CHAPTER cxx.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Aberdeen District Tramways Blackpool Corporation Tramways Bristol Tramways Dover Corporation Tramways Hull Corporation Tramways Manchester Corporation Tramways and Plymouth Corporation Tramways. [20th July 1896.]

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

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

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

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

1. This Act may be cited as the Tramways Orders Confirmation (No. 1) Act 1896. Short title.

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. Confirmation of Orders in schedule.

3. The Promoters mentioned in the said Orders shall not in the exercise of the powers of this Act or of the said Orders purchase Protection of houses of labouring class.

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or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban 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.

Aberdeen District Tramways.—Order authorising the Aberdeen District Tramways Company to construct additional Tramways in the City and Royal Burgh of Aberdeen.

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

Bristol Tramways.—Order authorising the Bristol Tramways and Carriage Company Limited to make additional Tramways in the City and County of Bristol and in the Urban District of Kingswood in the county of Gloucester and for other purposes.

Dover Corporation Tramways.—Order authorising the Mayor Aldermen and Burgesses of the Borough of Dover to construct Tramways in the said Borough.

Hull Corporation Tramways.—Order authorising the Mayor Aldermen and Burgesses of Kingston-upon-Hull to construct Tramways in the County Borough and Town and County of the Town of Kingston-upon-Hull and for other purposes.

Manchester Corporation Tramways.—Order authorising the Mayor Aldermen and Citizens of the City of Manchester in the county of Lancaster to construct additional Tramways in the said City.

Plymouth Corporation Tramways.—Order authorising the Mayor Aldermen and Burgesses of the Borough of Plymouth to construct additional Tramways in the said Borough and for other purposes.

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ABERDEEN DISTRICT.

Order authorising the Aberdeen District Tramways Company to construct additional Tramways in the City and Royal Burgh of Aberdeen.

Short title.

1. This Order may be cited as the Aberdeen District Tramways Order 1896.

Incorporation of Tramways Act 1870.

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 expression "the Act of 1872" shall mean the Aberdeen District Tramways Act 1872;

The expression "the Act of 1888" shall mean the Aberdeen District Tramways Act 1888;

The expression "the Act of 1894" shall mean the Aberdeen District Tramways Act 1894;

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

The expression "the undertaking" shall mean the undertaking authorised by this Order;

The expression "the town council" shall mean the lord provost magistrates and town council of the city and Royal burgh of Aberdeen.

The Promtoers.

4. The Aberdeen District Tramways Company incorporated by the Act of 1872 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 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 (in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates channels junctions turntables turnouts crossings passing places offices stables carriage engine boiler and dynamo houses waiting rooms sheds buildings works carriages harness tramway plant appliances machinery and conveniences connected therewith or for the purposes thereof.

Provided that 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 under the powers by this section conferred on lands acquired or appropriated for the purposes of any of the authorised tramways of the Promoters.

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The tramways authorised by this Order will be situate wholly in the city parish and city and royal burgh of Aberdeen and county of Aberdeen and are—

Tramway No. 1 (4 furlongs 1·33 chains in length) commencing at a point in Queen's Road West 14 feet or thereabouts east of the centre of the west boundary wall of Bayview House and proceeding thence in an easterly direction along Queen's Road West Queen's Gate and Queen's Road and terminating in the latter street by a junction with Tramway No. 2 herein-after described at a point 106 feet or thereabouts west of the centre of a lamp pedestal situated in the centre or thereabouts of Queen's Cross;

Tramway No. 1 will consist of a single line of tramway except from the commencement of the tramway before described to a point 150 feet or thereabouts eastwards of the commencement where it will be a double line;

Tramway No. 2 (a double line 3·36 chains in length) forming a passing place commencing by a junction with Tramway No. 1 before described at a point 106 feet or thereabouts west of the centre of the before-mentioned lamp pedestal in Queen's Cross and thence proceeding in an easterly direction along Queen's Road Queen's Cross and Albyn Place and terminating in the latter street by a junction with Tramways Nos. 3 and 4 herein-after described at a point 116 feet or thereabouts east of the centre of the before-mentioned lamp pedestal in Queen's Cross;

Tramway No. 3 (a double line 1·62 chains in length in lieu of part of the existing passing place in Queen's Cross and Albyn Place and forming a passing place) commencing in Queen's Cross by a junction with the existing passing place there at a point opposite to the north side of Queen's Road or thereabouts and thence proceeding in an easterly direction along Queen's Cross and Albyn Place and terminating in the latter street by a junction with Tramway No. 2 and Tramway No. 4 herein-after described at a point 116 feet or thereabouts east of the centre of the before-mentioned lamp pedestal in Queen's Cross;

Tramway No. 4 (a double line 4 furlongs 2·96 chains in length in lieu of the existing single line in Albyn Place and Alford Place) commencing in Albyn Place by a junction with Tramways Nos. 2 and 3 at a point 116 feet or thereabouts east of the centre of the before-mentioned lamp pedestal in Queen's Cross and proceeding thence in an easterly direction along Albyn Place and Alford Place and terminating by a junction with the existing double line of Tramways in Union Street.

Provisions as to construction of tramways.

6. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the tramways lay before the Board of Trade and the town council 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 the town council and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the town council as provided by section 26 of the said Act.

Removal of certain existing tramways for purpose of constructing Tramways Nos. 3 and 4.

7. The Promoters may for the purpose of constructing the Tramways Nos. 3 and 4 in substitution for a portion of the existing tramways in Queen's Cross Albyn Place and Alford Place take up and remove so much of the existing tramways as may be required Upon the said portion of existing tramway being taken up and removed by the Promoters under the provisions of this Order all rights powers authorities obligations and liabilities with respect to the said portion of existing tramways so taken up and removed and the construction and maintenance thereof and the traffic thereon and other matters relating to the same shall absolutely cease and determine and Tramways Nos. 3 and 4 shall for all purposes be deemed to be tramways originally authorised by this Order and the provisions of the Act of 1872 shall apply and have effect with regard to such or such parts only (if any) of the tramways authorised by that Act as shall not be so taken up and removed in all respects as if the said portion of tramway so taken up and removed had not formed part of the tramways by the Act of 1872 authorised.

Incorporation of sections of Acts of 1872 1888 and 1894.

8. The following sections of the Acts of 1872 1888 and 1894 shall so far as the same are applicable in that behalf and not inconsistent with the provisions of this Order extend and apply mutatis mutandis to and in relation to the tramways by this Order authorised (that is to say):—

Section 11 of the Act of 1872;
Sections 12 13 15 to 22 26 and 28 to 34 of the Act of 1888; and
Sections 13 to 16 18 and 19 of the Act of 1894.

Further provisions as to construction and use of tramways.

9. The following provisions shall be applicable to the construction and use of the tramways by this Order authorised and may be enforced by the town council (that is to say):—

(1.) When and so soon as the lines and levels of the tramways by this Order authorised or any section thereof shall have been set out by the engineer of the Promoters notice thereof shall be given by the Promoters to the town council in order that the lines and levels so set out may be checked and verified by the town council and the Promoters shall not commence the execution of any portion of the work unless and until the lines and levels shall have been so checked and verified.

(2.) The Promoters may use such of the existing paving materials in Queen's Road and Queen's Cross (in so far as within the space falling to be repaved by the Promoters) as may be found suitable and be sanctioned by the town council for the purpose of repaving the space of eighteen

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inches beyond the outer rail of each of the tracks of the tramway in those streets and the Promoters may also use such of the existing paving materials in Albyn Place and Alford Place (in so far as within the space falling to be repaved by the Promoters) as may be found suitable and be sanctioned by the town council for the purpose of paving the track of the tramway along other streets or roads within the city and royal burgh of Aberdeen.

(3.) Notwithstanding the provisions of section 11 of the Act of 1872 the Promoters shall in the case of the Tramways Nos. 3 and 4 in Albyn Place and Alford Place authorised by this Order be bound to re-pave the two tracks using Lindsay's patent chilled iron blocks alternately with granite setts close to each side of the rails and the town council shall be bound to re-pave the remainder of Albyn Place and Alford Place including the space between the two tracks and also the space of eighteen inches beyond the outer rail of each track and the Promoters shall at their own expense supply to the town council such quantity of the same description of chilled iron blocks as may be required by the town council in connexion with the execution of their portion of the work The said repaving in the proportions aforesaid of Albyn Place and Alford Place by the town council and the Promoters and the construction by the Promoters of the said Tramways Nos. 3 and 4 shall be carried out by the town council and the Promoters simultaneously and continuously and with all reasonable expedition after the passing of this Order The Promoters shall be bound to maintain in terms of sub-section 2 of section 11 of the Act of 1872 the whole paving of the two tracks of the said Tramways Nos. 3 and 4 as well as of the space between the two tracks and the space of eighteen inches beyond the outer rail of each track.

(4.) The Promoters shall make provision to the satisfaction of the town council for carrying off the surface water which may collect and run in the grooves of the rails of the tramways in time of rain so as to prevent any accumulation of water upon or injury by flooding to the streets on which the tramways are laid.

(5.) The town council may appoint and employ an inspector during and in connexion with the construction of the tramways by this Order authorised and the salary or wages of such inspector shall be repaid by the Promoters to the town council.

(6.) The annual rent to be paid by the Promoters to the town council in terms of sub-section 4 of section 11 of the Act of 1872 shall apply to the tramways by this Order authorised Provided that where the line is or may be double the rent for such double line shall be charged and paid as for a single line only.

(7.) For the purposes specified in articles eighth ninth tenth and eleventh of the agreement scheduled to and confirmed by the Act of 1888 the tramways and works by this Order authorised shall be part of the

undertaking tramways works and property of the Promoters as if the same had been constructed under the authority of the Act of 1888 and the Acts therein recited. A.D. 1896. *Aberdeen.*

(8.) The powers of purchase conferred upon the local authority by section 43 of the Tramways Act 1870 shall with respect to the undertaking commence and come into operation within six months after the expiration of a period of twenty-one years from the twenty-fourth day of July one thousand eight hundred and eighty-eight.

Tramways to be inspected before being opened.

10. 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 Provided always that during the construction of Tramways Nos. 3 and 4 by this Order authorised the Promoters may for the purposes of this Order and for carrying on the traffic of their undertaking without interruption use such portions of the double lines as are from time to time completed and may also during such period and for the like purposes make and use such other works as may be necessary if constructed to the reasonable satisfaction of the town council.

Period for completion of works.

11. The tramways shall be completed within two years from the passing of the Act confirming this Order and on the expiration of that period the powers granted to the Promoters for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Tramways to be part of the Promoters undertaking.

12. Subject to the provisions of this Order the tramways and works authorised by this Order shall for all purposes of rates and charges and for all other purposes whatsoever be part of the tramways and works of the Promoters and be comprised in the undertaking of the Promoters as if the Promoters had by the Act of 1872 and the Act of 1888 been authorised to make and maintain the same.

Costs of Order.

13. The costs charges and expenses of applying for and obtaining this Order shall be paid by the Promoters.

BLACKPOOL CORPORATION.

Blackpool.

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

Short title.

1. This Order may be cited as the Blackpool Corporation Tramways Order 1896.

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.

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Blackpool.

Interpretation.

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

Provided that in this Order—

The expression "the Order of 1884" shall mean the Blackpool Corporation Tramways Order 1884:

The expression "the Order of 1893" shall mean the Blackpool Corporation Tramways Order 1893:

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

The expression "the undertaking" shall mean the undertaking authorised by the Order of 1884 the Order of 1893 and this Order:

The expression "the corporation" shall mean the mayor aldermen and burgesses of the borough of Blackpool in the county palatine of Lancaster acting by the council; and

The expression "the borough" shall mean the said borough of Blackpool.

The Promoters.

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

Lands by agreement.

5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes Provided that they shall not at any time hold for such purposes more than five acres of land in addition to the lands which they were authorised to hold prior to the date of this Order 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 or otherwise taken for the purposes of the undertaking.

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order as the same have been amended previous to the passing of the Act confirming this Order (which plans and sections so amended as aforesaid are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates sleepers channels (including in that word where used in this Order channels passages and tubes for ropes cables wires and electric lines) junctions turn-tables turnouts crossings passing-places offices stables carriage engine boiler and dynamo houses waiting rooms sheds buildings works carriages horses harness tramways plant engines dynamos appliances machinery and conveniences connected therewith or for the purposes thereof.

