CHAPTER cxci.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Barrow-in-Furness Corporation Tramways, Liverpool and Walton-on-the-Hill Tramways, and Liverpool Corporation Tramways (Extensions). A.D. 1894.

[17th August 1894.]

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

And whereas a Provisional Order made by the Board of Trade under the authority of the 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, 1894.

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.

A.D. 1894.

Protection of houses of labouring class.

3. The Promoters mentioned in the said Orders shall not, in the exercise of the powers of this Act, or of the said Orders, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers, or, except with the consent of the Local Government Board, ten or more houses which were not so occupied on the said fifteenth day of December, but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics, artisans, 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.

BARROW-IN-FURNESS CORPORATION TRAMWAYS.—Order authorising the Mayor Aldermen and Burgesses of the Borough of Barrow-in-Furness to construct additional Tramways in the said Borough.

LIVERPOOL AND WALTON-ON-THE-HILL TRAMWAYS.— Order authorising the Liverpool United Tramways and Omnibus Company to construct additional Tramways in the Parish and Township of Walton-on-the-Hill and for other purposes.

LIVERPOOL CORPORATION TRAMWAYS (EXTENSIONS).—Order authorising the Mayor Aldermen and Citizens of the City of Liverpool to construct additional Tramways in the said City.

BARROW-IN-FURNESS CORPORATION.

A.D. 1894.

Barrow-in-Furness.

Order authorising the Mayor Aldermen and Burgesses of the Borough of Barrow-in-Furness to construct additional Tramways in the said Borough.

Short title.

1. This Order may be cited as the Barrow-in-Furness Corporation Tramways Order 1894.

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

The expression the "borough" shall mean the borough of Barrow-in-Furness.

The expression the "Corporation" shall mean the mayor aldermen and burgesses of the borough.

The expression the "Order of 1884" shall mean the Barrow-in-Furness Tramways Order 1884.

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Order or in any Act wholly or partly incorporated with this Order shall have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Promoters.

The Promoters.

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

Lands by agreement.

5. The Promoters may appropriate and use for the purposes of the undertaking any lands not dedicated to the public use now vested in them and forming part of their corporate estates and they may also by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let and dispose of any such lands which may not be necessary for such purposes and may erect or construct on any such lands any offices stables sheds workshops stores waiting-rooms 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

A.D. 1894.

Barrow-in-Furness.

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 or permitted 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 at the office of the Board of Trade for the purposes of this Order (in this Order referred to respectively as "the deposited plans" and "the deposited sections" the tramways herein-after described with all proper rails points junctions plates offices weigh-bridges stables carriage-houses engine-sheds warehouses works and conveniences connected therewith or for the purposes thereof.

The tramways authorised by this Order will be wholly situate in the borough and are as follows (that is to say) :—

Tramway No. 1 (four furlongs 1·50 chains in length of which three furlongs 2·50 chains are single line and nine chains are double line) commencing in Ferry Road at a point seventeen yards north-west of the north-west corner of the Crow Nest Hotel passing thence along Ferry Road into and along Michaelson Road and terminating in the last-mentioned road by a junction with the existing tramway therein at a point thirty-three yards from the intersection of Ferry Road and Michaelson Road measured in a northerly direction.

This tramway shall be laid as a single line except in the following instances where it shall be laid as a double line namely :—

(*a.*) In Ferry Road between the points twenty yards north-west and forty-six yards south-east respectively of the junction of St. Patrick's Road and Ferry Road.

(*b.*) In Ferry Road between the points thirty yards north-west and thirty-six yards south-east respectively of the west corner of the Naval Construction and Armaments Works.

(*c.*) In Ferry Road and Michaelson Road between the point thirty-seven yards north-west of the intersection of those roads and the termination of the tramway.

Tramway No. 4 (a single line 1·78 chains in length) wholly situate in Ferry Road commencing by a junction with Tramway No. 1 at the commencement thereof and terminating at a point thirty-nine yards from the commencement of the tramway measured in a northerly direction.

Tramway No. 5 (a single line 2·81 chains in length) commencing in Ferry Road by a junction with Tramway No. 4 at a point sixteen yards from the termination of such tramway passing thence in an easterly direction into and along Stanley Road and terminating therein at a point sixty-two yards from the commencement of the tramway.

Tramway No. 6 (a single line 1·66 chains in length) commencing in Stanley Road by a junction with Tramway No. 5 at a point sixteen yards from the termination of such tramway passing thence in a south-westerly direction into and along Ferry Road and terminating therein by a junction with Tramway No. 1 opposite to the north-west corner of the Crow Nest Hotel.

Tramway No. 7 (four furlongs 9·45 chains in length whereof four furlongs 3·45 chains are single line and six chains are double line) wholly situate in Abbey Road commencing by a junction with the existing tramway therein at the termination thereof opposite to Prior's Lea and terminating at a point forty yards south of the drinking fountain near Abbey Gate Cottages.

This tramway shall be laid as a single line except in the following instances where it shall be laid as a double line namely:—

(*a.*) Between the points one hundred and sixteen yards and one hundred and eighty-two yards respectively north-east of the intersection of Abbey Road and Leith Flat Brow Road.

(*b.*) Between the points two hundred and thirty-five yards and three hundred and one yards respectively from the intersection of Abbey Road and Rating Lane measured in a north-easterly direction.

Tramway No. 8 (a single line 1·89 chains in length) commencing in Abbey Road by a junction with Tramway No. 7 at a point one hundred and fifty yards from the commencement thereof passing thence in a north-westerly direction into and along a proposed road and terminating therein at a point thirty yards north-west of the intersection of Abbey Road and the said proposed road.

Tramway No. 9 (a single line 1·21 chains in length) commencing in the said proposed road by a junction with Tramway No. 8 at a point sixteen yards from the termination thereof passing thence in a southerly direction into and along Abbey Road and terminating therein by a junction with Tramway No. 7 at a point sixteen yards south-west of the intersection of Abbey Road and the said proposed road.

Tramway No. 10 (a single line 2·72 chains in length) commencing in Abbey Road by a junction with Tramway No. 7 at a point eighty yards from the termination of such tramway passing thence in a northerly and north-westerly direction into and along Dalton Lane and terminating therein at a point sixty yards from the commencement of the tramway.

Tramway No. 11 (a single line 2·43 chains in length) commencing in Dalton Lane by a junction with Tramway No. 10 at a point sixteen yards from the termination thereof passing thence in an easterly direction into and along Abbey Road and terminating therein by a junction with Tramway No. 7 at a point twenty-eight yards from the termination thereof.

Tramway No. 12 (a single line 2·55 chains in length) commencing in Michaelson Road by a junction with the existing tramway therein at a point thirty yards south of the centre of Schneider's statue passing thence in an easterly direction into and along Duke Street and terminating therein by a junction with the existing tramway therein opposite to the centre line of Burlington Street.

Tramway No. 13 (a single line three chains in length) wholly situate in Roose Road commencing by a junction with the existing tramway therein at a point thirty-five yards south-west of the west corner at the junction of the occupation road leading to Roose Farm with Roose Road passing thence in an easterly direction and terminating at a point sixty-eight yards from the commencement of the tramway.

Tramway No. 14 (a single line 1·70 chains in length) wholly situate in Roose Road commencing by a junction with Tramway No. 13 at a point sixteen yards from the termination thereof passing thence in a north-westerly and

A.D. 1894.

Barrow-in-Furness.

northerly direction and terminating at a point six yards east of the corner last above mentioned.

Tramway No. 15 (a single line 0·80 chains in length) wholly situate in Roose Road commencing by a junction with Tramway No. 14 at a point sixteen yards from the termination of such tramway passing thence in a south-westerly direction and terminating by a junction with Tramway No. 13 at a point twenty-three yards from the commencement thereof.

