CHAPTER clxiii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Cardiff Tramways (Extensions), Manchester Corporation Tramways, Manchester Suburban Tramways, and Oldham Borough Tramways. [22d July 1878.]

A.D. 1878.

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

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

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

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

Short title.

1. This Act may be cited as the Tramways Orders Confirmation Act, 1878 (No. 2).

Confirmation of Orders in schedule.

2. The several Orders set out in the schedule to this Act annexed shall be and the same are hereby confirmed; and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full force and validity, and the dates of the same respectively shall be the date of the passing of this Act.

A.D. 1878.

SCHEDULE.

LIST OF ORDERS.

1. Cardiff Tramways (Extensions).—Order authorising the Cardiff Tramways Company (Limited) to construct additional Tramways in the borough of Cardiff and county of Glamorgan.

2. Manchester Corporation Tramways.—Order authorising the Mayor, Aldermen, and Citizens of the city of Manchester in the county of Lancaster to construct certain Tramways in the said city.

3. Manchester Suburban Tramways.—Order authorising the construction of Tramways in the suburbs of the city of Manchester.

4. Oldham Borough Tramways.—Order authorising the Mayor, Aldermen, and Burgesses of the borough of Oldham, in the county palatine of Lancaster, to construct certain Tramways within the said borough.

CARDIFF TRAMWAYS (EXTENSIONS).

Order authorising the Cardiff Tramways Company (Limited) to construct additional Tramways in the borough of Cardiff and county of Glamorgan. *Cardiff.*

1. This Order may be cited as the Cardiff Tramways (Extensions) Order, 1878. 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 expressly varied by this Order. Incorporation of Acts.

3. The several words 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 the expression "the tramways" or "the undertaking" shall mean the tramways and works and undertaking by this Order authorised.

In this Order the expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Cardiff.

4. The provisions of the sections of the Cardiff Tramways Order, 1871, numbered 9, 10, 11, and 14 to 24 (both numbers inclusive), shall extend and apply to the tramways by this Order authorised, and to the Promoters in respect thereof, as if the tramways had been included in and authorised by the Cardiff Tramways Order, 1871: Provided always, that, except as by this Order otherwise expressly provided, the tramways authorised by the Cardiff Tramways Order, 1871, and the Cardiff Tramway Order, 1873, and by this Order, shall, for the purposes of tolls and charges, be considered as one tramway, even though passengers shall, for the purpose of travelling over the same, be forced to change carriages; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the tramways authorised by this Order, and partly on the tramways authorised by the Cardiff Tramways Order, 1871, and the Cardiff Tramway Order, 1873, or either of them, for a less distance than one mile, tolls and charges may only be charged as for one mile. Certain sections of Order of 1871 to apply to new works.

Promoters.

5. The Cardiff Tramways Company (Limited) shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters." The Promoters.

6. The Promoters may, by agreement, from time to time purchase and acquire such land as may be necessary for the undertaking, provided that they shall not at any time hold more than three acres in addition to the lands which they are authorised to acquire by the Cardiff Tramways Order, 1871. Land by agreement.

A.D. 1878.

Cardiff.
Construction of tramways.

Construction of Tramways.

7. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited for the purposes of this Order, as varied by certain amended plans and sections (in this Order referred to as "the amended deposited plans and sections"), signed by Joseph Kincaid, the engineer for the Promoters, and by J. A. B. Williams, the engineer of the Corporation, and deposited with the clerk of the peace for the county of Glamorgan on or about the 4th day of June 1878, the tramways herein-after described, with all proper rails, plates, offices, weigh-bridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are—

1. A tramway (No. 1), three furlongs and three chains or thereabouts in length, commencing in Newport Road or Roath Road by a junction with the northernmost of the existing tramways of the Promoters in such road at a point about ten yards east from Plucca Lane, passing thence into and along Roath Road, and terminating in that road opposite or nearly opposite to the western side of Oakfield Street:

1A. A tramway (No. 1A), three chains in length, commencing in the Newport Road by a junction with the existing tramways of the Promoters at a point opposite or nearly opposite the eastern side of Plucca Lane, running thence eastward for about three chains, and terminating in Roath Road by a junction with Tramway No. 1:

1B. A tramway (No. 1B), three chains in length, wholly in Roath Road, commencing and terminating by junctions with Tramway No. 1, the points of commencement and termination being respectively about sixty-seven yards and one hundred and thirty-three yards eastward from the junction of Wordsworth Street with Roath Road:

1C. A tramway (No. 1C), two and a half chains in length, wholly in Roath Road, commencing by a junction with Tramway No. 1 at a point about three chains westward from the termination of Tramway (No. 1), and terminating about half a chain from the western side of Oakfield Street.