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

Tramway No. 1 2 furlongs 0·20 chains in length or thereabouts (which shall be laid as a double line throughout) commencing in Station Road at a point 1·30 chains or thereabouts east of the road known as the Carriage Drive and terminating in Lytham Road opposite the northerly side of Station

Road by a junction with Tramway No. 11 constructed under the powers of the Order of 1893 ;

Tramway No. 2 1·50 chains in length or thereabouts (which shall be laid as a single line throughout) commencing in the carriage drive by a junction with Tramway No. 5 constructed under the powers of the Order of 1884 at a point 0·40 chains or thereabouts north of Station Road and terminating in Station Road by a junction with the westerly end of Tramway No. 1 by this Order authorised ;

Tramway No. 3 3·00 chains in length or thereabouts (which shall be laid as a single line throughout) commencing in the carriage drive at a point 2·10 chains or thereabouts south of Station Road and terminating in Station Road by a junction with the westerly end of Tramway No. 1 by this Order authorised ;

Tramway No. 4 7 furlongs 2·80 chains in length or thereabouts commencing in Talbot Road by a junction with Tramway No. 3 authorised by the Order of 1893 at a point 0·30 chains west of the end of Cookson Street thence proceeding along Talbot Road and New Road and terminating in the last-named road at a point opposite the northerly end of Layton Lane ;

Tramway No. 4 shall be laid as a single line throughout except between the points herein-after specified where it shall be laid as a double line :—

(*a.*) Between points respectively 1·50 chains east and 4·50 chains east of the northerly end of Swainson Street;

(*b.*) Between points respectively 0·50 chains west and 2·50 chains east of the northerly end of Edelston Road;

(*c.*) Between points respectively 1·50 chains and 1·50 chains east of a point opposite the centre of the entrance gates to the Blackpool Infectious Diseases Hospital ;

(*d.*) Between points respectively 0·40 chains west and 2·60 chains east of a point opposite the centre of the entrance gates to the Blackpool Cemetery.

Tramway No. 5 6 furlongs 8·80 chains in length or thereabouts commencing in Dickson Road by a junction with Tramway No. 2 authorised by the Order of 1893 at a point 0·35 chains south of the end of Queen Street thence proceeding along Dickson Road Warbreck Road and the road known as "The Gynn" and terminating in the last-named road at a point 2·10 chains or thereabouts south of "The Gynn Inn" ;

Tramway No. 5 shall be laid as a single line throughout except between the points herein-after specified where it shall be laid as a double line :—

(*a.*) Between points respectively 1·50 chains south and 1·50 chains north of a point opposite Banks Street;

(*b.*) Between points respectively 7 chains north and 1 furlong 0·20 chains north of a point opposite Cocker Street ;

(*c.*) Between points respectively 1·50 chains south and 1·50 chains north of a point opposite Wilton Parade ;

Tramway No. 6 7·30 chains in length or thereabouts (which shall be laid as a double-single line throughout) commencing in the carriage drive by a junction with Tramway No. 4 constructed under the powers of the Order of 1884 at a point 0·20 chains or thereabouts south of Cocker Street thence

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proceeding along Cocker Street and terminating in Dickson Road by a junction with Tramway No. 5 by this Order authorised;

Tramway No. 7 (5 furlongs 9·19 chains in length or thereabouts) commencing in the carriage drive by a junction with the commencement of Tramway No. 4 constructed under the powers of the Order of 1884 thence proceeding along the road in front of Carlton Terrace along Queen's Drive and along the road known as the Gynn and terminating in the last-named road by a junction with Tramway No. 5 by this Order authorised;

Tramway No. 7 shall be laid as a single line throughout except between the points herein-after specified where it shall be laid as a double line:—

(*a.*) Between a point opposite the north-westerly corner of No. 20 Lansdowne Crescent and a point 3 chains north of that point;

(*b.*) Between points respectively 1·50 chains south and 1·50 chains north of the westerly end of Warley Road;

(*c.*) Between a point 0·46 chain north-east of the commencement of Tramway No. 9 and the termination of Tramway No. 5.

Tramway No. 8 1 furlong 7·25 chains in length or thereabouts (which shall be laid as a double line throughout) commencing in the road known as the Gynn by a junction with Tramway No. 7 by this Order authorised at a point 1·80 chains or thereabouts north of the termination of that tramway thence proceeding along the last-named road and a proposed street to be made from that road to the northern boundary of the borough and terminating in such proposed street at the northern boundary of the borough;

Tramway No. 9 2·80 chains in length or thereabouts (which shall be laid as a single line throughout) commencing in the said road known as the Gynn by a junction with Tramway No. 7 by this Order authorised at a point 3·26 chains or thereabouts south-west of the Gynn Inn and terminating in the said proposed street by a junction with Tramway No. 8 by this Order authorised.

Provided as follows (that is to say):—

(*a.*) Tramways Nos. 1 and 3 shall not be laid unless there shall not at any part be a less space than nine feet six inches between the outside of the footpath on either side and the nearest rail of the tramway.

(*b.*) Tramway No. 4 shall in New Road between the junctions therewith of Boonley Lane and Wildman Street be laid only as a double-single line until that road shall have been widened by setting back the kerb on the south side thereof so as to leave a space of not less than nine feet six inches between the edge of the kerb and the nearest rail of the tramway but from and after such widening shall have been effected the said tramway may in such road be relaid as a single line between the said points.

(*c.*) The portion of Tramway No. 4 between points respectively 0·50 chains west and 2·50 chains east of the northerly end of Edelston Road shall not be laid as a double line unless and until the street along which it is proposed to be laid has been widened between those points so as to afford a space of not less than nine feet six inches between the outside of the footpath on either side of the street and the nearest rail of the tramway.

(*d.*) Tramway No. 5 shall be laid along Warbrick Road between the centre line of Warley Road and the Gynn as a double-single line only until the said Warbrick Road shall have been widened by setting back the kerb on the east side thereof so as to leave a space of not less than nine feet six inches between the edge of the kerb and the nearest rail of the tramway but from and after such widening shall have been effected the said tramway may in such road be relaid as a single line between the said points.

(*e.*) Tramway No. 8 shall not be laid until the proposed new street is constructed and shall be laid in such a position on the road as the Board of Trade may approve.

Extending to this Order certain provisions of the Order of 1884 and the Order of 1893.

7. The following provisions of the Orders of 1884 and 1893 (that is to say) :—

Sections 8 to 14 (both inclusive) 17 to 38 (both inclusive) 40 and 42 to 45 (both inclusive) and Schedules A and B of the said Order of 1884 ; and

Section 12 (relating to the working of the tramways by the Promoters in certain cases) of the Order of 1893 ;

shall so far as the same are applicable extend and apply to the tramways by this Order authorised in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Orders of 1884 and 1893 and for the purpose of such application the expression "the tramways" in the said provisions shall be construed to include the tramways as defined by this Order.

For protection of the Lancashire County Council.

8. The Promoters shall at their own expense pave so much of any road repairable by the inhabitants of the county of Lancaster or of any hundred therein whereon any of the tramways are laid as lies between the rails and as extends eighteen inches beyond the rails of and on each side of such tramway with granite cubes or setts or such other paving as the County Council of Lancashire may approve and in all cases where the nearest rai. of such tramway is of less distance than seven feet from the outer edge of the footpath or boundary of the road on either side the intervening spaces between the tramrail and the footpath or boundary of the road shall be paved in like manner to the satisfaction of the said county council and the Promoters shall for ever thereafter keep and maintain the same respectively in good repair and condition and all works and materials used in the construction maintenance or alteration of the said road lying adjacent to the said tramway shall be approved by the said county council and in the event of any subsequent deviation or alteration of the said tramway the consent of the said county council shall be obtained before such deviation or alteration is made.

For protection of the Lancashire and Yorkshire and London and North Western Railway Companies.

9. In working Tramway No. 4 by this Order authorised no tramcar or other carriage or vehicle used thereon shall without the consent in writing of the Lancashire and Yorkshire and London and North Western Railway Companies be stopped or permitted to stop between points respectively one chain east and one chain west of the northerly end of Swainson Street.

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

10. 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

11. The carriages used on the undertaking may subject to the provisions of this Order be moved by animal power and with the consent in writing of the

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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 signed by a secretary or assistant secretary of the said Board by electrical energy applied by means of motors in the engines or carriages or trucks or generated at stations and communicated by means of electric lines either in or under the ground or overhead or steam power haulage by means of wire or rope cables or other appliances placed underground compressed air gas or oil.

Provided that the exercise of the powers hereby conferred with respect to the use of electrical steam or any mechanical power shall be subject to the regulations set forth in Schedule A to the Order of 1884 annexed and to any regulations (herein-after referred to as "the prescribed regulations") which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of electrical steam or mechanical power on the tramways.

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

Restrictions on use of electrical power.

12. The following provisions shall apply to the use by the Promoters of electrical 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 exercise of the powers by this Order conferred with respect to the use of electrical power shall be exercised only in accordance with the prescribed regulations and with 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 electrical 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 electrical 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 electrical power and thereupon the Promoters shall cease to use electrical 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 electrical 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 two 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.

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For protection of the Postmaster-General.

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

13. 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 sub-section 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 Act 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 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.

(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 any person owning working or running carriages on any of the tramways of the Promoters and the expressions "tramways" and "undertaking" include any tramways owned worked or used by the Promoters.

(12.) Section 17 of the Order of 1893 is hereby repealed.

Extending time for completion of certain tramways authorised by the Order of 1893.

14. The time for the completion of the following tramways authorised by the Order of 1893 that is to say Tramways Nos. 1 to 10 (both inclusive) and No. 14 which time was prolonged by an Order of the Board of Trade to the twenty-fourth day of August One thousand eight hundred and ninety-six is hereby further extended to the twenty-fourth day of August One thousand eight hundred and ninety-eight after which date the powers for the completion of those tramways shall cease except as to so much of the same as is then completed unless the time be further prolonged by the special direction of the Board of Trade.

Corporation may borrow 38,000*l.* to be repaid in thirty years.

15. The corporation may under and according to the provisions contained in section 20 of the Tramways Act 1870 or in manner provided by the Local Loans Act 1875 borrow for the purposes of this Order (in addition to any sum or sums of money they are already authorised to borrow) in one or

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more sums the sum of thirty-eight thousand pounds and such further sum or sums as the Board of Trade may from time to time sanction by order in writing The times for which such moneys may be borrowed shall be :—

As to the said sum or sums amounting to thirty-eight thousand pounds thirty years from the date or respective dates of borrowing the same ; and

As to moneys borrowed with the sanction of the Board of Trade such period or periods not exceeding thirty years as the Board of Trade shall direct.

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.

As to fares on Sundays and holidays.

16. It shall not be lawful for the corporation their lessees or any other company or person working or using the tramways to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

Section 265 of the Public Health Act 1875 incorporated.

17. Section 265 (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.

Provisions as to arbitration.

18. Where under the provisions of the Tramways Act 1870 and this Order or the Order of 1884 or the Order of 1893 any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall except where otherwise specially provided apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court 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.

Section 39 of the Order of 1884 is hereby repealed.

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BRISTOL.

Order authorising the Bristol Tramways and Carriage Company Limited to make additional Tramways in the City and County of Bristol and in the Urban District of Kingswood in the County of Gloucester and for other purposes.

Short title.

1. This Order may be cited as the Bristol Tramways Order 1896.

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 Promoters authorised tramways" shall mean the tramways authorised by—

The Bristol and Eastern District Tramways Order 1875 ;
The Bristol Tramways (Extension) Order 1876 ;
The Bristol Tramways (Extensions) Order 1877 ;
The Bristol Tramways (Extensions) Order 1879 ;
The Bristol Tramways (Extensions) Order 1880 ;
The Bristol Tramways (Extensions) Order 1881 ;
The Bristol Tramways (Extensions) Order 1882 ;
The Bristol Tramways Order 1887 ;
The Bristol Tramways (Extension) Order 1891 ;
The Bristol Tramways Act 1894 ; and
This Order :

The expression "the Order of 1891" shall mean the Bristol Tramways (Extension) Order 1891 :

The expression "the Act of 1894" shall mean the Bristol Tramways Act 1894 :

The expression "the electric tramway to Fishponds" shall mean the tramway of the Bristol Tramways and Carriage Company Limited laid or authorised to be laid from the western end of Old Market Street in the city and county of Bristol to the junction of Stapleton and Fishponds Roads in the county of Gloucester :

The expression "the said city" shall mean the city and county of Bristol :

The expression "the corporation" shall mean the mayor aldermen and burgesses of the said city acting by the council :

The expression "the local authorities" and "the road authorities" shall mean respectively the local authorities and the road authorities of the respective districts within which the Promoters authorised tramways are or may be situate.

Promoters.

The Promoters.

4. The Bristol Tramways and Carriage Company Limited shall be the promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

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Lands by agreement.