Gauge of tramways.

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

For the protection of the Furness Railway Company.

8. For the protection of the Furness Railway Company (herein-after in this section called "the company") the following provisions shall have effect (that is to say):—

(1.) All works executed by the Promoters under the provisions of this Order in the construction of that portion of the Tramway No. 1 by this Order authorised which crosses on the level the shipyard siding of the company shown on the deposited plans shall be done under the superintendence and to the reasonable satisfaction of the engineer for the time being of the company and shall be made only according to plans and sections to be submitted by the Promoters to such engineer and to be reasonably approved of by him in writing under his hand or in case of difference by the arbitrator to be appointed as in this section provided before any of such works are begun Provided always that such plans and sections shall be approved or disapproved within fourteen days after the same shall have been submitted to such engineer and shall be considered as approved if not disapproved within that time and that if the said engineer shall refuse or neglect to superintend any work after reasonable notice the Promoters may execute the work without his superintendence.

(2.) The Promoters shall not in the construction and maintenance of the said works injure the said siding or (except so far as may be necessary) obstruct or interfere with the free uninterrupted and safe user thereof.

(3.) If by the execution of any of the said works the said sidings or any of the traffic passing along the same shall be injured or damaged such injury or damage shall be forthwith made good by the Promoters at their own expense or in the event of their failing so to do then the company may make good the same and recover the expense thereof with full costs from the Promoters in any court of competent jurisdiction and if any interruption shall be occasioned to the traffic on the railways or sidings of the company by the execution of the said works the Promoters shall on demand pay to the company all costs and expenses to which they may be put as well as compensation for the loss and inconvenience sustained by them by reason of any such interruption such costs expenses and compensation to be respectively recoverable with full costs by the company from the Promoters in any court of competent jurisdiction.

(4.) The company may from time to time erect at and near the point where the Tramway No. 1 by this Order authorised will cross on the level the said siding of the company such signals apparatus and conveniences as may

A.D. 1894.

Barrow-in-Furness.

be necessary or as may from time to time be required by the Board of Trade and may appoint and remove such watchmen signalmen or other persons as may be necessary for the prevention of danger to or interference with the traffic on or over the said siding at and near the said crossing and the working and management of such signals apparatus and conveniences shall be under the exclusive regulation of the company and all the expenses of erecting and maintaining such signals apparatus and conveniences and of employing those watchmen signalmen and other persons and all incidental expenses connected therewith shall be repaid by the Promoters to the company as regards the expenses of erection on the completion thereof and as regards all such other expenses at the end of every half-year and in default of such repayment the amount of such expenses may be recovered from the Promoters by the company with full costs in any court of competent jurisdiction.

(5.) The Promoters shall at all times maintain and repair and keep in good order and condition to the reasonable satisfaction in all respects of the engineer of the company the portion of the said Tramway No. 1 which will be carried across and on the level of the said siding of the company and if and when the Promoters fail so to do the company may make and do such works of maintenance and repair as may be necessary and the sum from time to time expended by the company in that behalf shall be repaid to the company by the Promoters and in default of payment may be recovered by the company from the Promoters with full costs in any court of competent jurisdiction.

(6.) Notwithstanding anything in this Order contained it shall not be lawful for the Promoters except with the previous consent in writing of the company to make between the point marked on the deposited plans of Tramway No. 1 three furlongs (indicating the distance of three furlongs from the commencement of the tramway) and the termination of that tramway any crossings passing places sidings triangles junctions turn-outs or other works in addition to those shown on the deposited plans and particularly specified in and authorised by this Order.

(7.) If any difference at any time arises between the company and the Promoters touching any of the matters mentioned or referred to in this section such difference shall from time to time on the application of either party be referred to and determined by an arbitrator to be appointed by the Board of Trade and the costs of the arbitration and of the reference shall be in the discretion of the arbitrator.

For the protection of the Barrow Ship-building Company Limited.

9. For the protection of the Barrow Ship-building Company Limited (herein-after in this section called "the company") the following provisions shall have effect (that is to say):—

(1.) All works executed by the Promoters under the provisions of this Order in the construction of that portion of the Tramway No. 1 by this Order authorised which crosses on the level the tramway of the company shown on the deposited plans shall be done under the superintendence and to the reasonable satisfaction of the engineer for the time being of the company and shall be made only according to plans and sections to be submitted by the Promoters to such engineer and to be reasonably approved of by him in writing under his hand or in case of difference by the arbitrator to be appointed as in this section provided before any of the works are begun

A.D. 1894.

Barrow-in-Furness.

Provided always that such plans and sections shall be approved or disapproved within fourteen days after the same shall have been submitted to such engineer and shall be considered as approved if not disapproved within that time and that if the said engineer shall refuse or neglect to superintend any work after reasonable notice the Promoters may execute the work without his superintendence.

(2.) The Promoters shall not in the construction and maintenance of the said works injure the said tramway of the company nor except so far as may be necessary obstruct or interfere with the free uninterrupted and safe user thereof.

(3.) If by the execution of any of the said works the said tramway of the company or any of the traffic passing along the same shall be injured or damaged such injury or damage shall be forthwith made good by the Promoters at their own expense or in the event of their failing so to do then the company may make good the same and recover the expense thereof with full costs from the Promoters in any court of competent jurisdiction and if any interruption shall be occasioned to the traffic on the said tramway of the company by the execution of the said works the Promoters shall on demand pay to the company all costs and expenses to which they may be put as well as compensation for the loss and inconvenience sustained by them by reason of any such interruption such costs expenses and compensation to be respectively recoverable with full costs by the company from the Promoters in any court of competent jurisdiction.

(4.) The company may from time to time erect at and near the point where the Tramway No. 1 by this Order authorised will cross on the level the tramway of the company such signals apparatus and conveniences as may be necessary or as may from time to time be required by the Board of Trade and may appoint and remove such watchmen signalmen or other persons as may be necessary for the prevention of danger to or interference with the traffic on or over the said tramway of the company at and near the said crossing and the working and management of such signals apparatus and conveniences shall be under the exclusive regulation of the company and all the expenses of erecting and maintaining such signals apparatus and conveniences and of employing those watchmen signalmen and other persons and all incidental expenses connected therewith shall be repaid by the Promoters to the company as regards the expenses of erection on the completion thereof and as regards all such other expenses at the end of every half-year and in default of such repayment the amount of such expenses may be recovered from the Promoters by the company with full costs in any court of competent jurisdiction.

(5.) The Promoters shall at all times maintain and repair and keep in good order and condition to the reasonable satisfaction in all respects of the engineer of the company the portion of the said Tramway No. 1 which will be carried across and on the level of the tramway of the company and if and when the Promoters fail so to do the company may make and do such works of maintenance and repair as may be necessary and the sum from time to time expended by the company in that behalf shall be repaid to the company by the Promoters and in default of payment may be recovered by the company from the Promoters with full costs in any court of competent jurisdiction.

(6.) Notwithstanding anything in this Order contained it shall not be lawful for the Promoters except with the previous consent in writing of the company to make between the point marked on the deposited plans of Tramway No. 1 three furlongs (indicating the distance of three furlongs from the commencement of the tramway) and the termination of that tramway any crossings passing places sidings triangles junctions turnouts or other works in addition to those shown on the deposited plans and particularly specified in and authorised by this Order.

(7.) If any difference at any time arises between the company and the Promoters touching any of the matters mentioned or referred to in this section such difference shall from time to time on the application of either party be referred to and determined by an arbitrator to be appointed by the Board of Trade and the costs of the arbitration and of the reference shall be in the discretion of the arbitrator.

Provisions as to construction of tramways.

10. In addition to the requirements of section twenty-six of the Tramways Act 1870 the Promoters shall before they proceed to open or break up any road for the purpose of constructing laying down maintaining 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.

