffic.

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

43. No sale or assignment of the undertaking shall have any validity or effect until the approval of the Board of Trade to such sale or assignment has been signified in writing.

Saving as to powers of borrowing on mortgage.

44. 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 43 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 43 of the Tramways Act, 1870, and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

For the protection of the National Telephone Company.

45. For the protection of the National Telephone 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 tramways 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 or 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.

For protection of Postmaster-General.

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

(1.) The Promoters shall construct their electric lines and other works of all descriptions, and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General, and the currents in such telegraphic lines, and shall use every reasonable means in the construction of their electric lines and other works of all descriptions, and the working of their undertaking, to prevent injurious affection, whether by induction or otherwise, to such telegraphic lines, or the currents therein. If any question arises as to whether the Promoters have constructed their electric lines or other works, or work their undertaking in contravention of this subsection, such question shall be determined by arbitration, and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator :

(2.) (*a.*) Before any electric line is laid down or any act or work for working the tramways by electricity 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 the work, shall give written notice to the Postmaster-General specifying the course of the line

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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:

(*b.*) 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 arbitration:

(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, and, in particular, nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act, 1878, in relation to the matters mentioned in that section:

(7.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act, 1882:

(8.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party, 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 or their agents were a company within the meaning of that Act:

(9.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment, action, or otherwise, in relation to any of the matters aforesaid.

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Carrying of mails by Promoters.

47. 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.

(*e.*) 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.

(*f.*) 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.

(*g.*) 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

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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.

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

SCHEDULES.

SCHEDULE A.

Brake power of engines.

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

As to fittings of engines.

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

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

With a suitable fender to push aside obstructions;

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

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

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

As to carriages.

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

Inspection of engines and carriages.

The Board of Trade shall, on the application of the local authority of any district in which steam, electrical, or any mechanical power is used on the tramways,

and may, on complaint made by any person, from time to time inspect any engine or carriage used on the tramways and the machinery therein, and may, whenever they think fit, prohibit the use on the tramways of any such engine or carriage which in their opinion may not be safe for use on the tramways. A.D. 1891.

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As to speed.

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

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

SCHEDULE B.

Tolls and Charges for Animals, Goods, &c.

Animals.	Per Mile. s.	d.
For any horse, mule, or other beast of draught or burden, per head -	0	4
For every ox, cow, bull, or head of cattle - - - -	0	3
For every calf, sheep, pig, or other small animal - - -	0	1½

Goods and Minerals.		
For all coal, coke, culm, charcoal, cinders, dung, compost, manures, gravel, and all undressed materials for the repair of public roads or highways, per ton - - - - - - -	0	2
For all sand, lime, limestone, all stones for building, pitching, and paving, all bricks, tiles, slates, clay, chalk, marl, iron, iron stone, and iron ore, per ton - - - - - - - -	0	2½
For all pig iron, bar iron, hoop iron, and all other similar descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise, per ton - - - - -	0	2½
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, metals (except iron), trimmed rails, nails, anvils, vices, and chains, per ton - - - - - - -	0	3
For all wools, cottons, drugs, manufactured goods, fish, and all other ware, merchandise, 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.		

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

Single Articles of Great Weight.	Per Mile. s.	d.
For any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, exceeds four tons, but does not exceed eight tons, such sum as the Promoters may think fit, not exceeding per ton - - -	2	0
For any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, exceeds eight tons, such sum as the Promoters may think fit.		

Regulations as to Tolls.

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

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

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

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

MATLOCK TRAMWAY.

A.D. 1891.

Matlock.

Order authorising the construction of a Tramway in the Parish of Matlock in the County of Derby.

Short title.

1. This Order may be cited as the Matlock Tramway Order 1891.

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 inconsistent with or 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 tramway" and "the undertaking" shall mean respectively the tramway and works and the undertaking by this Order authorised.

Promoters.

The Promoters.

4. The Matlock 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 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 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 Tramway.

Construction of tramway.

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 tramway 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 tramway authorised by this Order is:

A tramway (four furlongs or thereabouts in length) wholly in the parish of Matlock in the county of Derby commencing in Crown Square Matlock Bridge at a point distant twenty-five yards or thereabouts south of the lamp

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in Crown Square Matlock Bridge aforesaid passing thence north-eastwardly along Bank Road and thence turning in a northerly direction into Rutland Street and terminating in Rutland Street at a point fifteen yards or thereabouts from the imaginary centre line of Wellington Street.