5. In addition to the other lands which the Promoters are already authorised to purchase or acquire they may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such other lands not exceeding five acres as they may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes and may subject to the provisions of this Order thereon erect or construct and hold generating stations yards wharves offices buildings places sidings and other conveniences in connection with their undertaking 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 or otherwise taken for the purposes of the undertaking.

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited for the purposes of this Order at the office of the Board of Trade (which plans and sections are in this Order respectively referred to as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates tubes posts conductors wires offices weigh-bridges turntables engine-sheds generating stations 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. 1—1 furlong 7·60 chains in length which will be a double line throughout in substitution for a portion of the Promoters existing tramway and commencing in the parish of St. Augustine in St. Augustine's Parade by a junction with the Promoters existing tramway at a point 0·90 chain or thereabouts northward from the intersection of the centre lines of Mark Lane and St. Augustine's Parade passing thence in a northerly direction along St. Augustine's Parade and St. Augustine's Bank and terminating in the last-named street and Rupert Street or one of them in the parish of St. Leonard by a junction with the Promoters existing tramway at a point opposite or nearly opposite the south-eastern corner of Rupert Street.

Tramway No. 2—4·02 chains in length which will be a double line throughout in substitution for a portion of the Promoters existing tramway and commencing in the parish of St. Augustine in St. Augustine's Parade by a junction with Tramway No. 1 at a point 3·28 chains or thereabouts northward from the intersection of the centre lines of Denmark Street and St. Augustine's Parade passing thence in an easterly direction over St. Augustine Bridge on the southern side of the triangular piece of land at St. Augustine Bridge and terminating in Baldwin Street

in the parish of St. Stephen opposite or nearly opposite the north-western corner of Baldwin Street.

Tramway No. 3—3·10 chains in length which will be a double line throughout commencing in the parish of St. Stephen in the open space between Baldwin Street and St. Augustine Bridge by a junction with Tramway No. 2 at a point 1·17 chain or thereabouts westward from its termination passing thence in a north-westerly direction over St. Augustine Bridge on the north-eastern side of the triangular piece of land at St. Augustine Bridge and terminating in the parish of St. Augustine in St. Augustine's Parade by a junction with Tramway No. 1 at a point 0·93 chain or thereabouts measured in a northerly direction from the northern corner of the triangular piece of land at St. Augustine Bridge.

Tramway No. 4—2·25 chains in length which will be a double line throughout in substitution for a portion of the Promoters existing tramway and wholly situate in the parish of St. Augustine commencing by a junction with Tramway No. 1 in St. Augustine's Parade at a point 0·29 chain or thereabouts southward from the northern corner of the triangular piece of land at St. Augustine Bridge passing thence in a northerly direction and terminating by a junction with the Promoters existing tramway in Colston Street opposite or nearly opposite the south-eastern corner thereof.

Tramway No. 5—1 furlong 2·28 chains in length of which 1 furlong 1·18 chain shall be laid as a single line and 1·10 chain as a double line commencing in the parish of St. Stephen in the roadway on the north-eastern side of the triangular piece of land at St. Augustine Bridge by a junction with Tramway No. 3 at a point 0·38 chain or thereabouts north-westward from the eastern corner of the triangular piece of land at St. Augustine Bridge passing thence in an easterly and northerly direction into and along Narrow Quay and Stone Bridge and terminating in St. Augustine Bank and Rupert Street or one of them in the parish of St. Leonard by a junction with the Promoters existing tramway opposite or nearly opposite the south-eastern corner of Rupert Street.

This tramway will be a single line except for the length of 1·10 chain at its commencement which will be double line.

Tramway No. 6—2 furlongs 4·47 chains in length of which 1 furlong 4·51 chains shall be laid as a single line and 9·96 chains as a double line wholly situate in the parish of Kingswood commencing by a junction with the termination of Tramway No. 20 authorised by the Order of 1891 in High Street Kingswood passing thence in an easterly direction into and along Kingswood Hill and terminating therein at the entrance to the land of the Promoters at a point 7·60 chains or thereabouts eastward from the intersection of the centre lines of Victoria Road and Kingswood Hill This tramway will be a single line except between the following points where it will be a double line viz. :—

Between points respectively 3·65 chains and 7·37 chains or thereabouts eastward from the intersection of the centre lines of Church Road and

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Kingswood Hill Between points respectively 0·20 chain westward and 6·04 chains or thereabouts eastward from the intersection of the centre lines of Victoria Road and Kingswood Hill.

The intended tramways will be made and pass from in through or into the following parishes namely—The parishes of Saint Leonard Saint Augustine and Saint Stephen all in the city and county of Bristol and the parish of Kingswood in the county of Gloucester.

Wood pavement to be laid down in certain streets.

7. The Promoters shall pave with wood to the satisfaction of the corporation so much of the roadway upon which Tramways Nos. 1 2 3 4 and 5 respectively or parts thereof shall be laid as lies between the rails of such tramways and (where a double line shall be laid so as to leave a space of not more than four feet between the two sets of rails) the portion of the roadway between the two sets of rails and they shall also pave with wood to the like satisfaction so much of the roadway as extends 18 inches beyond the rails of and on each side of such tramways.

If the corporation shall alter the material with which the roadway from West Street to the Lebeck Inn Stapleton Road both in the said city is paved they may in their absolute discretion notwithstanding any provision of the Tramways Act 1870 by notice in writing to the Promoters require the Promoters at their own expense to forthwith pave in like manner and with the like material the part of such roadway between the places aforesaid in which the electric tramway to Fishponds is or shall be laid both between and on either side of the rails so far as such roadway is repairable by the Promoters and to make any alterations in the tramway which are consequently necessary and thereupon the Promoters shall proceed with all reasonable dispatch to pave the said part of such roadway accordingly to the satisfaction of the corporation without any claim against the corporation for compensation in respect of such alteration for any loss of traffic or otherwise consequent thereon and any obligation of the Promoters with regard to the maintenance and repair or otherwise in relation to such tramway or any part of such roadway shall remain and continue unaffected by such alteration.

Extensions of certain provisions of Order of 1891.

8. The provisions of sections 8 to 23 inclusive section 25 and sections 34 to 48 inclusive of the Order of 1891 shall save as by this Order otherwise expressly provided extend and apply to the tramways and undertaking by this Order authorised and to the Promoters in respect thereto in as full and complete a manner as if the said sections were re-enacted in this Order with reference thereto and for the purposes of such application the expressions "tramways" and "tramway" and "the undertaking" in the said provisions shall be construed to mean respectively the tramways and the undertaking as defined by this Order and the expressions "the Promoters" and "this Order" in such provisions shall be construed to mean respectively the Promoters and this Order.

Provisions as to tramways surrounding triangular piece of

9.—(1.) Nothing in this Order or in the sections of the Order of 1891 incorporated in and made applicable to this Order shall be deemed to impose upon the Promoters any obligation or to confer upon the corporation any right

or authority to require the Promoters to remove any part of their tramways which may adjoin the triangular piece of land at St. Augustine Bridge in the said city shown on the said deposited plans except upon the terms of the corporation paying proper compensation to the Promoters for and in respect of such removal in manner provided in section 44 of the Order of 1891.

land at St. Augustine' Bridge.

(2.) The Promoters may subject to the provisions of this Order use as termini for their tramway traffic so much of the tramways adjoining the triangular piece of land at St. Augustine Bridge as is laid upon the portions of the roadways adjoining the said triangular piece of land and which tramways are delineated and coloured pink in a plan in triplicate signed by the town clerk of Bristol and the secretary of the Promoters and deposited as to one part at the office of the Board of Trade and as to another part with the town clerk of Bristol and as to the third part with the secretary of the Promoters.

(3.) A person in charge of or driving a carriage using the tramways shall not cause or suffer the whole or any part of such carriage or of the horses drawing the same to stop upon the portions of the tramways adjoining and near to the said triangular piece of land which portions are delineated and coloured green on the said plan except when required by a police officer or to take up or set down a passenger or to avoid danger to persons or vehicles and then no longer than is absolutely necessary.

(4.) A person offending against any of the provisions of sub-section (3) of this section shall be liable to a penalty not exceeding forty shillings for each offence and such penalty may be recovered in manner provided by section 56 of the Tramways Act 1870 and proceedings for the recovery of any such penalty may be taken by the corporation.

For the protection of the Bristol Gas Company the Bristol Waterworks Company and the West Gloucestershire Water Company.

10. For the protection of the Bristol Gas Company the Bristol Waterworks Company and the West Gloucestershire Water Company the Tramways Act 1870 and section 9 of the Order of 1891 shall save as by this Order otherwise expressly provided extend and apply to the tramways and all works by this Order authorised and to the Promoters in respect thereof and if any dispute or difference between any of the said companies and the Promoters shall arise under this section the same shall be deemed a matter in difference falling within section 33 of the Tramways Act 1870 and be determined accordingly.

Motive Power.

Carriages may be moved by animal or electrical power.

11. The carriages used upon the tramways other than Tramway No. 6 may subject to the provisions of this Order be moved by animal power only and the carriages used upon Tramway No. 6 and the carriages used upon the electric tramway to Fishponds may subject to the provisions of this Order be moved by animal power and in addition during a period of seven years after the opening of the same for public traffic as an electric tramway and with the consent in writing of the Board of Trade and also (as to so much of the electric tramway to Fishponds as is within the said city) of the corporation during such further periods not exceeding seven years as the said Board may

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from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board and as the corporation may from time to time specify in their consent by means of electrical power and the provisions of section 31 sections 33 to 44 inclusive and the First Schedule of the Act of 1894 shall save as by this Order otherwise expressly provided extend and apply to Tramway No. 6 and the electric tramway to Fishponds respectively and to the Promoters in as full and complete a manner as if the said sections and schedule were re-enacted in this Order with reference thereto and for the purposes of such application the expression "the electric tramway" in the said provisions shall be construed to mean Tramway No. 6 and the electric tramway to Fishponds respectively and the expressions "the Company" "this Act" and "the prescribed regulations" in such provisions shall be construed to mean respectively the Promoters this Order and the regulations to be prescribed as in this section herein-after provided.

Provided that the powers hereby conferred with respect to the use of electrical power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of electrical power on the said tramways.

Provided further that if the carriages used upon the electric tramway to Fishponds shall be moved by means of the overhead trolly system of electric traction or any other similar system the Board of Trade shall on the application of the corporation at any time after the expiration of two years from the time when the Promoters shall commence to use such system for moving the carriages on such tramway direct an inquiry to be made and if as the result of such inquiry the said Board shall be of opinion that such system as worked on the electric tramway to Fishponds is dangerous to the public they may prohibit the use of such system within the said city.

Provided further that the Promoters shall not erect construct or hold generating stations within the said city.

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

12. If the Promoters or any other company or person shall use on the tramways or any of them or on the electric tramway to Fishponds mechanical power or shall use thereon electrical power contrary to the provisions of this Order or to the provisions of any Order or Act made applicable to this Order or to any regulations to be prescribed by the Board of Trade or to any regulation added thereto or substituted therefor by any Order made by the Board of Trade under the authority of this Order or without the consent of the corporation where their consent to such user is required by the provisions of this Order or if the Promoters or any other company or person shall execute or do any work contrary to the provisions of this Order or to the provisions of any Order or Act made applicable to this Order or shall fail to execute or do any work required by the provisions of this Order or the provisions of any Order or Act made applicable to this Order they or he shall for every such offence be

subject to a penalty not exceeding ten pounds and also in 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 any other company or person using electrical power on the tramways or any of them or on the electric tramway to Fishponds under the authority of this Order have or has made default in complying with the provisions of this Order or to the provisions of any Order or Act made applicable to this Order or with any of the regulations which may have been prescribed by the Board of Trade or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters or such other company or person to cease to exercise the powers aforesaid and thereupon the Promoters or such other 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.

Power to place posts wires &c.

13. Subject to the provisions of this Order the Promoters may with the consent of the local and road authorities place and maintain in or over any street or road in the parishes of Kingswood and St. George or either of them in which the Promoters authorised tramways are or may be situate such posts brackets cables wires and apparatus as may be necessary and proper for working the same by electrical power and they may with the like consent and for the like purpose also place and maintain such cables wires and apparatus in any other street or road in the said parishes or either of them.

Posts &c. to be removed if user discontinued.

14. If the Promoters shall discontinue the use of any posts brackets cables wires or apparatus so placed or maintained in or over any street or road under the authority of this Order or if the right of the Promoters to use electrical motive power supplied by means of any such posts brackets cables wires or apparatus shall cease and determine the Promoters shall forthwith at their own cost remove such posts brackets cables wires and apparatus and shall restore and make good such streets and roads to the satisfaction of the road authorities and in case of default the road authorities may do all things necessary for that purpose and recover the costs and expenses thereof with full costs of suit from the Promoters.