As to rails of tramways.

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

Penalty for not maintaining rails and roads in good condition.

12. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Promoters at any time fail to comply with this provision or with any of the provisions of section twenty-eight of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section fifty-six of the said Act In case it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough that the Promoters have made any default in complying with the provisions in this section contained or with any of the requirements of section twenty-eight of the Tramways Act 1870 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 a secretary or an assistant secretary of 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 passing places may be made where necessary.

13. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove all such crossings passing places sidings triangles junctions turnouts and other works in addition to those particularly specified

A.D. 1894.

Barrow-in-Furness.

in and authorised by this Order as may from time to time be necessary or convenient for the efficient working of the tramways or any of them or for facilitating the traffic of the roads in which the same are laid or for providing access to any warehouses stables carriage-houses sheds or works of the Promoters or their lessees or licensees Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of any house shop or warehouse abutting on the place where such rail is proposed to be laid by notice under his hand addressed to the Promoters express his objection thereto.

Temporary tramways may be made where 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 Promoters necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Promoters may from time to time construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway in lieu of the tramway or part of a tramway so removed or discontinued.

Application of road materials excavated in construction of works.

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

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

16. 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.

Motive Power.

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

17. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power and during a period of seven years after the opening of the same for public traffic and with the consent in writing of the Board of Trade during such further periods not exceeding seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board by steam power or any mechanical power including haulage by wires ropes cables chains or other appliances placed underground in connection with stationary engines or otherwise and electric power carried along with the carriages or applied by means of the rails or conductors placed above on or under the ground Provided always that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the Schedule A. to this Order annexed and to any regulations which may be added thereto or substituted therefor respectively by any Order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam or any mechanical power on the tramways.

Provided also that the lessees under any lease granted by the Promoters shall not use steam or any mechanical power on the tramways or any part thereof unless they are authorised to do so by the special permission of the Promoters

and the Promoters may with the consent of the Board of Trade and subject to the provisions of this Order attach to such special permission such conditions and restrictions as they may think fit.

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

18. The Promoters or their lessees or any company or person using any power other than animal power on 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 thereof Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters or their lessees or any company or person using any power other than animal 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 their lessees or such company or person to cease to exercise the powers aforesaid and thereupon the Promoters or their lessees or such company or person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

19. Subject to the provisions of this Order the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of the tramways upon which any power other than animal 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 in working the 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 the 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 the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

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

As to recovery of penalties.

20. The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Order and to any penalty for

A.D. 1894.

Barrow-in-Furness.

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.

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

22. 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 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.

Amendment of Order of 1884.

23. The expression "mechanical power" in the Order of 1884 shall be deemed to include electric power carried along with the carriages or applied by means of the rails or conductors placed above on or under the ground Provided that in no case shall electric power be used on any of the tramways by that Order authorised (unless such power is entirely contained in and carried along with the carriages) without the consent in writing of the corporation and then only subject and according to such conditions as the corporation may prescribe.

Restrictions on use of electric power.

24. The following provisions shall apply to the use by the Promoters of electric power under the provisions of this Order or of the Order of 1884 unless such power is entirely contained in and carried along with the carriages:—

(1.) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance.

(2.) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances.

(3.) The powers by this Order conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations") 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 or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return.

(4.) If the Promoters use electric power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they 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 during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Promoters in the use of electric power under the authority of this Order have made default in complying with the provisions of this Order or with any of the prescribed regulations or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electric power and thereupon the Promoters shall cease to use electric power and shall not again use 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.

(5.) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expirati n of a period of three years from the passing of the Act confirming this Order nothing in this subsection shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Promoters and any other party with respect to anything in this subsection contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.

(6.) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes.

A.D. 1894.

Barrow-in-Furness.

(7) The expression "the Promoters" in this section shall include their lessees and the licensees and any company or person owning or using any tramway of the Promoters or any tramway authorised by the Order of 1884.

For protection of the Postmaster General.

25. Section three of the Barrow-in-Furness (Release of Deposit) Order 1888 is hereby repealed and the following provisions shall apply and have effect in lieu thereof in the event of the tramways or any part thereof being worked by electricity :—

(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.) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection.

(3.) (*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 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.

(4.) 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.

(5.) 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 cognisance 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.

(6.) 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.

(7.) 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.

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

(9.) 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 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.

(10.) 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.

(11.) In this section the expression "the Promoters" includes their lessees and the licensees and any company or person owning or using the tramways and the expression "the tramways" includes the tramways authorised by the Order of 1884.

Traffic and Tolls.

Applying provisions of Order of 1884 as to traffic tolls &c.

26. The tramways by this Order authorised shall for the purposes of traffic thereon and of the tolls and charges to be demanded and taken thereon be deemed to form part of the tramways authorised by the Order of 1884 and the provisions of sections thirty-eight to forty-six (both inclusive) of that Order and of Schedule B. thereto shall so far as the same are applicable extend and apply to the tramways by this Order authorised and to the traffic thereon and to the tolls and charges authorised to be demanded and taken in respect of such traffic in like manner in every respect as if the tramways by this Order authorised formed part

A.D. 1894.

Barrow-in-Furness.

of the tramways authorised by the Order of 1884 and for the purposes of such application the expression "the Promoters" in the said provisions shall be construed to mean the lessees and any company or person working any of the tramways.

Fares not to be raised on Sundays &c.

27. The lessees or any company or person working any of the tramways authorised by this Order or by the Order of 1884 shall not raise their fares on any Sunday or public holiday.

Miscellaneous.

Confirmation of scheduled agreement.

28. The agreement made between the Promoters and the Barrow-in-Furness Tramways Company Limited set forth in the Schedule B. to this Order is hereby confirmed and made binding on the parties thereto and the same shall be carried into effect subject and according to the provisions of this Order.

Promoters may in certain cases work tramways.

29. If at any time the Promoters are unable to demise any tramways for the time being belonging to them or any part thereof respectively upon such terms as in the opinion of the Board of Trade will yield to the Promoters an adequate rent therefor the Board of Trade may grant a licence to the Promoters to work such tramways and the Promoters may thereupon work the same and may provide such horses cars engines machines fixed and moveable tramway plant materials and things (all of which are hereafter included in the word "plant") and may employ such persons as may be requisite or convenient for working such tramways and in such case all enactments relating to the working of such tramways and the taking of tolls rates and charges therefor shall extend and apply mutatis mutandis to and in relation to the Promoters.

Provided that if at any time during such working by the Promoters any company make to the Promoters a tender in writing to take a lease of and to work such tramways or such part thereof as aforesaid for such period (not being less than seven years unless the Promoters otherwise agree) at such rent and upon such terms and conditions as shall in the opinion of the Board of Trade be adequate and proper and such company at the same time offer to purchase the plant of the Promoters not included in such lease at a price to be fixed (unless otherwise agreed on between such company and the Promoters) by a competent valuer to be appointed by the Board of Trade then upon payment of such price the Promoters shall demise such tramways to such company at such rent and upon such terms and conditions as aforesaid and the powers of the Promoters to work such tramways or such part thereof as aforesaid shall during the continuance of such lease cease and determine.

Provisions as to arbitration.

30. 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 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.

31. 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 shall be signed by their town clerk and if given by any company or by any local authority or any road authority by their secretary or clerk.

(2.) Any notice to be delivered by or to the Promoters to or by any body or company may be delivered by being left at the principal office of such body or company or at the said town clerk's office 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 or to the said town clerk at his office.

Mortgages to include rents.

32. The Corporation may include in any mortgage of the local rate made by them under section twenty of the Tramways Act 1870 the moneys coming to them out of the rents reserved under any lease made under the authority of this Order and the tolls charges and sums authorised to be taken or received by them under the provisions of this Order.