The tramway shall be laid as a single line except between the following points where it shall be laid as a double line:—

In Bank Road from its commencement for a distance of 1·95 chains or thereabouts;

In Bank Road from a point distant 26·7 chains or thereabouts from its commencement and near the crossing of Smedley Street for a distance of 2·5 chains or thereabouts.

Gauge of tramway.

7. The tramway 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 tramway but no carriage used on the tramway shall exceed six feet three inches in width.

Provisions as to construction of tramway.

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

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

Penalty for not maintaining rails and road in good condition.

10. The Promoters shall at all times maintain and keep in good condition and repair to the satisfaction of the road authority and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramway 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 Tramsways 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 tramway or any portion thereof 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 inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are imposed by this section.

Paving and materials of roadway.

11. So much of any road in any district upon which the tramway is laid as the Promoters are under the provisions of the Tramways Act 1870 or this Order required to repair shall be paved and maintained with such paving material and foundations as the road authority of such district shall reasonably require.

Local authority to have access to sewers.

12. Every local authority and their officers and servants 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 though the same were a pipe for the supply of gas or water.

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

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

Additional crossings &c. may be made where necessary.

14. The Promoters may 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 tramway or for facilitating the traffic of the roads in which the same is 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.

Temporary tramways may be made where necessary.

15. Where by reason of the execution of any work affecting the surface or soil of any road along which the tramway is laid it is in the opinion of the

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road authority necessary or expedient temporarily to remove or discontinue the use of the tramway or any part thereof the Promoters may with the consent of the road authority and 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 in lieu of the tramway or part of the 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 under the authority of this section the same shall be settled in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

Application of road materials excavated in construction of works.

16. Any paving metalling or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters so far as may be necessary in or towards such works or in or towards the reinstating of such road and the maintenance for six months after the completion of the tramway within the district of such road authority of so much of the roadway on either side of the tramway 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.

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

17. The tramway shall not be opened for public traffic until the same has been inspected and certified to be fit for such traffic by the Board of Trade.

Motive Power.

Carriages on tramway may be moved by cable power.

18. The carriages used on the tramway may subject to the provisions of this Order during a period of seven years after the opening of the same for public traffic and with the consent of the Board of Trade during such further periods not exceeding seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board be moved by cable power that is to say by wire ropes placed underground and

worked by stationary engine power upon the system at present known as the continuous conduit system of cable tramways or such other system as may from time to time be approved by the Board of Trade.

Provided always that the exercise of the powers hereby conferred with respect to the use of cable 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 cable power on the tramway.

Penalty for using cable power contrary to order or regulations.

19. The Promoters or any person using cable power on the tramway contrary to the provisions of this Order or to any of the regulations set forth in the Schedule A to this Order annexed or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues after conviction therefor. 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 cable power on the tramway 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.

20. Subject to the provisions of this Order the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to the tramway 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 regulating the emission of smoke or steam from engines used in working the tramway ;

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 the tramway and the protection of passengers from the machinery used for drawing or propelling such carriages ;

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

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

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

As to recovery of penalties.

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

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

22. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway shall not authorise the 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 drawn or propelled on the tramway 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.

23. All orders and byelaws made and consents approvals 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 purporting to be so signed the same shall be deemed to have been duly made or given in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Act 1868 and may be proved accordingly.

As to contracts with road authorities where cable power used.

24. Before the Promoters or any person use or uses cable power under the authority of this Order on the tramway 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 tramway or such part thereof upon which they or he intend or intends to use such power are or is situate.

Before using cable power on the tramway or any part thereof and thereafter from time to time the Promoters or such person and every such road authority may enter into or renew with or without modification any contract agreement or arrangement with respect to the user by the Promoters or such person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which the tramway or such part of the tramway 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 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 the reasonableness of such refusal or failure or the terms of such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof shall from time to time on the appeal of either of the parties to the Board of Trade be determined in manner provided by the Tramways Act 1870 with respect to 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 cable power shall be used on the tramway to which such appeal relates.