Miscellaneous.

Purchase by the corporation.

15. The first period within which the corporation may exercise the powers of purchase of the undertaking in respect of Tramways Nos. 1 to 5 inclusive conferred on them by section 43 of the Tramways Act 1870 shall be six months after the expiration of a period of eighteen years from the passing of the Act of 1894 or (at the option of the corporation) of a period of twenty-one years from such passing The subsequent periods of seven years mentioned in the said section 43 shall as regards the said undertaking in respect of Tramways Nos. 1 to 5 be reckoned as from the expiration of a period of eighteen years from the passing of the Act of 1894.

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Provided that if the corporation shall purchase the undertaking in respect of Tramways Nos. 1 to 5 they shall in consideration of the expense incurred by the Promoters in re-arranging their tramways pay to the Promoters the following sums in addition to the sum payable by virtue of section 43 of the Tramways Act 1870 namely if the purchase is made at the expiration of the periods of eighteen or twenty-one years from the passing of the Act of 1894 the sum of three thousand pounds if at the expiration of twenty-five years from such passing the sum of two thousand pounds and if at the expiration of thirty-two years from such passing one thousand pounds but if the purchase is made at any later period no such additional payment shall be made by the corporation to the Promoters And the corporation may make such additional payment out of the like rate and shall have the like powers to borrow the same as if such additional payment were purchase money payable by virtue of section 43 of the Tramways Act 1870.

Cheap fares for labouring classes between Old Market Street and Kingswood.

16. Section 20 of the Order of 1875 and section 41 of the Order of 1891 shall not apply to the electric tramway as defined by the Act of 1894 and in lieu thereof the following provisions shall have effect:

The Promoters shall and they are hereby required at all times to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day Good Friday and bank holidays excepted) throughout their tramway from the western end of Old Market Street in the said city to the termination for the time being of such tramway at Kingswood in the county of Gloucester at such hours not being later than eight in the morning nor earlier than five in the evening respectively as the Promoters think most convenient for persons of both sexes belonging to the labouring class at fares not exceeding one penny for each person Provided that in the case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

As to fares on Sundays and holidays.

17. It shall not be lawful without the consent of the corporation for the Promoters or any company or person working or using the tramways to take or demand on Sunday or on any bank or other public holiday any higher rates or charges than those levied by them on ordinary week days.

Saving for general Acts.

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

DOVER CORPORATION.

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

Short title.

1. This Order may be cited as the Dover Corporation Tramways Order 1896.

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 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 Dover.

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

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 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 or appropriated under the powers of this section or otherwise taken for the purposes of the undertaking.

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

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at the office of the Board of Trade for the purposes of this Order as the same have been amended previous to the passing of the Act confirming this Order (which plans and sections so amended as aforesaid are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails points junctions plates offices weighbridges 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 (8·3 chains in length whereof 6·8 chains will be single line and 1·5 chains will be double line) commencing at the junction of Beach Street with Clarence Place passing thence along Clarence Place and Crosswall and terminating at a point 1·7 chains south of the junction of Crosswall with Strond Street.

This tramway will be laid as a single line except for a distance of 1·5 chains from the commencement thereof where it will be laid as a double line.

Tramway No. 2 (2 miles 2 furlongs 5·4 chains in length whereof 1 mile 7 furlongs 5·4 chains will be single line and 3 furlongs will be double line) commencing in Crosswall by a junction with Tramway No. 1 at the termination thereof passing thence along Crosswall Strond Street the George Inn Corner Snargate Street Court's Corner Northampton Street New Bridge Bench Street King Street Market Place Cannon Street Biggin Street High Street London Road and Canterbury Road and terminating in the last-mentioned road at the southern side of the bridge carrying the road over the Kearsney to Deal branch of the London Chatham and Dover Railway.

This tramway will be laid as a single line except at the following places where it will be laid as a double line namely:—

(*a.*) From the commencement of the tramway for a distance of 1 chain.

(*b.*) Between points respectively 3 chains and 1·5 chains south of the George Inn Corner.

(*c.*) From a point opposite to the division wall between Nos. 63 and 64 Snargate Street for a distance of 1·5 chains southwards.

(*d.*) Between points respectively 1·1 chains and 2·6 chains north of Court's Corner.

(*e.*) Between points respectively 7·5 chains and 9 chains north of Court's Corner.

(*f.*) Between points respectively 1·9 chains and ·4 chain south-west of the junction of Northampton Street with New Bridge.

(*g.*) Between points respectively 1 chain and 2·5 chains north of the junction of New Bridge with Townwall Street.

(*h.*) Between points respectively 2·2 chains and ·2 chain south-east of the junction of Market Street with Market Place.

(*i.*) Between points respectively 1·9 chains and ·4 chain south of New Street.

(*k.*) Between points respectively 1·9 chains and ·4 chain south-east of Pencester Road.

(*l.*) Between a point 1·5 chains south-east of Effingham Crescent and that Crescent.

(*m.*) Between points respectively 1·9 chains and ·4 chain south-east of Maison Dieu Place.

(*n.*) Between points respectively 2·4 chains and ·9 chain south-east of Bridge Street.

(*o.*) Between points respectively 2·3 chains and ·8 chain south-east of Beaconsfield Road.

(*p.*) Between points respectively 8 chains and 9·5 chains north-west of Beaconsfield Road.

(*q.*) Between points respectively 1·9 chains and ·4 chain south-east of Union Road.

(*r.*) Between points respectively 13·5 chains and 15 chains north-west of St. Radigund's Road.

(*s.*) Between points respectively 1·7 chains and ·2 chain south of Old Park Road.

(*t.*) Between points respectively 2 chains and 3·5 chains north-west of Old Park Road.

(*u.*) Between points respectively 1·7 chains and ·2 chain south-east of Dodd's Lane.

Provided that so much of the tramway as will be situate in the parts of Strond Street and Biggin Street proposed to be widened shall not be constructed until those streets have been widened to the extent shown on the deposited plans.

Provided also that notwithstanding anything contained in this section or shown on the deposited plans so much of the tramway as will be situate in any road or part of a road of a less width than 21 feet between the footpaths shall be constructed as interlacing lines.

Tramway No. 5 (9·2 chains in length whereof 7·7 chains will be single line and 1·5 chains will be double line) commencing in Northampton Street by a junction with Tramway No. 2 at a point ·5 chain west of the junction of Northampton Street with New Bridge passing thence along New Bridge and Camden Crescent and terminating at a point ·5 chain east of the junction of Wellesley Place and Liverpool Street.

This tramway will be laid as a single line except between the points respectively 1·7 chains and 3·2 chains south of Northampton Street where it will be laid as a double line.

Tramway No. 7 (2 furlongs 8·3 chains in length whereof 2 furlongs 3·8 chains will be single line and 4·5 chains will be double line) commencing in Liverpool Street by a junction with Tramway No. 5 at the termination thereof passing thence along Liverpool Street Douro

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Place Marine Parade and East Cliff Road and terminating at the westerly junction of East Cliff Road with East Cliff Back Road.

This tramway will be laid as a single line except at the following places where it will be laid as a double line namely :—

(*a.*) Between points respectively ·8 chain and 2·3 chains east of Wellesley Place.

(*b.*) Between points respectively 2·3 chains and ·8 chain west of the junction of Douro Place with Liverpool Street.

(*c.*) Between points respectively ·8 chain and 2·3 chains east of the junction of Douro Place with Marine Parade.

Tramway No. 8 (single line 1 furlong 4·5 chains in length) commencing by a junction with Tramway No. 7 at the termination thereof passing thence along East Cliff Road and terminating at the junction of that road with the road leading therefrom to East Cliff Back Road.

Provided that notwithstanding anything contained in this section or shown upon the deposited plans so much of the tramway as will be situate in a part of a road of a less width than 21 feet between the footpaths shall be laid as interlacing lines.

Tramway No. 10 (5 furlongs 7·3 chains in length whereof 4 furlongs 5·3 chains will be single line and 1 furlong 2 chains will be double line) commencing by a junction with Tramway No. 2 in Biggin Street opposite to Pencester Road passing thence along Worthington's Lane Priory Place and Folkestone Road and terminating at the junction of that road with the Elms Road.

This tramway will be laid as a single line except at the following places where it will be laid as a double line namely :—

(*a.*) Between points respectively 1·7 chains and ·2 chain north-east of York Street.

(*b.*) Between points respectively 1·7 chains and 3·2 chains north-west of Military Road.

(*c.*) Between points respectively 2·4 chains and ·9 chain east of Effingham Street.

(*d.*) Between points respectively 3·2 chains and 4·7 chains west of Effingham Street.

(*e.*) Between points respectively 4 chains and 2·5 chains east of the centre of the bridge carrying the Folkestone Road over the London Chatham and Dover Railway.

(*f.*) Between points respectively 3·5 chains and 5 chains west of the centre of the last-mentioned bridge.

(*g.*) Between points respectively 2·1 chains and ·6 chain east of Winchelsea Street.

(*h.*) Between points respectively 5·5 chains and 4 chains east of Elms Road.

Provided that so much of the tramway as will be situate in Worthington's Lane shall not be constructed until that lane is widened to the extent shown

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on the deposited plans and that notwithstanding anything shown on the deposited plans so much of the tramway as will be situate between the centre of the bridge carrying the Folkestone Road over the London Chatham and Dover Railway and a point six chains east of the centre of such bridge and as will be constructed as single line shall be so laid that a space of not less than nine feet six inches shall intervene between the outside of the footpath on the southern side of the road and the nearer rail of the tramway.

Tramway No. 11 (5 furlongs 4·28 chains in length whereof 5 furlongs 1·28 chains will be single line and 3 chains will be double line) commencing in the Folkestone Road by a junction with Tramway No. 10 at the termination thereof passing thence along Folkestone Road and terminating at the boundary of the borough.

This tramway will be laid as a single line except at the following places where it will be laid as a double line namely :—

(*a.*) Between points respectively 2·5 chains and 1 chain east of Churchill road.

(*b.*) Between points respectively 13·5 chains and 15 chains south-west of Maxton road.

Provided that notwithstanding anything contained in this section or shown on the deposited plans so much of the tramway as will be situate between the points respectively 2·5 chains and 1 chain north-east of Maxton Road may be laid as double line and so much of the tramway as will be situate in a part of a road of a less width than 21 feet (except the portion of the tramway situate between the points respectively 2·5 chains and 1 chain east of Churchill Road) shall be laid as interlacing lines.

Tramway No. 12 (8·4 chains in length whereof 6·9 chains will be single line and 1·5 chains will be double line) commencing in Priory Place by a junction with Tramway No. 10 at a point 1·2 chains north-west of the junction of Priory Place with Military Road passing thence in a north-westerly direction along Priory Place and Priory Road and terminating by a junction with Tramway No. 2 at the junction of Biggin Street with Effingham Crescent.

This tramway will be laid as a single line except between the points respectively 2 chains and 3·5 chains north of Military Road where it will be laid as a double line.

Provided that this tramway shall not be constructed if so much of Tramway No. 2 as is by this Order authorised to be laid in Biggin Street between the junctions of that street with Worthington's Lane and Priory Road shall be constructed.

Gauge of tramways.

7. The tramways shall be constructed on a gauge of 3 feet 6 inches Provided that so much of section 34 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 6 feet in width.

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Provisions as to construction of tramways.

8. In addition to the requirements of section 26 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 or renewing such tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance or renewal of 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.

Rails of tramways.

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

As to level crossing at Crosswall.

10.—(1.) So much of Tramway No. 1 as is authorised to be constructed across the level crossing of the London Chatham and Dover Railway (Pier Branch) at Crosswall shall be constructed under the superintendence and to the reasonable satisfaction of the London Chatham and Dover Railway Company (unless after notice to be given by the Promoters fourteen days at least before the commencement of the work such superintendence is refused or withheld) and in accordance with plans previously submitted to and approved by the said company or in the event of any difference arising between the said company and the Promoters in accordance with plans approved by the Board of Trade and if the said company shall not give notice to the Promoters of their disapproval of the plans within fourteen days after the same shall have been submitted to them they shall be deemed to have approved the same.

(2.) The Promoters shall and may execute at their own expense such works rendered necessary by the construction of Tramway No. 1 by this Order authorised across the said level crossing as the Board of Trade may at any time require in the interests of public safety.

Penalty for not maintaining rails and roads in good condition.

11. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of 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 28 of the Tramways Act 1870 they shall for every such offence be subject to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding five pounds for every day on which such default continues after conviction thereof and such penalties shall be penalties within the meaning of section 56 of the said Act In any case in which it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough that the Promoters have made any default in complying with the provisions in this section contained or with any of the requirements of section 28 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.

Alteration of tramways.

12. The Promoters may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and if at any time after the construction of any of the tramways the road in which the same or any part thereof is laid shall be altered or widened the Promoters may take up and remove such tramway or part thereof and reconstruct the same in such position as they may think fit Provided that in the exercise of the powers of this section no rail shall be so laid that for a distance of 30 feet or upwards a less space than 9 feet 6 inches shall intervene between the said rail and the outside of the footpath on either side of the road if one-third of the owners and occupiers of the houses shops or warehouses abutting on the place where such rail is proposed to be laid by notice in writing under their hands addressed to the Promoters express their objection thereto.

Additional passing places and sidings.

13. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove all such crossings passing places sidings triangles junctions turnouts and other works in addition to those particularly described 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 Provided that in the construction of any such works no rail shall be so laid that for a distance of 30 feet or upwards a less space than 9 feet 6 inches shall intervene between the said rail and the outside of the footpath on either side of the road if one-third of the owners and occupiers of the houses shops or warehouses abutting on the place where such rail is proposed to be laid by notice in writing under their hands addressed to the Promoters express their objection thereto.

Temporary tramways.

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.

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

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

Motive Power.

Motive power.

17. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power or by any mechanical power including haulage by wires ropes cables chains or other appliances placed underground in connection with stationary engines or otherwise pneumatic power gas power and electrical 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 steam locomotives shall not be used on the tramways nor shall any mechanical power be used on the tramways except with the approval of the Board of Trade in writing and 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 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 mechanical power on the tramways.

Provided also that the lessees of the Promoters shall not use 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 subject to the provisions of this Order attach to such special permission such conditions and restrictions as they may think fit.

Further provisions for use of mechanical power.

18. For the purpose of working any of the tramways by mechanical power the Promoters and their lessees may subject to the provisions of this Order erect construct maintain and use dynamos and other electrical apparatus steam-engines works and buildings and may construct erect lay down make and maintain on above or below the surface of any street road or place posts brackets electric conductors wires apparatus subways tunnels cables tubes and openings.

Penalty for using mechanical power contrary to Order or regulations.

19. The Promoters or any 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 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 any 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 or in case the said Board is satisfied that the use of such power cannot be continued without danger may by order direct the Promoters or such person to cease to exercise the powers aforesaid and thereupon the Promoters or such person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such Order.

Byelaws.

20. Subject to the provisions of this Order the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to 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.

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

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

22. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways 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.

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Authentication of orders byelaws &c.

23. All orders and byelaws made and consents approvals and certificates given by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board of Trade and when purporting to be so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly.

Restrictions on use of electrical power.

24. The following provisions shall apply to the use by the Promoters of electrical 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 electrical power shall be exercised only in accordance with the 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 electrical 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 electrical 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 electrical power and thereupon the Promoters shall cease to use electrical 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 electrical 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 two 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.

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

For protection of the Postmaster-General.

25. 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

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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 expenses 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 of 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 noncompliance 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 cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where

the act or work was done a notice of the execution thereof stating the reasons 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 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section.

(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 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.

(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 any person owning working or running carriages on any of the tramways of the Promoters.

Traffic upon Tramways.

Traffic upon tramways.

26. The tramways may be used for the purpose of conveying passengers animals goods minerals and parcels Provided that Tramway No. 8 by this Order authorised shall not be used for the purpose of conveying animals goods minerals or parcels (other than passengers luggage).

Promoters not bound to carry animals goods &c.

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

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

28. In case the Promoters lessees carry animals goods minerals or parcels they may and when required by the local authority shall carry the same in separate carriages or separate parts of carriages set apart for that purpose

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Provided that this provision shall not apply to the carriage of passengers luggage.

Tolls.

Tolls for passengers.

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

As to fares on Sundays or holidays.

30. It shall not be lawful for the Promoters or any company or person working or using the tramways of the Promoters to take or demand on Sunday or on any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

Passengers luggage.

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

Cheap fares for labouring classes.

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

Tolls for animals goods &c.

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

Payment of tolls.

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

Periodical revision of tolls.

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

Miscellaneous.

Promoters may work tramways.

36. Notwithstanding anything contained in the Tramways Act 1870 the corporation may place and run carriages on and work and use the tramways and may provide such plant materials and things as may be requisite or convenient therefor and in such case the several provisions herein-before contained relating to the working of the tramways and the taking of tolls and charges therefor shall extend and apply mutatis mutandis to and in relation to the corporation.

As to erections in East Cliff Road.

37. Notwithstanding anything in this Order contained no erection (other than posts brackets conductors wires and other apparatus for working the tramways by electric power) shall be placed in those parts of any road in which Tramway No. 8 is authorised by this Order to be laid if the owner or occupier of any premises abutting on such parts of such road by notice in writing under his hand addressed to the Promoters express his objection thereto.

Mortgages to include rents and tolls.

38. The corporation may include in any mortgage of the local rate made by them under section 20 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.

39. Sections 246 and 250 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.

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Protection of local authority.

40. Section 265 (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.

Form and delivery of notices.

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

(1.) Every notice shall be in writing and if given by the Promoters 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.

Provisions as to arbitration.

42. 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.

Saving for general Acts.

43. Nothing in this Order contained shall exempt the Promoters their 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.

SCHEDULES.

SCHEDULE A.

Brake power.

1. 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.

Fittings of engines.

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

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

With a suitable fender to push aside obstructions;

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

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

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

Carriages.

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

Inspection of engines and carriages.

4. 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.

Speed.

5. The speed at which engines and carriages may be driven or propelled along the tramways shall not without the consent of the Board of Trade exceed the rate of eight miles an hour.

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

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SCHEDULE B.

TOLLS AND CHARGES FOR ANIMALS GOODS &c.

Animals.

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

Goods and Minerals.

For all coals coke culm charcoal cannel limestone chalk lime salt sand fire-clay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways - - - - - - -	per ton	0	2
For all iron iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fire-clay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs	per ton	0	2½
For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - -	per ton	0	3
For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things -	per ton	0	4
For every carriage of whatever description having two wheels -		0	6
For every carriage of whatever description having four wheels -		1	0

Parcels.

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

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

FOR THE CARRIAGE OF SINGLE ARTICLES OF GREAT WEIGHT.

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

REGULATIONS AS TO TOLLS.

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

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

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

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

HULL CORPORATION.

Hull.

Order authorising the Mayor Aldermen and Burgesses of Kingston-upon-Hull to construct Tramways in the County Borough and Town and County of the Town of Kingston-upon-Hull.

1. This Order may be cited as the Hull Corporation Tramways Order 1896. Short title.

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. Incorporation of Acts.

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. Interpretation.

Provided that in this Order—

The expression "the Order of 1872" means the Hull Tramways Order 1872;

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The expression "the Act of 1875" means the Hull Street Tramways Act 1875;

The expression "the Order of 1877" means the Hull Street Tramways (Extension) Order 1877;

The expression "the existing tramways" means all the tramways now in existence which were constructed under the authority of the Order of 1872 the Act of 1875 and the Order of 1877 or any of such Orders and Act;

The expression "the tramways" means the tramways and works by this Order authorised and such parts of the existing tramways as are proposed to be relaid;

The expression "the undertaking" means the undertaking authorised by the Order of 1872 the Act of 1875 the Order of 1877 and this Order;

The expression "mechanical power" includes steam power (other than steam locomotives) and gas or oil or haulage by wires ropes cables chains or other appliances placed under ground in connection with stationary engines or otherwise but does not include electrical power;

The expression "the borough" means the county borough and the town and county of the town of Kingston-upon-Hull;

The expression "the company" means the Hull Street Tramways Company.

Promoters.

The Promoters.

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

Lands.

Lands by agreement.

5. The Promoters may appropriate and use for the purposes of the undertaking any lands not dedicated to 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 those purposes more than five acres of land but nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon lands taken or appropriated under the powers of this section.

Construction of Tramways.

Construction of tramways.

6. Subject to the provisions of this Order the Promoters may make form lay down use and maintain wholly within the borough the tramways herein-after described in the lines and according to the levels shown on the plans and sections deposited for the purposes of this Order at the office of the Board of Trade as the same have been amended previous to the passing of the Act

confirming this Order (in this Order referred to respectively as "the deposited plans" and "the deposited sections") and in all respects in accordance with those plans and sections with all such rails junctions crossing places turnouts plates tubes channels offices weigh-bridges turn-tables power stations engine-sheds stables carriage-houses works mechanical appliances plant and conveniences connected therewith as may be necessary or proper therefor and for connecting and using the same with the existing tramways.

Provided that in any street or road where the carriageway is less than 28 feet in width the Promoters shall not lay a double line of tramway with the distance between the centre lines shown upon the deposited plans unless and until the carriageway shall be made not less than 28 feet in width but in place of such double line the Promoters may lay a single line or may lay an interlacing line or double line with such reduced distance between the centre lines that for a distance of 30 feet or upwards a space of less than 7 feet 6 inches shall not at any point intervene between the outside of the footpath on either side of the street or road and the nearest rail of the tramway.

The tramways authorised by this Order are—

Tramway No. 1.—1 mile 1 furlong 8·77 chains in length which will be a double line throughout and in substitution for a portion of the existing tramways and commencing in the parish of Newington at a point 2·40 chains or thereabouts westward from the intersection of the centre lines of Carlton Street and Hessle Road passing thence in an easterly direction along Hessle Road and terminating therein in the united parishes of Holy Trinity and Saint Mary by a junction with the existing tramways at a point 1·60 chains or thereabouts eastward from the intersection of the centre lines of Alfred Street and Hessle Road.

Tramway No. 2.—2 furlongs 9·30 chains in length which will be a double line throughout and in substitution for a portion of the existing tramways and wholly situated in the united parishes of Holy Trinity and St. Mary commencing in Hessle Road by a junction with the existing tramways at a point 0·60 chain or thereabouts westward from the intersection of the centre lines of Walker Street and Hessle Road passing thence in an easterly direction along Hessle Road and north easterly into and along Porter Street and northerly into and along Midland Street and terminating in the last-named street by a junction with the existing tramways at a point 2·50 chains or thereabouts northward from the intersection of the centre lines of Osborne Street and Midland Street The part of this tramway in Midland Street shall not be laid so that for a distance of 30 feet or upwards a less space than 9 feet 6 inches shall intervene between the outside of the footpath on either side of the street or road and the nearest rail of the tramway.

Tramway No. 3.—1 mile 7 furlongs 0·71 chain in length which will be a double line throughout and in substitution for a portion of the existing tramways and commencing in the parish of Newington at a point 1·80 chains or thereabouts westward from the intersection of the centre lines of Wheeler Street and Anlaby Road passing thence in an easterly direction along Anlaby Road and into and along Carr Lane and Saint John Street and terminating in the last-named street in the united

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parishes of Holy Trinity and Saint Mary by a junction with the existing tramways at a point 1·30 chains or thereabouts eastward from the intersection of the centre lines of Engine Street and Saint John Street.

Tramway No. 4.—1 mile 1 furlong 7·58 chains in length which will be a double line throughout and for a part of its length in substitution for a portion of the existing tramways and commencing in the parish of Cottingham at a point 0·20 chain or thereabouts southward from the intersection of the centre lines of Queen's Road and Prince's Avenue passing thence in a southerly direction along Prince's Avenue and easterly into and along Spring Bank on or near the boundary between the parish of Sculcoates and the united parishes of Holy Trinity and St. Mary and part in the said united parishes and south-easterly into and along Prospect Street and terminating in the last-named street in the parish of Sculcoates by a junction with the existing tramways at the intersection of the centre lines of Pearson Street and Prospect Street.

Tramway No. 5.—1 mile 3 furlongs 3·37 chains in length which will be a double line throughout and in substitution for a portion of the existing tramways and commencing in the parish of Cottingham at a point 0·35 chain or thereabouts southward from the intersection of the centre lines of Cottingham Road and Beverley Road passing thence in a southerly direction along Beverley Road and terminating therein in the parish of Sculcoates by a junction with the existing tramways at the intersection of the centre lines of Marlborough Terrace and Beverley Road.