Audit of accounts.

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

Section 265 of the Public Health Act 1875 incorporated.

34. Section two hundred and sixty-five (protection of local authority and their officers from personal liability) of the Public Health Act 1875 is hereby incorporated with this Order and in construing that section for the purposes of this Order the expression "this Act" where used in that section shall mean this Order.

Saving for general Acts.

35. Nothing in this Order contained shall exempt the Promoters lessees or any company or person using the tramways or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter be passed during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges authorised by this Order.

SCHEDULE A.

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.

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.

A.D. 1894.

Barrow-in-Furness.

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.

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.

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

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

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

SCHEDULE B.

MEMORANDUM of AGREEMENT entered into this twenty-first day of February one thousand eight hundred and ninety-four between the mayor aldermen and burgesses of the borough of Barrow-in-Furness (herein-after called "the Corporation") of the one part and the Barrow-in-Furness Tramways Company Limited (herein-after called "the Company") of the other part Whereas under a Provisional Order made by the Board of Trade under the Tramways Act 1870 and confirmed by Act of Parliament (47 and 48 Vict. c. cvii.) which received the Royal Assent on the fourteenth day of July one thousand eight hundred and eighty-four certain tramways and works have been constructed by the Company in the borough of Barrow-in-Furness aforesaid and it has been deemed expedient that such extensions should be made and such further works constructed as are particularly set forth in the schedule hereto and accordingly the Corporation with the approval of the Company have applied to the Board of Trade under the provisions of the Tramways Act 1870 for a Provisional Order for powers to carry out such extensions and works as aforesaid Now these presents witness and it is mutually agreed between the Corporation and the Company as follows :—

1. The Corporation shall continue their application to the Board of Trade under the provisions of the Tramways Act 1870 for a Provisional Order to authorise the construction of the works mentioned in the schedule hereto and shall use their best endeavours to obtain such Provisional Order and afterwards to procure the same to be confirmed by Parliament.

2. If such Provisional Order shall be obtained and afterwards confirmed the Corporation shall be at liberty to construct the works to be so authorised or such of them as may from time to time be considered by the council to be expedient and the Company shall afford the Corporation all reasonable facilities for the purpose of making connexions with the existing lines of the Company The Corporation may at any time they think fit pave the line described in the first

part of the said schedule with setts and for this purpose may enter on the line after the same has been leased to the Company (as provided for in the following clause) but for the purposes of this clause the Corporation shall not stop the traffic upon such lines for an unreasonable length of time The Company shall be entitled to compensation from the Corporation for any unreasonable stoppage of traffic under this clause.

3. The Corporation shall subject to the consent of the Board of Trade being obtained and subject to the provisions of the Tramways Act 1870 and of the Provisonal Order to be so obtained as aforesaid lease the use of the line described in the first part of the said schedule to the Company and the Company shall accept a lease thereof for a term commencing from the expiration of fourteen days after the date on which the said line shall have been certified by the Board of Trade to be fit for public traffic and ending on the fourteenth day of July one thousand nine hundred and five or such earlier day as the Corporation under the provisions of the Tramways Act 1870 and the said Provisional Order and Act of 1884 or of any of them shall purchase or take over the undertaking of the Company authorised by such last-mentioned Order and Act Such lease shall contain provisions making it obligatory on the Company to run cars from one extremity of the line the use whereof is demised to the other extremity at least fourteen times a day each way during the months of October to April inclusive and twenty-eight times a day each way during the months of May to September inclusive in each year (Sundays Good Friday and Christmas Day excepted) between the hours of eight in the morning and ten in the evening and at least one car each way every hour To fulfil during the term (except as mentioned in clause five hereof, the obligations by the Tramways Act 1870 and the Provisional Order so to be obtained as aforesaid imposed on the Corporation as promoters or owner of the tramway the right of user whereof is demised To repair and maintain (except as aforesaid) the said tramway including the sett paving to the extent mentioned in section twenty-eight of the Tramways Act 1870 when laid such repairs to be to the reasonable satisfaction of the borough engineer and on the determination of the lease without renewal to deliver up to the Corporation the said tramway the right of user whereof is demised. There shall also be contained in such lease a power for the Corporation to determine the lease in the event of the Board of Trade making an order under section forty-two of the Tramways Act 1870 declaring that the powers of the Promoters in respect of the tramways authorised by the said Provisional Order and Act of 1884 shall be at an end and also a proviso for re-entry by the Corporation for the same cause Such of the provisions of the Provisional Order of 1884 as are not inconsistent with these presents shall so far as applicable to the said tramway the right of user whereof is demised be incorporated in the said lease In case the parties shall differ as to the terms of such lease the draft thereof shall be settled by some person to be nominated by the Board of Trade.

4. The rent to be reserved by the lease mentioned in the last preceding clause shall be one hundred and twelve pounds fifteen shillings per annum payable half-yearly until the line is sett paved by the Corporation but if the Corporation shall pave the line of the said proposed extension with setts as herein-before mentioned the rent shall be increased by the yearly sum of seventy-five pounds fifteen shillings and ninepence such additional rent to become due as from the date on which the sett paving shall be certified by the borough engineer as completed and to be

A.D. 1894.

Barrow-in-Furness.

payable on the first half-yearly day of payment of rent mentioned in the lease which shall happen to follow the date of such certificate.

The amounts of the rents mentioned in this clause have been calculated on the assumption of the said proposed Provisional Order being made and confirmed in the form in which it was deposited with the omission of the tramways numbered 2 and 3 and the portion of Tramway No. 1 not included in this agreement and if any further capital expenditure is incurred in respect of the line of tramway described in the first part of the said schedule by reason of any addition to or alteration in that form the said rents shall be increased by a sum equal to five pounds ten shillings per cent. on the amount of such further expenditure Provided that if such addition or alteration is estimated to involve a further capital expenditure exceeding four hundred pounds the Company shall not be bound to accept the lease if they give notice that they decline to do so to the Corporation within one month after the Act confirming the Provisional Order shall have received the Royal Assent.

5. Until the Corporation shall pave the line of tramway with setts as mentioned in clause two hereof the Corporation will properly maintain at their own cost the whole of the macadam of the roadways over which the said line described in the first part of the said schedule shall be laid.

6. If and when the Corporation shall construct any one or more of the works described in the second part of the said schedule the Company shall subject to the consent of the Board of Trade being obtained purchase each of the works so constructed at the price set opposite each work in the said schedule the purchase money to be paid by ten equal yearly instalments the first of such instalments to become payable on the certificate of the borough engineer that such work has been completed Provided that if in the case of any purchase the last of the said ten yearly instalments of purchase money shall not have become payable on or before the said fourteenth day of July one thousand nine hundred and five then and in such case the unpaid balance of the said purchase money shall become due and payable on the said fourteenth day of July one thousand nine hundred and five The Company shall pay interest at four pounds per cent. per annum on the balance of the purchase money from time to time remaining unpaid in respect of each of the works purchased as aforesaid such interest to be calculated up to and payable on the same half yearly days as the rent to be reserved by the lease before mentioned The Company shall be entitled to have possession of each of the said works purchased as aforesaid on payment of the first instalment of purchase money in each case but none of such works shall become or be considered to be the property at law of the Company until payment of the last instalment and all arrears of interest due to the Corporation in respect thereof The Company shall maintain and keep all the said works in respect of which any instalment remains to be paid in good and substantial repair and working order to the reasonable satisfaction of the engineer to the Corporation.