No cable power shall be used on the tramway or any part of the tramway unless there is in force in relation to the tramway or such part of the tramway 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 tramway is laid.

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

25. Where cable power is used by the Promoters or any person on the tramway or any part thereof no contract agreement or arrangement made before or after the commencement of the use of cable 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 tramway or such part of the tramway 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 cable 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 Tramway.

Traffic upon tramway.

26. The tramway may be used for the purpose of conveying passengers animals goods minerals and parcels.

Railway carriages not to be used on tramway.

27. No carriages or trucks constructed or adapted for use upon railways shall be used upon the tramway.

Promoters not bound to carry animals goods &c.

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

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

29. In case the Promoters carry animals goods minerals 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.

Tolls.

Tolls for passengers.

30. The Promoters may demand and take for every passenger travelling upon the tramway or any part thereof including tolls and charges for the use of the tramway and of carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding three pence either way.

Passengers' luggage.

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

Cheap fares for labouring classes.

32. The Promoters at all times after the opening of the tramway or any part thereof for public traffic shall if required so to do by the Board of Trade or the local authority run at least one carriage each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as the Promoters think most convenient for artizans mechanics and daily labourers at tolls or charges not exceeding one 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 animals goods &c.

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

Payment of tolls.

34. The tolls and charges by this Order authorised shall be paid to such persons and at such places upon or near to the tramway 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.

35. If at any time after three years from the opening for public traffic of the tramway or any portion of the tramway or after three years from the date of any order made in pursuance of this section in respect of the tramway or any portion of the tramway it is represented in writing to the Board of Trade by the local authority of any district in which the tramway or such portion of the tramway 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 tramway or on such portion of the tramway 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 tramway or on such portion of the tramway in such manner as they may 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.

Power to hold patents.

36. 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 licences to use patent rights relating to the construction or working of tramways or the carriages used thereon or the engines and appliances used in connection therewith.

Provisions as to arbitration.

37. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 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.

38. 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 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.

39. The Promoters may subject to the provisions of this Order from time to time enter into agreements with any road authority with respect to the construction maintaining removing renewing repairing and using of the tramway

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situated within the district of such road authority and the rails plates sleepers and works connected therewith and the facilitating the passage of the traffic over the same.

Power to enter into agreements with respect to traffic.

40. The Promoters or any person using the tramway under the authority of this Order may with the consent of the Board of Trade from time to time but subject to the provisions of this Order enter into agreements with any company or person with respect to the receiving from or forwarding to any such company or person any animals goods minerals or parcels and the fixing collecting and apportionment of tolls charges or other receipts arising in respect of such traffic.

Approval of Board of Trade to sale.

41. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing.

Saving as to powers of borrowing on mortgage.

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

Carrying of mails by Promoters.

43.—(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.

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

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SCHEDULES.

SCHEDULE A.

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

At 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 conductor 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 machinery of the cable power used for drawing or propelling such carriage.

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

As to speed. The speed at which carriages may be drawn or propelled along the tramway 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 Animals Goods &c.

	Any distance. s.	d.
Animals.		
For every horse mule or other beast of draught or burden per head	0	9
For every ox cow bull or head of cattle - - - - -	0	9
For every calf pig sheep or other small animal - - - -	0	6
Goods and Minerals.		
For all coals coke culm charcoal cinders dung compost manures gravel and all undressed materials for the repair of public roads or highways per ton - - - - - - - -	1	6

	Any distance. s.	d.
For all sand lime limestone all stones for building pitching and paving all bricks tiles slates clay chalk marl iron ironstone and iron ore per ton	1	6
For all pig-iron bar-iron hoop-iron and all other similar descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise per ton	1	6
For all sugar grain corn flour hides dyewoods earthenware timber staves deals metals (except iron) trimmed rails nails anvils vices and chains per ton	1	0
For all wools cottons drugs manufactured goods fish and all other ware merchandise articles matters or things per ton	1	0

Parcels.

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.

Single Articles of Great Weight.

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

Regulations as to Tolls.

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

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

With respect to stone and timber 14 cubic feet of stone 40 cubic feet of oak mahogany teak beech or ash and 50 cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

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