Tramway No. 6.—1 furlong 6·09 chains in length which will be a double line throughout and in substitution for a portion of the existing tramways and wholly situate in the parish of Sculcoates commencing in Prospect Street by a junction with the existing tramways at a point 0·80 chain or thereabouts north westward from the intersection of the centre lines of Pryme Street and Prospect Street passing thence in a south-easterly direction along Prospect Street and easterly into and along Albion Street and terminating in the last-named street by a junction with the existing tramways at a point 1·80 chains or thereabouts eastward from the intersection of the centre lines of Prospect Street and Albion Street.

Tramway No. 7.—2 furlongs 1·67 chains in length which will be a double line throughout and in substitution for a portion of the existing tramways and commencing in the parish of Sculcoates by a junction with the existing tramways in Albion Street at a point 1·40 chains or thereabouts westward from the intersection of the centre lines of Union Street and Albion Street passing thence in an easterly direction along Albion Street in a southerly and easterly direction into and along Bond Street in a southerly direction into and along Savile Street and in a south-easterly direction into and along Junction Street and terminating in the last-named street in the united parishes of Holy Trinity and St. Mary by a junction with the existing tramways at a point 1·60 chains or thereabouts westward from the intersection of the centre lines of Whitefriargate Bridge and the Lock-pit connecting Queen's Dock and Prince's Dock.

Tramway No. 8.—6·50 chains in length which will be a double line throughout and in substitution for a portion of the existing tramways

and wholly situate in the united parishes of Holy Trinity and St. Mary commencing by a junction with the existing tramways at a point 0·50 chain or thereabouts southward from the intersection of the centre lines of Silver Street and Market Place passing thence in a southerly direction along Market Place and terminating in the last-named street by a junction with the existing tramways at a point 0·40 chain or thereabouts northward from the intersection of the centre lines of South Church Side and Market Place.

Tramway No. 9.—1 furlong 8·39 chains in length which will be a double line throughout and in substitution for a portion of the existing tramways and wholly situate in the united parishes of Holy Trinity and St. Mary commencing in Market Place by a junction with the existing tramways at a point 0·70 chain or thereabouts northward from the intersection of the centre lines of Mytongate and Market Place passing thence in a southerly direction along Market Place and into and along Queen Street and westerly into and along Nelson Street and terminating in the last-named street at a point 0·50 chain or thereabouts eastward from the intersection of the centre lines of Pier Street and Nelson Street.

Tramway No. 10.— 3 furlongs 2·17 chains in length which will be a double line throughout and in substitution for a portion of the existing tramways and commencing in the parish of Sculcoates by a junction with tramway No. 7 at a point 0·50 chain or thereabouts southward of the intersection of the centre lines of George Street and Savile Street passing thence in a north-easterly direction along Savile Street and easterly into and along George Street and Charlotte Street and terminating in the last-named street in the united parishes of Holy Trinity and Saint Mary by a junction with the existing tramways at a point 0·86 chain or thereabouts eastward from the intersection of the centre lines of Wincolmlee and Charlotte Street The part of this tramway in Charlotte Street east of Dock Office Row shall not be laid so that for a distance of 30 feet or upwards a less space than 9 feet 6 inches shall intervene between the outside of the footpath on the south side of the street or road and the nearest rail of the tramway.

Tramway No. 11.—1 mile 4 furlongs 0·95 chain in length which will be a double line throughout and for a part of its length in substitution for a portion of the existing tramways and commencing in the parish of Sutton by a junction with the existing tramways at a point 1·80 chains or thereabouts north-eastward from the intersection of the centre lines of Great Union Street and Witham passing thence in an easterly direction along Witham and north-easterly into and along Holderness Road and running for a part of its length through the parish of Drypool and terminating in Holderness Road in the parish of Southcoates at a point opposite to the centre of the main entrance to the East Park This tramway near its termination shall not be laid so that for a distance of 30 feet or upwards a less space than 9 feet 6 inches shall intervene between the outside of the footpath on the north-west side of the street or road and the nearest rail of the tramway.

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The intended tramways will be made and pass through in from and into the following townships and parishes or some of them namely :—

Newington Holy Trinity and Saint Mary Sculcoates Cottingham Sutton Drypool and Southcoates.

Such tramways will be wholly in the borough.

Provisions as to tramways in Whitefriargate and Silver Street.

7. Notwithstanding anything in this Order contained the following provisions shall apply to the tramways in Whitefriargate and Silver Street :

(1.) The position of the tramway in Whitefriargate and Silver Street as at present existing shall not be altered to a greater extent than eighteen inches :

(2.) In no case shall more than one tramcar be between the west end of Whitefriargate and the east end of Silver Street at one and the same time.

Relaying of existing tramways.

8. The Promoters may take up renew and relay the existing tramways wherever tramways are not authorised to be constructed by this Order and the existing tramways to be relaid as aforesaid shall be deemed to be part of the tramways authorised by and constructed under the authority of this Order.

Gauge of tramways.

9. The tramways shall be constructed on a gauge of 4 feet 8½ inches or such lesser gauge as the Board of Trade may prescribe.

Provisions as to construction of tramways.

10. In addition to the requirements of section 26 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.

Power to lay single or interlacing lines in place of double.

11. The Promoters in any street or road in which by virtue of the provisions of this Order or any other Order or any Act a double line of tramway has been laid down or authorised may with the consent of the Board of Trade in writing in lieu thereof lay down a single or an interlacing line of tramway.

The Promoters may also with such consent as aforesaid alter the position of the tramways in any street or road provided that if the space authorised between the outside of the footpath and the nearest rail be in any case less than 9 feet 6 inches the space between such footpath and the altered rail shall not be less than the space authorised.

As to rails of tramways.

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

For protection of the North Eastern Railway Company. As to laying tramways across the railway lines.

13. For the protection of the North Eastern Railway Company (in this section called "the railway company") the following provisions shall apply and have effect (that is to say):—

(1.) In the relaying or construction as the case may be of the tramways across the rails of the railway company now laid upon the level of the roads known or called respectively the Anlaby the Beverley and the Holderness Roads

and the Spring Bank and in the execution and maintenance of works in connection therewith authorised by this Order the same shall be relaid constructed executed and maintained as the case may be in accordance with a plan to be agreed upon by the engineers for the time being of the railway company and of the Promoters and under the superintendence and to the reasonable satisfaction of the engineer for the time being of the railway company at the cost of the Promoters unless after seven days notice given by the Promoters of their intention to commence such works such superintendence is refused or withheld and the said tramways at the said level crossings and the said works in connection therewith including the roadway between the rails of the tramways and so much of the road as extends eighteen inches beyond the rails of and on each side of the tramways shall be maintained and kept in constant and efficient repair to the reasonable satisfaction of the railway company's engineer for the time being and in default thereof the railway company may effect the necessary repairs and recover from the Promoters the cost thereof and any damages losses costs and expenses sustained by them by reason of such default.

As to railway traffic at level crossings.

(2.) The Promoters shall not stop their carriages on or otherwise interfere with or obstruct the traffic of the railway company on the level crossings of the railway of the railway company over the Anlaby the Beverley and the Holderness Roads and the Spring Bank and the traffic of the railway company shall at all times have precedence of the traffic of the Promoters who shall be subject to such rules bye-laws and regulations relating thereto as shall be agreed upon between the Promoters and the railway company.

As to injury to railway works.

(3.) If by reason of the execution of any of the works or any proceedings of the Promoters or the failure of any such works or any act or omission of the Promoters or of their servants the said railway or any of the works of the railway company 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 failure so to do then the railway company may make good the same and recover the expense thereof against the Promoters in any court of competent jurisdiction.

As to pipes &c.

(4.) The North Eastern Railway (Hull Docks) Act 1893 section 30 subsection 14 shall apply to any pipes wires cables or culverts which the Promoters may require to lay or construct under the docks or locks of the railway company for the purposes of the tramways.

As to crossing of Whitefriargate Bridge.

(5.) In the relaying or construction and use of the tramways over the Whitefriargate Bridge belonging to the railway company the Promoters shall observe and be bound by the following conditions:—

(*a.*) The Promoters as owners of the tramways shall have no ownership or other interest in the said bridge other than an easement of laying and maintaining the tramways;

(*b.*) The laying down of the tramways and all alterations or repairs thereof shall be done under the superintendence and to the reasonable satisfaction of the engineer to the railway company and at the cost of the Promoters unless after seven days notice given by the Promoters of their intention to commence such works such superintendence is refused or withheld;

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(*c.*) The railway company shall be at liberty to stop the traffic and the passing of the Promoters carriages over the said bridge at such times as shall be necessary for the opening and passage of vessels through the said bridge and for all repairs thereto or to the approaches or machinery thereof;

(*d.*) The passing of vessels through the said bridge shall at all times have precedence of the traffic of the Promoters;

(*e.*) If at any time the said bridge is not sufficiently strong for the safe passage thereon of the traffic of the tramways the Promoters shall forthwith upon notice from the railway company cease to run their carriages over such bridge and if required by the railway company shall take up and remove the rails of the tramways from the bridge and restore the roadway to a good state and condition Provided always that in the event of such notice being given by the railway company it shall be lawful for the Promoters to require the railway company to reconstruct the said bridge of such dimensions and construction as shall be agreed between the Promoters and the railway company or in case of difference as shall be settled by an engineer to be appointed by the Board of Trade and the Promoters shall contribute to the cost of such reconstruction such proportion (not being less than one fourth or more than one half of such cost) as shall be agreed between the Promoters and the railway company or in case of difference as shall be settled by an engineer to be appointed by the Board of Trade.

Provision as to arbitration.

(6.) In the event of any difference between the railway company or their engineer and the Promoters or their engineer the same shall be settled by a referee to be appointed by the Board of Trade in the manner provided by section 33 of the Tramways Act 1870.

Penalty for not maintaining rails in good condition.

14. 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 make default in complying with this provision they shall for every such offence be subject on information laid or complaint made to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues and such penalties may be recovered as by section 56 of the Tramways Act 1870 is provided In any case in which it is represented in writing to the Board of Trade by 20 inhabitant ratepayers of the borough that the Promoters have made any such default as aforesaid the Board of Trade may if they think fit direct an 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 by this section imposed.

Promoters may lay down and maintain works necessary for using steam

15. The Promoters may construct lay down execute and maintain in on or under the surface of any road bridge railway or place in or on which the tramways are authorised all such rails grooves channels tubes passages mains

plates wires ropes cables chains engines machinery or apparatus and also all such openings or ways in or under any such surface as may be necessary or expedient either for the working of the tramways by steam cable electrical or mechanical power or for working any such wires ropes cables chains or apparatus and such manholes or other means for providing access to or in connection with any engines or machinery used for the purposes aforesaid provided that all powers restrictions and provisions relating to the construction and maintenance of the tramways under or by virtue of this Order shall apply and have effect with regard to the construction execution and maintenance of such works and things as aforesaid.

cable electrical or mechanical power.

16. The Promoters may for the purpose of constructing or relaying the tramways or any of them take up and remove the existing tramways or so much thereof as may be necessary On the granting by the Board of Trade of its certificate under the Tramways Act 1870 that any of the tramways is or are fit for public traffic all rights powers authorities obligations and liabilities in relation to any portion of the existing tramways for which the tramways shall be substituted shall as from the date of such certificate cease and determine so far as regards such portion of the existing tramways.

Removal of existing tramways.

17. The Promoters may from time to time make maintain alter or remove all such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as may be necessary or convenient for the efficient working of the tramways or any of them or for affording access to any stables engine-houses carriage-houses sheds or works of the Promoters Provided that in the construction of any such works no rail shall for a distance of 30 feet or upwards be so laid that a less space than 9 feet 6 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 so laid by writing under his hand addressed to the Promoters express his objection thereto.

Additional crossings &c. may be made where necessary.

18. Where by reason of the execution of any work in or the alteration widening or improvement of any street road or highway in which any of the tramways is laid it is in the opinion of the Promoters necessary or expedient so to do the Promoters may temporarily alter such tramway or temporarily remove or discontinue the use of such tramway or any part thereof and may from time to time construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Temporary tramways may be made when necessary.

19. 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.

Application of road materials excavated in construction of works.

20. 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.

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

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Motive Power.

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

21. The carriages used upon the tramways may subject to the provisions of this Order be moved by animal power and with the consent in writing of the Board of Trade by any form of mechanical or electrical power specially approved by the Board of Trade in writing.

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

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

Power to place poles wires &c.

22. Subject to the provisions of this Order the Promoters may place and maintain in on or over any street road bridge or railway in on or over which any of the tramways may be laid such poles and overhead electric wires as may be necessary and proper for working such tramways by electric power.

Provided that before placing such poles or wires the Promoters shall lay before the Board of Trade a plan showing the position of every such pole and wire and shall not commence the erection thereof until such plan shall have been approved by the said Board and all such poles and wires shall be placed and erected in accordance with the plan so approved.