7. Subject to the provision herein-before contained that none of the said works purchased as aforesaid shall become the property at law of the Company until the payment of the last instalment of the purchase money and all arrears of interest due to the Coporation in respect thereof each of the said works purchased as aforesaid shall be deemed to be part of the original undertaking of the Company authorised by the Provisional Order and Act of 1884 and shall be subject to all the powers and provisions applicable to such undertaking under or by virtue of the Tramways Act 1870 and the said Provisional Order and Act of 1884 or any

of them in like manner in all respects as though the same had formed part of the original undertaking of the Company authorised by the said Provisional Order and Act of 1884 and in particular in respect to the exercise by the Corporation of all or any of their powers of purchasing such original undertaking under or by virtue of the Tramways Act 1870 and the said Provisional Order and Act of 1884 or any of them.

8. Provided always that in the event of the Corporation purchasing the said undertaking of the Company before the last instalment of purchase money and all arrears of interest due to the Corporation in respect of any of the works purchased as aforesaid shall have been duly paid the amount of the compensation payable by the Corporation to the Company in respect of such work shall be the aggregate amount of the instalments of purchase money actually paid in respect thereof less all arrears of interest up to the date of the purchase of the said undertaking.

9. There shall be no obligation on the Corporation to construct all or any of the works described in the schedule but as soon as any portion of any of the said works shall be completed the Company shall perform their part of this agreement in respect of such portion without waiting for the completion of any other of the works so described.

10. If any difference shall arise between the Corporation and the Company touching these presents or anything herein contained or as to the amount of any compensation payable under this agreement or for any breach thereof or otherwise or the construction or operation of this agreement or the rights duties or liabilities of any party in connexion with the premises (excepting the payment of the instalments and interest mentioned in clause six) the matter in difference shall be referred to two arbitrators one to be appointed by each party pursuant and so as in all respects to conform to the provisions in that behalf contained in the Arbitration Act 1889 or any then subsisting statutory modification thereof.

11. This agreement is to be subject to such alterations and modifications if any as to the Board of Trade or to any Committee of either House of Parliament shall seem fit but if any such material alteration shall be made either party hereto shall be at liberty at any time before the passing of the Act confirming the Provisional Order to be obtained as aforesaid by notice in writing under their common seal to rescind this agreement In witness whereof the Corporation and the Company have hereunto affixed their respective common seals.

The SCHEDULE above referred to.

First Part.

(A.) Such part of Tramway No. 1 described in the draft of the said proposed Provisional Order as lies between its junction in Ferry Road with Tramway No. 4 in the same draft Order at a point seventeen yards north-west of the north-west corner of the Crow Nest Hotel and the termination of the said Tramway No. 1 in Michaelson Road at a point thirty-three yards from the intersection of Ferry Road and Michaelson Road measured in a northerly direction.

(B.) The whole of the Tramways Nos. 4 5 6 in the said draft Order.

Second Part.

So much of Tramway No. 7 (being 7·60 chains in length of single line throughout) as extends from its commencement in Abbey Road at its junction with the existing tramway to the point of the intersection of the imaginary centre lines of

A.D. 1894.

Barrow-in-Furness.

the Abbey Road and the Leigh Flat Brow and the whole of Tramways Nos. 8 and 9 six hundred and eleven pounds two shillings and sixpence.

Tramway No. 12 one hundred and seventy-eight pounds.

Tramways Nos. 13 14 and 15 three hundred and fifty-nine pounds.

The common seal of the mayor aldermen and burgesses of the borough of Barrow-in-Furness was hereunto affixed in the presence of } Seal of Corporation.

AUGUSTUS H. STRONGITHARM
Deputy Mayor.

C. F. PRESTON
Town Clerk.

The common seal of the Barrow-in-Furness Tramways Company Limited was hereunto affixed by the authority of the Board of Directors in the presence of } Seal of Company.

HENRY FISHWICK
E. HORTON } Directors.
WALTER J. KERSHAW
Secretary.

Liverpool and Walton-on-the-Hill.

LIVERPOOL AND WALTON-ON-THE-HILL TRAMWAYS.

Order authorising the Liverpool United Tramways and Omnibus Company to construct additional Tramways in the parish and township of Walton-on-the-Hill and for other purposes.

Short title.

1. This Order may be cited as the Liverpool and Walton-on-the-Hill Tramways Order 1894.

Incorporation of Acts.

2. The provisions 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 tramways" and "the undertaking" shall mean respectively the tramways and works and the undertaking by this Order authorised.

The expression "the authorised tramways" shall mean the tramways and any tramways for the time being owned by or leased to the Promoters.

The expression "the Walton Order 1880" shall mean the Walton-on-the-Hill Tramways Order 1880.

The expression "the Act of 1882" shall mean the Liverpool Tramways Act 1882.

The expression "the Act of 1892" shall mean the Liverpool Tramways Act 1892.

A.D. 1894.

Liverpool and Walton-on-the-Hill.

The expression "the Local Board" shall mean the Local Board for the district of Walton-on-the-Hill in the county of Lancaster and shall include any corporation or authority which may hereafter be substituted for the Local Board as the local authority in respect of the tramways.

The expression "mechanical power" shall mean electric power whether carried on the cars or transmitted by means of an electric line (and "electric line" for this purpose shall have the same meaning as in the Electric Lighting Act 1882) and steam or other mechanical power including ropes cables chains or wires laid below the surface of the ground.

The Promoters.

4. The Liverpool United Tramways and Omnibus Company incorporated by the Liverpool United Tramways and Omnibus Company's Act 1879 shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Construction of Tramways.

Construction of tramways.

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

The tramways authorised by this Order are:—

Tramway No. 2 situate in the parish and township of Walton-on-the-Hill commencing at a point on the boundary line between the city of Liverpool and Local Government District of Walton-on-the-Hill distant thirty feet in a south-easterly direction from the corner of Barlow Lane and Carisbrooke Road and proceeding in an easterly direction across the junction of County Road and Walton Road along Spellow Lane Walton Lane and Anfield Road and terminating on the boundary line between the City of Liverpool and the Local Government District of Walton-on-the-Hill at a point thirty feet distant in an easterly direction from the boundary wall of the chapel situate at the corner of Sleepers Hill and Anfield Road and forming a junction there with a tramway proposed to be laid in Sleepers Hill by the Corporation of Liverpool.

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

In Spellow Lane between a point twenty feet in a northerly direction from the north-east corner of the Royal Oak Hotel in Spellow Lane and a point eighty-two feet distant in a westerly direction from the south-west corner of Goodison Road at its junction with Spellow Lane.

Provided that between the said points the said tramway shall consist of three rails only so laid as to admit of either of the outer rails together with the centre rail being used as a single line of tramway Provided also that at or near each end of Spellow Lane a suitable crossover line shall be laid so as to enable a tramway car to pass from the side of Spellow Lane along which it would ordinarily travel to the line of rails on the other side for the purpose of avoiding any obstruction in Spellow Lane.

A.D. 1894.

Liverpool and Walton-on-the-Hill.

In Spellow Lane between a point eighty-two feet distant in a northerly direction from the south-west corner of Goodison Road at its junction with Spellow Lane and a point seventy feet distant in a southerly direction from the said corner.

In Walton Lane between a point fifty feet distant in a south-easterly direction from the north-east corner of Langham Street at its junction with Walton Lane and a point one hundred and twenty-two feet distant in a south-easterly direction from the same corner.

In Walton Lane between a point sixty-three feet distant in a north-easterly direction from the south-east corner of Marius Street at its junction with Walton Lane and a point thirty-five feet distant in a south-easterly direction from the same corner.

In Walton Lane between a point thirty feet distant in an easterly direction from the south-east corner of Cockerell Street at its junction with Walton Lane and a point eighty-eight feet distant in a southerly direction from the same corner.

In Anfield Road from a point thirty-eight feet distant in a northerly direction from the north-west corner of Sleepers Hill at its junction with Anfield Road to the termination of the said tramway.

The total length of Tramway No. 2 will be four furlongs 1·50 chains.

The total length of the single portion will be two furlongs five chains.

The total length of the double portion will be one furlong 6·50 chains.

Application of certain provisions of Act of 1882 and of Act of 1892.

6. The provisions of sections twenty-three to thirty-one (both inclusive) of the Act of 1882 and of section eight of the Act of 1892 shall extend and apply to the the tramways and undertaking by this Order authorised and for the purposes of such application the expressions "the tramways" and "the undertaking" in the said provisions shall be construed to include respectively the tramways and undertaking as defined by this Order and the expressions "the Company" and "this Act" shall be construed to mean the Promoters and this Order respectively.

For protection of the Local Board.

7. The following provisions for the protection and benefit of the Local Board shall apply and have effect viz. :—

(Power for Local Board to elect to be substituted as Promoters.)

(1.) The powers in this Order contained for the construction and maintenance by the Promoters of the tramways shall be suspended for six months from the passing of the Act confirming this Order and the Local Board if they so decide by a resolution passed at a special meeting may within such period of six months by notice in writing intimate to the Promoters the intention of the Local Board to be substituted in the place of the Promoters for the purposes of this Order 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" all the rights powers authorities and duties conferred or imposed by this Order upon the Promoters as to the construction maintenance and use of the tramways and the works connected therewith or incidental thereto shall subject to the provisions herein-after contained be transferred to vested in and imposed on and may thenceforth be exercised by the Local Board in like manner as if the Local Board had been in the first instance authorised by this Order to construct such tramways and works and the Local Board shall so far as regards the construction maintenance and use of such tramways be deemed to be the Promoters and

this Order shall be construed accordingly Provided always that in no case shall the construction of the tramways be commenced by the Local Board until after the passing of an Act or the confirmation by Parliament of a Provisional Order authorising the mayor aldermen and citizens of the city of Liverpool to construct tramways in Sleepers Hill and that if after such notice as aforesaid has been sent by the Local Board the tramways or any part thereof shall not be completed within eighteen months from the passing of such an Act or from the confirmation of such a Provisional Order as aforesaid then all the powers of this Order in respect of the tramways or such part thereof as shall not have been completed as aforesaid shall revert to and be exerciseable by the Promoters as if no such notice had been sent Provided also that nothing herein contained shall authorise the Local Board to place or run carriages on any of the tramways and to demand tolls or charges in respect of such carriages.

(Power for Local Board to purchase tramways.)

(2.) In lieu of exercising the powers herein-before in this section contained the Local Board in addition to the powers conferred upon them by section forty-three of the Tramways Act 1870 may if they so decide by a resolution passed at a special meeting in accordance with the provisions of section forty-three of the Tramways Act 1870 at any time after the completion of the tramways or any part thereof by notice in writing sent to the Promoters require the Promoters to sell to the Local Board the tramways or such of them as may at any time be constructed by the Promoters under the powers of this Order and thereupon provided that the Local Board shall also cause a copy of such notice to be published once in the "London Gazette" the Promoters shall sell and convey the same to the Local Board and such sale shall be deemed to be a sale within the meaning of section forty-three of the Tramways Act 1870 and the provisions of the said section so far as the same are applicable shall apply to any sale of such tramways under the authority of this section Provided that the amount of the purchase money shall be the amount properly expended by the Promoters in the construction of such tramways The sale shall be evidenced by a deed duly stamped in which the consideration shall be truly set forth and upon the execution of such deed all the rights powers and authorities of the Promoters in respect of the tramways sold shall subject to the provisions herein-after contained be transferred to and vested in and may be exercised by the Local Board in like manner as if the Local Board had been in the first instance authorised by this Order to construct such tramways and in reference to the same the Local Board shall be deemed to be the Promoters and this Order shall be construed accordingly Provided nevertheless that the Local Board shall not be entitled to exercise the powers in this or the immediately preceding subsection contained or either of them unless they simultaneously by notice in writing to the Promoters require the Promoters to sell to the Local Board the tramways in the district of the Local Board authorised by the Act of 1882 in accordance with section thirty-eight subsection two of that Act Provided also that nothing herein contained shall authorise the Local Board to place or run carriages on any of the tramways and to demand tolls or charges in respect of the use of such carriages.

(As to payment of expenses of Local Board.)

(3.) The Local Board may pay all expenses incurred by them in carrying out any of the provisions of this Order out of the like rate and shall have the like powers to borrow on the same security as if such expenses were expenses

A.D. 1894.

Liverpool and Walton-on-the-Hill.

incurred in carrying into effect the purposes of a Provisional Order applied for and obtained by them under the Tramways Act 1870 and for the purpose of such borrowing the Local Board may include in any mortgage of the local rate any rents reserved under any lease granted by them of any tramways constructed or purchased by them under this Order.

(Local Board to lease tramways to Promoters.)

(4) Immediately after the construction or purchase of any of the tramways by the Local Board under this Order they shall cause to be prepared and execute a lease of the same to the Promoters for a term commencing at the expiration of fourteen days after the date on which such tramways are certified by the Board of Trade to be fit for public traffic or after the date on which such purchase is completed as the case may be and terminating at the same time as the lease granted to the Promoters under section forty-five of the Liverpool Tramways Act 1880 or at the expiration of any extension which may have been granted of the term for which such last-named lease was made and the rent to be reserved by the lease by this section authorised shall be nine pounds per centum upon the cost of construction or purchase-money (as the case may be) and such lease shall be subject to the approval of the Board of Trade and shall in other respects than in this section mentioned be upon and subject to the same terms and conditions as those contained in the existing lease of the tramways within the district of Walton-on-the-Hill from the Local Board of the said district to the Promoters so far as the same are applicable and the Promoters shall accept such lease and execute a counterpart thereof and thereupon all the provisions of this Order with respect to traffic and the tolls and charges by this Order authorised in relation to the tramways shall be applicable to and shall be observed by and the said tolls and charges may be demanded and taken by the Promoters as lessees of the Local Board with respect to the tramways comprised in such lease.

(As to running of cars during lease.)

(5) During the continuance of any lease granted by the Local Board under this Order the Promoters shall run cars every day (except Sundays) between the hours of 8.30 in the forenoon and 8.30 in the evening at intervals of not more than half an hour between both ends of the tramways.

(Local Board to have access to sewers.)

(6) The Local Board 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 apply to any sewer or drain of the Local Board as if the same were a pipe for the supply of gas or water.

(Rails &c. to be approved by Local Board.)

(7) Subject to the approval of the Board of Trade the rails sleepers and details of construction of the tramways shall be such as may be approved by the Local Board.

(Application of road materials.)

(8) Any paving metalling or material (except square sets) excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of the Local Board shall belong to the said Board and the Promoters shall when required so to do permit such paving metalling or material to be taken away by the surveyor for the time being of such Board or by such person as he may appoint Provided that if within seven days after the setting aside of such paving metalling or material and notice

thereof duly given to the Local Board by the Promoters such paving metalling or material is not removed by such surveyor or by some other person named by him for that purpose such paving metalling or material shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Promoters and the Local Board under this sub-section shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the Promoters and any road authority.

(As to paving.)

(9) The Promoters shall pave with square sets the whole of the space between the outside of the tramways in Spellow Lane and the footpath at the sides of that road notwithstanding that the width of such space may exceed eighteen inches Provided always that if the Local Board elect to construct the tramways under sub-section (1) of this section the cost of the paving required to be done under this sub-section beyond the limit of eighteen inches outside the tramway rails shall not be taken as part of the cost of construction of the tramways for the purpose of computing the amount of the rent to be reserved in any lease of the tramways under sub-section (4) of this section but the same shall be paid by the Promoters to the Local Board within one month from the date when the tramways are certified by the Board of Trade to be fit for public traffic.