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

23. If the Promoters or any company or person shall use electrical or mechanical power on any of the tramways contrary to the provisions of this Order or to any of the regulations set forth in the First Schedule to this Order annexed or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they shall for every such offence be subject to a penalty not exceeding ten pounds and also in 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 any company or person using electrical or mechanical power on the tramways under the authority of this Order have or has made default in complying with the provisions of this Order or with any of the regulations set forth in the First Schedule to this Order annexed or with any regulation which may have been added thereto or substituted therefor as aforesaid or in case the said Board is satisfied that the use of such power cannot be continued without danger may by order direct the

Promoters or such company or person to cease to exercise the powers aforesaid and thereupon the Promoters 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.

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

For regulating the use of the bell whistle or other warning apparatus fitted to the carriage:

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

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

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

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

As to recovery of penalties.

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

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

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

Orders and byelaws to be signed &c.

27. All orders and byelaws made and consents approvals and certificates given by the Board of Trade under the authority of this Order shall be signed by a Secretary or an Assistant Secretary of the Board of Trade and when purporting to be so signed the same shall be deemed to have been duly made or given in accordance with the provisions of this Order and may be proved in manner provided by the Documentary Evidence Act 1868 with respect to orders and regulations.

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Provisions as to use of electric power.

28. The following provisions shall apply to the use by the Promoters of electric power upon any of the tramways 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 the 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 regulation 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 expiration of a period of two 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 licencees and any company or person owning or using any tramway of the Promoters.

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

For protection of the Postmaster-General.

(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 shal 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 worked their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Promoters shall be bound to make any alteration in or addition 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.

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(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 6 feet on each side of such point) the Promoters or their agents not more than 28 nor less than 14 days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and 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 cognizance of the ca 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 reasons 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 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section.

(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 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.

(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 matters aforesaid.

(11.) In this section the expression "the Promoters" includes their lessees and any person owning working or running carriages on any of the tramways of the Promoters.

Traffic.

Promoters not to carry goods.

30. The tramways shall be used exclusively for passenger traffic and for the conveyance of parcels.

Interchange of traffic.

31. The Promoters or their lessees on the one hand and any company or person owning or lawfully working or using any tramways on the other hand may enter into and fulfil contracts and agreements for and in relation to the interchange accommodation and forwarding of carriages passengers and traffic on from or to any of such tramways on to or from the tramways or any of them and for and in relation to the user by the contracting parties or any or either of them of the whole or any part of their respective tramway undertakings or of any or either of them respectively.

Tolls.

Tolls for passengers.

32. The Promoters if licensed to work the tramways or their lessees may demand and take for every passenger travelling upon any of the tramways or any part or parts thereof respectively including tolls for the use of the tramways and of carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding the following (that is to say)—For every person conveyed for any distance not exceeding two miles twopence and for any distance beyond two miles for every mile or portion of a mile one penny.

As to fares on Sundays and holidays.

33. It shall not be lawful for the Promoters or their lessees to take or demand on Sunday or on any bank or other public holiday any higher rates or charges than those levied by them on ordinary week days.

Passengers luggage.

34. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof.

Cheap fares for labouring classes.

35. The Promoters at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run at least one carriage or more if required each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than half-past five in the evening respectively as the Promoters think convenient for artisans mechanics and daily labourers at fares not exceeding one penny for the journey from any point on one tramway to any point either on the same or any other tramway Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such carriages or the number of passengers carried the said Board shall have power to fix and regulate the same from time to time.

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Tolls for parcels &c.

36. The Promoters may demand and take in respect of any articles or things in small parcels conveyed by them upon the tramways or any of them including tolls for the use of the tramways and for carriages and motive power and every other expense incidental to such conveyance any tolls or charges not exceeding the rates specified in the Second Schedule to this Order annexed and the word "journey" wherever used in this Order or the said Second Schedule shall mean the distance traversed in the same direction upon the tramways or any of them or any part thereof at any time.

As to payment of tolls.

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

Miscellaneous.

Power to corporation to work tramways.

38. Notwithstanding anything contained in the Tramways Act 1870 or this Order the Promoters may place and run carriages on and work and use any tramways for the time being belonging to them and may provide such plant materials and things as may be requisite or convenient therefor and in such case the provisions of this Order relating to the working of the said tramways and the taking of tolls rates and charges therefor shall so far as they are applicable extend and apply mutatis mutandis to and in relation to the Promoters.

Corporation may borrow 300,000*l.* to be repaid in 30 years.

39. The Promoters may under and according to the provisions contained in section 20 of the Tramways Act 1870 borrow for the purposes of this Order any sum or sums of money not exceeding in the whole the sum of three hundred thousand pounds and the time for which the said sum of three hundred thousand pounds may be borrowed shall be 30 years.

Provisions as to arbitration.

40. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall except where otherwise specially provided apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court 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.

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

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

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

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

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Section 265 of the Public Health Act 1875 incorporated.

42. Section 265 (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" when used in that section shall mean this Order.

Repeal of previous enactments.

43. The Order of 1872 the Act of 1875 and the Order of 1877 shall be applicable in all respects to the existing tramways until they are relaid or superseded by the tramways by this Order authorised as the case may be and on and from the opening of the tramways for public traffic the same shall be subject only to the provisions of this Order and the Order of 1872 the Act of 1875 and the Order of 1877 shall be and they are hereby repealed.

Confirmation of agreement.

44. The agreement between the Company and the Promoters set out in the Third Schedule hereto annexed shall be and the same is hereby confirmed and full effect may and shall be given thereto.

Saving for general Acts.

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

Costs of Order.

46. The costs charges and expenses of applying for and obtaining this Order shall be paid by the Promoters.

SCHEDULES.

FIRST SCHEDULE.

Break power of engines.

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

As to fittings of engines &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

As to carriages.

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

Inspection of engines and carriages.

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

As to speed.

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

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

SECOND SCHEDULE.

Rates for Conveyance of Parcels.

Small Parcels.

For any parcel not exceeding seven pounds in weight threepence per journey.

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence per journey.

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence per journey.

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence per journey.

THIRD SCHEDULE.

An Agreement made the 1st day of August 1895 between the Hull Street Tramways Company (herein-after called "the Company") acting by William Parker Burkinshaw of the borough of Kingston-upon-Hull the official liquidator and manager and receiver thereof of the one part and the mayor aldermen and burgesses of the said borough of Kingston-upon-Hull (herein-after called "the Corporation") of the other part Whereas the Company were incorporated by the Hull Street Tramways Act 1875 for the purposes and with the powers and subject to the provisoes and stipulations therein contained and such purposes

powers provisoes and stipulations have from time to time been extended or varied by various Acts of Parliament and Orders of the Board of Trade And whereas by an Order of the Chancery Division of the High Court of Justice dated the 30th day of November 1889 it was ordered that the Company should be wound up by the Court and by an Order of the said Chancery Division dated the 16th day of January 1890 the said William Parker Burkinshaw was appointed the official liquidator of the Company And whereas by an Order of the said Chancery Division dated the 28th day of January 1890 the said William Parker Burkinshaw was appointed manager and receiver of the undertaking of the Company Now it is hereby agreed as follows:—

1. The Company shall sell and the Corporation shall purchase for the sum of 12,500*l.* the whole of the tramways and undertaking of the Company and all the rights powers and authorities of the Company in respect thereof together with the inheritance in fee simple in possession free from incumbrances of and in the freehold pieces of land situate respectively on the Beverley Road the Hessle Road and the Holderness Road in the said borough of Kingston-upon-Hull with the stables depôts offices workshops granaries and buildings respectively erected thereon and all easements rights of way and other rights appurtenant or necessary thereto or hitherto exercised or enjoyed therewith and which said pieces of land contain respectively on the Beverley Road 1,430 square yards on the Hessle Road 1,805 square yards and on the Holderness Road 580 square yards or thereabouts but not including the horses cars and harness of the Company and not including the articles mentioned in the schedule hereto all of which are expressly excepted from this Agreement The premises hereby agreed to be sold are herein-after referred to as "the undertaking" and are sold subject to all easements (if any) subsisting thereon.

2. If the Corporation shall on or before the 15th day of October 1895 give to the Company notice of their desire to complete the purchase on the 15th day of November 1895 the purchase money shall be paid into court and the purchase shall be completed on the said 15th day of November 1895 but if not the purchase money shall be paid into court and the purchase shall be completed on the 15th day of October 1896 and the Company and all other necessary parties (if any) shall execute and do such assurances and things as may be reasonably required for vesting the undertaking in the Corporation and giving them the full benefit of this Agreement The Company shall obtain without expense to the Corporation the necessary order or direction for the payment of the said money into court.

3. On the payment of the said purchase money the Corporation shall be let into possession of the whole of the undertaking except the said stables and depôts on the Beverley Hessle and Holderness Roads and possession of the said stables and depôts shall be given to the Corporation within one calendar month from the date of such payment as atoresaid.

4. The Company shall be entitled to the receipts and profits of the undertaking and shall continue to exercise the rights powers and authorities of and to be subject to all obligations and liabilities as owners and promoters of the undertaking up to the date of the payment of the said purchase money.

A.D. 1896.

Hull.

5. Subject to the provisions contained in the next clause the Company shall up to the date of the payment of the said purchase money run upon the said tramways a similar service of cars to that heretofore run by them and the Corporation shall maintain the roadway and rails of the said tramways in such a fair and reasonable condition as will enable the Company to comply with this clause Provided always that the Corporation shall not be liable for any accidents or damage which may occur either to the Company or to any body or persons by or by reason or in consequence of the non-repair or defective state of the said roadway or rails.

6. The Corporation may exercise all the powers and authorities of the Company with reference to the maintenance and repair of the said tramways the re-construction thereof and the construction of crossings passing places sidings and junctions The Corporation may also construct any tramways authorised or to be authorised before the date of the payment of the said purchase money For the purposes of exercising the powers authorities and rights referred to in this clause the Corporation may so far as may be reasonably necessary interfere with and wholly or partially suspend the traffic on the said tramways without paying to the Company any compensation in respect of the same Provided always that the Corporation shall not wholly suspend the traffic on any of the said tramways for more than three days in every or any month except in the case of the Hessle Road and Holderness Road tramways where they shall be at liberty to wholly suspend the traffic for such time as they may think requisite on giving to the Company fourteen days previous notice of their intention so to do Provided further that such respective suspensions of traffic as aforesaid shall not take place on more than one of the Anlaby Road Spring Bank and Beverley Road tramways at the same time nor on both the Hessle Road and Holderness Road tramways at the same time.

7. The Company will transfer to the Corporation the benefit of existing fire insurance policies and will repair the buildings which have been damaged by the recent fire.

8. If the Corporation shall on or before the 15th day of August 1896 give to the Company notice of their desire to purchase all or any of the articles mentioned in the said schedule the Corporation shall be at liberty to purchase such as shall be in the possession of the Company at the time of giving such notice at such a price as may be mutually agreed upon between the Company and the Corporation or failing agreement as shall be determined by a valuer to be agreed upon or to be appointed by the Board of Trade.

9. The Company shall within one calendar month from the date hereof deliver to the town clerk an abstract of their title to the undertaking.

10. This Agreement is conditional on the sanction of the judge being obtained thereto on or before the expiration of three calendar months from the date hereof and the official liquidator shall without expense to the Corporation forthwith apply for such sanction and the Corporation shall if required by the official liquidator appear and consent to an order accordingly And if such sanction is not obtained within the time herein-before limited for such purpose this Agreement shall be void:

11. This Agreement is also subject to the consent of the Board of Trade.

In witness whereof the Company and the Corporation have hereunto affixed their respective common seals the day and year first before written.

THE SCHEDULE.

Gas engine	Tar boilers
Shafting and belting	Portable boiler
Sand spreader	Hot water apparatus and pipes at Hessle Road depôt
Rullies	Bales
Carts	Water troughs and feed tubs
Whitechapel carts	Corn bins
Wheelbarrows	Gas fittings
Corn crushers	Bellows and anvils
Hay cutter	Loose tools
Hoisting machine	Loose stable utensils
Grindstone	Fodder
Drilling machine	Materials for repairs
Shop stove in harness makers room	Stores
Benches	

The Common Seal of the Company was affixed hereto in the presence of

Seal of Company.

WM. HODGSON
Solicitor Hull.

W. P. BURKINSHAW
Official Liquidator.

The Common Seal of the Corporation was affixed hereto in the presence of

Seal of Corporation.

R. HILL DAWE
Town Clerk.

A.D. 1896.