(Promoters to keep account of cost of construction.)

(10) The Promoters shall keep an account of the cost of the construction of the tramways constructed by them and shall forthwith after the construction of such tramways by them furnish a copy of such account to the Local Board and shall also permit such Board and any person authorised by them at all reasonable times to inspect the original of such account and all contracts receipts and vouchers relating thereto.

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

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

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

(B.) In the event of any injury being caused to any such tunnel bridge or approaches by the construction maintenance laying repairing user or removal of such pipes excavations electric wires wire ropes cables and apparatus the Railway Company may at the expense of the Promoters restore such tunnel bridge or approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Promoters shall indemnify

A.D. 1894.

Liverpool and Walton-on-the-Hill.

the Railway Company against all sums costs and expenses which they may pay or be put to in repairing and maintaining the road over or under such tunnel bridge and approaches in so far as the necessity for such repair or maintenance has arisen in consequence of the construction maintenance laying repairing user or removal of such pipes excavations electric wires wire ropes cables and apparatus as aforesaid and the Railway Company may recover from the Promoters all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt of the like amount is recoverable.

(C.) All works which may be necessary in constructing laying and maintaining any of the said pipes excavations electric wires wire ropes cables or apparatus over or under any railway tunnel bridge works or other property of the Railway Company shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the principal engineer of the Railway Company or in case of difference of an engineer to be appointed by the Board of Trade on the application of the Railway Company or the Promoters.

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

Motive Power.

Carriages may be moved by animal or mechanical power.

9. The carriages used on any of the authorised 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 to the said Board by mechanical power Provided always that the exercise of the powers hereby conferred with respect to the use of mechanical power shall be subject to the regulations set forth in the schedule to the Act of 1892 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 mechanical power on the authorised tramways Provided also that the Promoters shall not use any mechanical power on any tramways leased to them or on any part thereof unless they are authorised to do so by special permission in the lease thereof to them and the lessors of any such tramways may with the consent of the Board of Trade and subject to the provisions of this Order either by such lease or from time to time during the currency thereof attach to such special permission such conditions and restrictions as they may think fit.

Power to lay and maintain pipes and make excavations in streets.

10. The Promoters may from time to time lay and maintain pipes and make excavations under any of the authorised tramways or any part thereof in order to lay use and maintain electric wires wire ropes or cables or any similar apparatus as or for transmitting motive power for the carriages running on such tramways or any of them and the Promoters may manufacture or obtain and use electric wires wire ropes cables or other material and all machinery necessary for such

motive power Provided always that with regard to any tramways of which the Promoters may be the lessees this power shall only be exercised subject to the previous consent and approval in all respects of the owners of such tramways and provided also that this power shall not extend to those portions of any tramways where there is not a space of nine feet six inches between the outside of the footpath on either side of the road and the nearest rail of such tramways unless the Board of Trade consent thereto in writing and provided also that nothing herein shall authorise or empower the Promoters to lay down or place any pipe or other works into through or against any building or in any land not dedicated to public use without the consent of the owners and occupiers thereof and provided also that nothing in this section shall exempt the Promoters from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them in the exercise of the powers of this section.

Application of certain provisions of Act of 1892 as to mechanical power.

11. The provisions of sections seventeen to twenty-two (both inclusive) and of section thirty-eight of the Act of 1892 and of the schedule to the said Act annexed shall extend and apply to the authorised tramways and for the purposes of such application the expressions "the tramways" "the Company" and "this Act" in the said provisions shall be construed to include respectively the authorised tramways as defined by this Order the Promoters and this Order Provided always that notwithstanding anything contained in this Order the provisions of sections twenty-one and twenty-two of the Act of 1892 shall not apply to any of the authorised tramways belonging to a local authority.

Repeal of section 30 of Act of 1892.

12. Section thirty of the Act of 1892 is hereby repealed and so long as the Promoters are the lessees of any tramway belonging to the mayor aldermen and citizens of the city of Liverpool the provisions of section fourteen of the Liverpool Corporation Tramways (Extensions) Order 1891 shall not apply to any such tramway.

Provisions as to use of electric power.

13. The following provisions shall apply to the use by the Promoters of electric power upon any of the authorised tramways under the provisions of the Act of 1892 or of this Order unless such power is entirely contained in and carried along with the carriages :—

(1) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance.

(2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances.

(3) The powers by the Act of 1892 or this Order conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations") 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 or when they may think fit for regulating the employment of insulated returns or uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other

A.D. 1894.

Liverpool and Walton-on-the-Hill.

metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return.

(4) If the Promoters use electric power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any Order made by the Board of Trade under the authority of this Order they 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 during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Promoters in the use of electric power under the authority of the Act of 1892 or this Order have made default in complying with the provisions of this Order or with any of the prescribed regulations or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electric power and thereupon the Promoters shall cease to use electric power and shall not again use 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.

(5) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of three years from the passing of the Act confirming this Order nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Promoters and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.

(6) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes.

(7) The expression "the Promoters" in this section shall include their lessees and the licensees and any person owning or using any of the authorised tramways.

Traffic and Tolls.

Applying certain provisions of Walton Order 1880 as to traffic and tolls.

14. The tramways by this Order authorised shall save as by this Order expressly provided for the purposes of traffic thereon and of the tolls and charges to be demanded and taken thereon be deemed to form part of the tramways authorised by the Walton Order 1880 and the provisions of sections twenty-five to thirty-four (both inclusive) and of Schedule B of the Walton Order 1880 shall so far as the same are applicable extend and apply to the tramways by this Order authorised and to the traffic thereon and to the tolls and charges authorised to be demanded and taken in respect of such traffic in the same manner in all respects as if the tramways by this Order authorised formed part of the tramways authorised by the Walton Order 1880 and for the purposes of such application the expression "the lessees" in the said provisions shall be construed to mean the Promoters.

As to passengers' luggage.

15. Notwithstanding anything contained in any Act of Parliament or Provisional Order confirmed by Parliament authorising the construction of any of the authorised tramways the obligation of the Promoters to carry the luggage of any passenger shall subject to the consent in writing thereto of the lessors in the case of any tramway leased to the Promoters be limited to the personal luggage of such passenger not exceeding twenty-eight pounds in weight and shall be conditional on such luggage being carried by hand and not occupying any part of a seat and not being of a form or description to annoy or inconvenience any passenger and all luggage shall in any case be carried at the responsibility of the passenger and the Promoters shall be under no responsibility with regard thereto.

Miscellaneous.

Provisions as to arbitration.

16. 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 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.

17. 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:

A.D. 1894.

Liverpool and Walton-on-the-Hill.

(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.

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

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

19. The Promoters or any person using the tramways under the authority of this Order on the one hand and any company or person on the other hand may with the consent of the Board of Trade from time to time but subject to the provisions of this Order enter into agreements with respect to the receiving from or forwarding to any such 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.

20. 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 Provided that 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.

For protection of the Postmaster-General.

21. Section twenty-nine of the Act of 1892 is hereby repealed and the following provisions shall apply and have effect in lieu thereof in the event of any of the authorised tramways or any part thereof being worked by electricity :—

(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.) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection.

(3.) (*a.*) Before any electric line is laid down or any act or work for working the authorised 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 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.

(4.) 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.

(5.) 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 cognisance 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.

(6.) 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.

(7.) 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.

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

(9.) 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

A.D. 1894.

Liverpool and Walton-on-the-Hill.

shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.

(10.) 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.

Saving for general Acts.

22. Nothing in this Order contained shall exempt the Promoters or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges authorised by this Order.

Liverpool.

LIVERPOOL CORPORATION TRAMWAYS (EXTENSIONS).

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

Short title.

1. This Order may be cited as the Liverpool Corporation Tramways (Extensions) Order 1894.

Incorporation of Acts.

2. The provisions 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 tramways" and "the undertaking" shall mean respectively the tramways and works and the undertaking by this Order authorised:

The expression "the Order of 1883" shall mean the Liverpool Corporation Tramways (Extensions) Order 1883; and

The expression "the Corporation" shall mean the mayor aldermen and citizens of the city of Liverpool in the county of Lancaster acting by the council.

The Promoters.

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

Construction of tramways.

5. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited for the purposes of this Order (in this Order referred to as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates offices weigh-bridges stables carriage-houses warehouses works and conveniences connected therewith or for the purposes thereof.

The tramways authorised by this Order are—

Tramway No. 1 wholly situated in the township of Everton in the parish of Walton-on-the-Hill in the city of Liverpool commencing in Oakfield Road at the city boundary at a point 0·3 chain south of the south side of Thirlmere Road passing along and terminating in Oakfield Road at its junction with the south side of Walton Breck Road:

Tramway No. 1 shall be laid as a double line throughout except between the points herein-after specified where it shall be laid as a single line (that is to say):—

In Oakfield Road from its commencement to a point 1·1 chains northwards:

The total length of Tramway No. 1 will be two furlongs 2·3 chains:

The total length of the double portion will be two furlongs 1·2 chains:

The total length of the single portion will be 1·1 chains.

Tramway No. 2 wholly situated in the township of Everton in the parish of Walton-on-the-Hill in the city of Liverpool commencing in Robson Street at the termination of the existing tramway passing along Robson Street and Sleepers Hill and terminating in Sleepers Hill at the city boundary:

Tramway No. 2 shall be laid as a single line throughout except between the points herein-after specified where it shall be laid as a double line (that is to say):—

In Robson Street and Sleepers Hill from its commencement to a point 0·5 chain north of the north side of Walton Breck Road:

In Sleepers Hill (north end) between a point 0·2 chain north of the north side of Norgate Street and the city boundary in Anfield Road:

The total length of Tramway No. 2 will be one furlong 4·0 chains:

The total length of the double portion will be 6·9 chains:

The total length of the single portion will be 7·1 chains.

Motive power.

6. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power and during such period not exceeding seven years from the passing of the Act confirming this Order as the Promoters by writing under the hand of the town clerk of Liverpool may specify 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 assistant secretary of the said Board by steam or electric power or by any mechanical power including haulage by means of wire ropes or cables placed underground and worked by stationary engine power.

Provided always that the exercise of the powers hereby conferred with respect to the use of steam electric or any mechanical power shall be subject to the regulations set forth in Schedule A. to the Order of 1883 annexed and to any

A.D. 1894.

Liverpool.

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 electric or mechanical power on the tramways:

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

Restriction on use of electric power.

7. The following provisions shall apply to the use by the Promoters of electric power under the provisions of this Order unless such power is entirely contained in and carried along with the carriages:—

(1.) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2.) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances:

(3.) The powers by this Order conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations") 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 or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

(4.) If the Promoters use electric power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they 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 during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters in the use of electric power under the authority of this Order have made default in complying with the

provisions of this Order or with any of the prescribed regulations or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electric power and thereupon the Promoters shall cease to use electric power and shall not again use 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:

(5.) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of a period of three years from the passing of the Act confirming this Order nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Promoters and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

(6.) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes:

(7.) The expression "the Promoters" in this section shall include their lessees and the licensees and any person owning or using any tramways of the Promoters.

Power to lay down cable system for motive power.

8. The Promoters or with the consent in writing of the Promoters their lessees or any company or person may from time to time lay make and maintain

A.D. 1894. — *Liverpool.*

pipes and excavations under the tramways or any part thereof in order to lay use and maintain wire ropes or cables or any similar apparatus as a motive power for the carriages running on the tramways or any of them and the Promoters may obtain and use wire ropes cables or other material and all machinery necessary for such motive power And the Promoters and their lessees and all companies and persons using the tramways may from time to time agree as to the rent or sum of money to be paid in respect of the user of such motive power.

Extending to this Order certain provisions of Order of 1883.

9. The following provisions of the Order of 1883 (that is to say) sections eight to fifteen both inclusive sections seventeen to thirty-nine both inclusive and sections forty-seven and forty-eight and the Schedules A and B to the said Order annexed shall so far as the same are applicable extend and apply to the tramways and undertaking by this Order authorised in like manner in every respect as if the tramways and undertaking by this Order authorised formed part of the tramways and undertaking authorised by the Order of 1883 and for the purpose of such application the expressions "the tramways" and "the undertaking" in the said provisions shall be construed to include the tramways and the undertaking as defined by this Order the expression "mechanical power" shall be construed to include electric power and section thirty-eight of the Order of 1883 shall be construed as though the Arbitration Act 1889 were therein referred to in lieu of the Common Law Procedure Act 1854.

Extending section 33 and First Schedule of Liverpool Tramways Act 1882.

10. The provisions of section thirty-three of the Liverpool Tramways Act 1882 and of the schedule therein referred to shall so far as the same are applicable extend and apply to the tramways by this Order authorised and to the rates of fares in respect of the traffic thereon in the like manner in every respect as if the tramways by this Order authorised formed part of the tramways by the said Act authorised.

Promoters to grant lease to the Liverpool United Tramways and Omnibus Company.

11. So soon as the tramways shall have been completed and certified by the Board of Trade to be fit for public traffic the Corporation shall grant and the Liverpool United Tramways and Omnibus Company shall accept a lease thereof at a rent equal to ten per centum per annum on the cost of the construction of such tramways which cost shall for the purpose of estimating such rent be deemed to be three thousand three hundred and seventy-seven pounds in respect of Tramway No. 1 and one thousand six hundred and seventy pounds in respect of Tramway No. 2 The said lease shall be for a term to expire on the first day of January one thousand nine hundred and five and shall so far as the same are applicable contain the same covenants and conditions as those contained in the leases under which the said Company now hold the existing tramways from the Corporation Provided that there shall be no obligation upon the said Company to accept a lease of Tramway No. 2 until a Provisional Order shall have been confirmed by Parliament or an Act shall have been passed authorising the construction by the said Company of a tramway in Spellow Lane Walton Road and Anfield Road communicating with the said Tramway No. 2.

Borrowing powers.

12. The Corporation may under and according to the provisions contained in section twenty of the Tramways Act 1870 borrow for the purposes of this Order

in addition to any sum or sums of money they are already authorised to borrow any sum or sums of money not exceeding in the whole five thousand one hundred pounds and the time for which such sum may be borrowed shall be thirty years and for the purpose of such borrowing the Corporation may include in any mortgage of the local rate the moneys coming to them out of the rents reserved under any lease made under the authority of this Order and the tolls charges and sums authorised to be taken or received by them under the provisions of this Order.

Power to issue stock.

13. For the purpose of raising the moneys authorised to be borrowed for the purposes of this Order the Corporation may from time to time create and issue Liverpool Corporation Stock to an amount not exceeding in the whole five thousand one hundred pounds in nominal amount under the Liverpool Corporation Loans Act 1880 and the Liverpool Corporation Act 1893.

Audit of accounts.

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

For protection of the Postmaster-General.

15. 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.) If any telegraphic line of the Postmaster General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection.

(3.) (*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

A.D. 1894.

Liverpool.

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.

(4.) 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.

(5.) 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 cognisance 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.

(6.) 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.

(7.) 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.

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

(9.) 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 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.

(10.) 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.

(11.) In this section the expression "the Promoters" includes their lessees or any company or person working the tramways and the expression "the tramways" includes any authorised tramways of the Promoters.

Printed by Eyre and Spottiswoode,

FOR

T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.