MANCHESTER CORPORATION.

Manchester. *Order authorising the Mayor Aldermen and Citizens of the City of Manchester in the County of Lancaster to construct additional Tramways in the said City.*

Short title.

1. This Order may be cited as the Manchester Corporation Tramways Order 1896.

Incorporation of Tramways Act 1870.

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 corporation" shall mean the mayor aldermen and citizens of the city of Manchester in the county of Lancaster;

The expression "the city" shall mean the said city of Manchester;

The expression "the Order of 1878" shall mean the Manchester Corporation Tramways Order 1878;

The expression "the Order of 1881" shall mean the Manchester Corporation Tramways Order 1881; and

The expression "the Order of 1893" shall mean the Manchester Corporation Tramways Order 1893.

Promoters.

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."

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 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 (1 furlong 6·77 chains in length) being a double line commencing in Great Jackson Street at its intersection with City Road by a junction with Tramways Nos. 30 and 30A authorised by the

Order of 1878 and passing thence in a north-westerly direction along Great Jackson Street into and terminating in Chester Road by junctions with Tramways Nos. 32 and 32A authorised by the same Order.

Tramway No. 2 (2 furlongs 8·46 chains in length) being a double line commencing in Market Street opposite the end of High Street by a junction with Tramways Nos. 7 and 1A authorised respectively by the Order of 1878 and the Order of 1881 and passing thence into and along High Street Nicholas Croft and Shudehill and terminating at the southern end of Rochdale Road by a junction with Tramways Nos. 6 and 6A in Rochdale Road authorised by the Order of 1878.

The tramways herein-before mentioned will be situate wholly in the townships of South Manchester and Manchester in the parish of Manchester in the county of Lancaster.

As to construction of Tramway No. 2 in Shudehill.

6. The Promoters shall not construct Tramway No. 2 in Shudehill between Hanover Street and Miller Street unless and until they have widened that portion of Shudehill so as to allow of a space of 9 feet 6 inches between the nearest rail of the tramway and the outside of the footpath on both the sides of the street.

Extending provisions of Order of 1881 as to construction.

7. The following provisions of the Order of 1881 (that is to say) sections 7 to 12 of the said Order 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 1881.

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

8. 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.

Traffic and Tolls.

Tramways for purposes of tolls &c. to form part of tramways authorised by Orders of 1878 1881 and 1893.

9. The tramways authorised by this Order shall for the purposes of traffic thereon and of the tolls and charges to be demanded and taken thereon and the opening of the same to the public be deemed to form part of the tramways authorised by the Order of 1878 the Order of 1881 and the Order of 1893 and sections 14 to 25 of the Order of 1878 and the schedule to the said Order annexed shall so far as the same are applicable extend and apply to the tramways by this Order authorised in like manner in every respect as if the tramways authorised by this Order formed part of the tramways authorised by the Order of 1878 the Order of 1881 and the Order of 1893.

As to fares on Sundays and holidays.

10. It shall not be lawful for the corporation their lessees or any other company or person working or using the tramways to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days Provided that this section shall not extend or apply to or in relation to any tramways of the corporation the tolls and charges for the use of which are at the date of the passing of the Act confirming this Order by virtue of leases or agreements subsisting at that date

A.D. 1896. vested in the Manchester Carriage and Tramways Company during in the case of each tramway or portion of a tramway the term then expressed in the lease or agreement then relating thereto.

Manchester.

Periodical revision of tolls.

11. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by 20 inhabitant ratepayers of the city or by the lessees that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges authorised by the Order of 1878 Provided also that a copy of this section shall be annexed to every table or list of tolls published or exhibited by the lessees in connection with the tramways authorised by this Order.

Miscellaneous

Provisions as to arbitration.

12. 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.

13. 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 the town clerk and if given by any company or by any local authority or road authority by their secretary or clerk;

(2.) Any notice to be delivered by or to the Promoters to or by any local authority or any road authority or other body or any company may be

delivered by being left at the principal office of such authority body or company or at the town hall in the city 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 town clerk at the town hall.

Corporation may borrow four thousand pounds to be repaid in thirty years.

14. The corporation may under and according to the provisions contained in section 20 of the Tramways Act 1870 borrow for the purposes of this Order and for the purposes of the Manchester Corporation Tramways Order 1893 any sum or sums of money not exceeding in the whole the sum of four thousand pounds in addition to any sum or sums of money they are already authorised to borrow and the time for which the said sum of four thousand pounds may be borrowed shall be thirty years and for the purpose of such borrowing the corporation may include in any mortgage of the city fund and city rate the rents reserved under any lease made under the authority of the Order of 1878 or of the Order of 1881 or of the Order of 1893 or of this Order and the tolls charges and sums authorised to be taken or received by them under the provisions of the Order of 1878 or the Order of 1881 or the Order of 1893 or this Order subject to all charges affecting the same at the time of the making of such mortgage.

Audit of accounts.

15. Sections 246 and 250 of the Public Health Act 1875 shall apply to the audit of the accounts of the receipts and expenditure of the corporation and their officers with respect to the tramways as if such accounts related to receipts and expenditure under that Act.

Saving for general Acts.

16. Notwithstanding anything in this Order contained the Promoters lessees and any person using the tramways shall be subject and liable to the provisions of any general Act now in force or which may hereafter be passed during this or any future session of Parliament relating to tramways or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon and to any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges authorised by the Order of 1878 and this Order and to any condition regulation or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power steam power or any mechanical power by any such general Act as aforesaid,

PLYMOUTH CORPORATION.

Plymouth.

Order authorising the Mayor Aldermen and Burgesses of the Borough of Plymouth to construct additional Tramways in the said Borough and for other purposes.

Citation.

1. This Order may be cited as the Plymouth Corporation Tramways Order 1896 and this Order and the Plymouth Devonport and District Tramways Act 1882 the Plymouth Tramways Act 1889 the Plymouth Tramways Act 1892 and the Plymouth Corporation Tramways Order 1893 may be together cited as the Plymouth Tramways Acts 1882 to 1896.

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Plymouth, 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 Plymouth;

The expression "the corporation" shall mean the mayor aldermen and burgesses of the borough;

The expression "the Act of 1892" shall mean the Plymouth Tramways Act 1892;

The expression "the Order of 1893" shall mean the Plymouth Corporation Tramways Order 1893.

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 amended 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 amended deposited plans" and "the amended 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. 2 (5·33 chains in length whereof 2·55 chains is double line and 2·88 chains is single line) commencing in Westwell Street by a junction with the existing tramway there at a point 42 feet south-west of the junction of Basket Street with Westwell Street passing thence along Basket Street and into Catherine Street and terminating in the last-mentioned street by a junction with the authorised tramway there at a point 42 feet east of No. 1 Bedford Street.

This tramway shall be laid as a double line except between the commencement thereof and a point 112 feet east of the junction of Westwell Street with Basket Street where it shall be laid as a single line.

Provided that no part of this tramway shall be laid west of the municipal offices until the road shall have been so widened as to allow a space of at least 9 feet 6 inches to intervene between the outside of the footpath and the nearest rail of the tramway on both sides of the road.

Tramway No. 3 (21·83 chains in length whereof 21·37 chains is double line and 0·46 chain is single line) commencing in Embankment Road by a junction with the authorised tramway there at a point 28 feet west of the junction of Prince Rock Approach Road with Embankment Road passing thence along Prince Rock Approach Road and terminating therein at a point 656 feet east of the centre line of the bridge over the Great Western Railway.

This tramway shall be laid as a double line except between the termination and a point 30 feet west thereof where it shall be laid as a single line Provided that notwithstanding anything contained in this section or shown upon the deposited plans so much of the tramway as will be situate where the road is less than 28 feet in width shall be laid at the option of the corporation either as a single line or as an interlacing line.

Incorporation of provisions of Order of 1893.

6. The following provisions of the Order of 1893 (that is to say) :—

Section 5 (lands by agreement) ;
Section 10 (gauge of tramways) ;
Section 11 (provisions as to construction of tramways) ;
Section 12 (mode of formation of tramways) ;
Section 13 (penalty for not maintaining rails and road in good condition);
Section 14 (additional passing places may be made where necessary) ;
Section 15 (temporary tramways may be made where necessary) ;
Section 16 (application of road materials excavated in construction of works) ;
Section 17 (tramways not to be opened until certified by Board of Trade);
Section 18 (carriages on tramways may be moved by animal steam and mechanical power);
Section 19 (applying certain provisions of Act of 1882 and Act of 1892 as to use of mechanical power) ;
Section 21 (applying provisions of Acts of 1882 and 1892 as to traffic tolls &c.) ;
Section 22 (provisions as to arbitration);
Section 23 (form and delivery of notices)
Section 25 (audit of accounts) ;
Section 27 (saving for general Acts) ; and
The schedule

shall subject to the provisions of this Order and so far as the same are applicable in that behalf extend and apply mutatis mutandis to and in relation to the tramways and the undertaking as if such provisions were re-enacted in this Order.

Alteration of tramways.

7. The Promoters may lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any tramways for the time being belonging to them and if at any time after the construction of any of such tramways the road in which the same or any part thereof is laid has been or shall be widened or altered the Promoters may take up and remove such tramway or part thereof and reconstruct the same in such position as they may think fit Provided that in the exercise of the powers of this section no rail shall be so laid that for a distance of 30 feet or upwards a less space than 9 feet 6 inches shall

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Plymouth.

intervene between the said rail and the outside of the footpath on either side of the road if the owners and occupiers of the houses shops or warehouses abutting on the place where such rail is proposed to be laid by notice in writing under their hands addressed to the Promoters express their objection thereto.

Further powers as to use of electricity.

8. The expression "mechanical power" wherever used in the Plymouth Tramway Acts 1882 to 1896 shall include electrical power applied by means of the rails or of conductors placed above on or under the ground and for the purpose of working any of their tramways by electrical power so applied the Promoters may erect construct maintain and use dynamos and other electrical apparatus engines buildings works and conveniences and may place in any street road or place and maintain posts brackets electrical conductors and apparatus.

Provided that 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 under the powers by this section conferred on lands acquired or appropriated for the purposes of any of the authorised tramways of the Promoters.

Provided also that the Promoters shall not under the provisions of this Order erect any conductors above ground in any district outside the borough except with the consent of the local authority of such district.

Restrictions on use of electrical power.

9. Section 20 of the Order of 1893 is hereby repealed and the following provisions shall apply to the use by the Promoters of electrical power under the provisions of the Plymouth Tramways Acts 1882 to 1896 in this section called "the said Acts" 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 said Acts conferred with respect to the use of electrical 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 electrical 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 electrical 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 electrical power and thereupon the Promoters shall cease to use electrical 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 electrical 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 two 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 licencees and any person owning or using any tramways of the Promoters.

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Plymouth. For protection of the Postmaster-General.

10. 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 sub-section 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 28 nor less than 14 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 cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-

postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.

(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 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section.

(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 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.

(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 any person owning working or running carriages on any of the tramways of the Promoters.

(12.) Section 15 of the Act of 1892 is hereby repealed.

For the protection of the Plymouth Embankment Company.

11. Nothing in this Order shall alter prejudice or affect any estate right title or interest of the Company of Proprietors for embanking part of the Laira near Plymouth under an Act passed in the forty-second year of the reign of His late Majesty King George the Third intituled "An Act to enable His Majesty to "grant certain parcels of land situate between Great Prince Rock and the "village of Crabtree called 'Tothill Bay' and 'Lipson Bay' near to the borough "of Plymouth in the county of Devon to certain persons therein named for the "purpose of embanking and preserving the same from the sea" an Act passed in the forty-third year of the same reign intituled "An Act to enable the Com-"pany of Proprietors for embanking part of the Laira near Plymouth to make "and maintain a road from a certain place called 'Efford Quay' in the parish "of Egg Buckland in the county of Devon to the borough of Plymouth" and an Act passed in the fifth year of the reign of His late Majesty King George the Fourth intituled "An Act for further extending the powers of the Company of Proprietors for embanking part of the Laira near Plymouth" and the said Company shall and may from time to time and at all times hereafter hold and

A.D. 1896.

Plymouth. Mortgages to include rents.

enjoy all their lands tolls profits estates rights interests and privileges in as full ample and beneficial a manner to all intents and purposes as they have heretofore held and enjoyed the same.

12. The Promoters may include in any mortgage of the local rate made by them under section 20 of the Tramways Act 1870 for any of the purposes of the Plymouth Tramways Acts 1882 to 1896 the moneys coming to them out of the rents reserved under any lease made under the authority of the said Acts and the tolls charges and sums authorised to be taken or received by them under the provisions thereof.

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