2. A tramway (No. 2), one mile and one chain in length, commencing in High Street by a junction with the westernmost of the Promoters existing tramways at a point about forty yards southward from the south side of Bute Statue, passing thence along High Street, across Castle Street, into and along Angel Street, Broad Street, Cowbridge Road (including the bridge over the River Taff), and into Ely Road, and terminating in that road at a point about thirty-three yards westward from the point at which the centre line of Llandaff Road being produced would intersect the centre line of Cowbridge Road:

2A. A tramway (No. 2A), three chains in length, commencing in High Street by a junction with the easternmost of the Promoters existing tramways at a point about sixty-six yards southwards from the south side of Bute Statue, and terminating by a junction with Tramway No. 2 at or near the south side of Bute Statue:

2AA. A tramway (No. 2AA), three chains in length, wholly in Cowbridge Road, commencing and terminating by junctions with tramway No. 2 at points respectively about two chains eastward from the Drinking Fountain at the intersection of Westgate Street with Cowbridge Road, and one chain westward from the same point :

2B. A tramway (No. 2B), three and a half chains in length, wholly in Cowbridge Road, commencing and terminating by junctions with Tramway No. 2 at points respectively about twenty-seven yards westward from Green Street and fourteen yards eastward from the eastern corner of Lower Cathedral Road :

2C. A tramway (No. 2C), three chains in length, wholly in Cowbridge Road, commencing and terminating by junctions with Tramway No. 2 at points respectively ninety-two yards eastward and twenty-six yards eastward from the north-eastern corner of the Wyndham Hotel :

2D. A tramway (No. 2D), two and a half chains in length, wholly in Cowbridge Road, commencing and terminating by junctions with Tramway No. 2 at points respectively about eight yards westward and sixty-three yards westward from a point at which the centre line of Wyndham Crescent if produced would intersect the centre line of Cowbridge Road :

2E. A tramway (No. 2E), three chains in length, wholly in Cowbridge Road, commencing and terminating by junctions with Tramway No. 2 at points respectively eighty-eight yards eastward and nineteen yards eastward from the western corner of Union Street :

All which tramways will be wholly made or situate in the parishes of Roath, Saint John, Saint Mary, and Llandaff, in the borough of Cardiff and county of Glamorgan.

Each of the tramways by this Order authorised will be a single line throughout.

Period for completion of tramways.

8. The period within which the tramways shall be completed and opened for public traffic shall be one year from the passing of the Act confirming this Order, or such further period (not exceeding two years) from the passing of such Act as the Corporation may sanction under their corporate seal.

Rails of tramways.

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

Penalty for not maintaining rails and road in good condition.

10. The Promoters shall at all times maintain and keep in good condition and repair the rails of which any of the tramways for the time being consist, and if the Promoters at any time fail to comply with this provision or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall be subject to a penalty not exceeding five pounds for every day on

A.D. 1878.

Cardiff.

No additional crossings, &c. may be made on bridge over River Taff.

which such act of omission continues; and such penalty may be recovered as by section fifty-six of the said Act is provided.

11. No crossing, passing place, siding, junction, or other such work in connexion with Tramway No. 2 by this Order authorised shall be made upon the bridge in the line of Cowbridge Road over the River Taff.

Temporary tramways may be made when necessary.

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

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

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

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

Traffic upon Tramways.

For prevention of overcrowding.

14. The Promoters shall make, adopt, and observe such byelaws as the Board of Trade from time to time may direct for the prevention of overcrowding in the carriages used upon the tramways.

Tolls.

Tolls.

15. For the purpose of the demanding and taking of tolls and charges, the line of tramways from Roath to the docks, and the line of tramways from the termination of Tramway No. 2 in Ely Road, to the docks, shall be deemed to be separate tramways; and the Promoters may from time to time demand and take, in respect of each of such two several lines of tramways, tolls and charges not exceeding those which they are authorised to demand and take, and for the time being may lawfully demand and take, in respect of the tramways authorised by the Cardiff Tramways Order, 1871.

Miscellaneous.

Provisions as to arbitration.

16. Where, under the provisions of the Tramways Act, 1870, in this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Pro-

cedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties. A.D. 1878.

Cardiff.

Saving for general Acts.

17. Notwithstanding anything in this Order contained, the Promoters, and persons 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 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.

MANCHESTER CORPORATION TRAMWAYS.

Manchester Corporation.

Order authorising the Mayor, Aldermen, and Citizens of the city of Manchester, in the county of Lancaster, to construct certain Tramways in the said city.

Short title.

1. This Order may be cited as the Manchester Corporation Tramways Order, 1878.

Incorporation of Acts.

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

Interpretation.

3. The several words 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 the expression "the tramways" or "the undertaking" shall mean the tramways and works and undertaking by this Order authorised.

In this Order—

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 justices" shall mean the justices of the peace for the county palatine of Lancaster; and

The expression "the bridge surveyor" shall mean the surveyor of county and hundred bridges for the county palatine of Lancaster acting within the hundred of Salford in the said county.

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."

Land by agreement.

5. The Promoters may, by agreement, from time to time purchase and acquire such land as may be necessary for the undertaking, provided that they

A.D. 1878.

Manchester Corporation.

shall not at any time hold more than five acres under the authority of this Order.

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 (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, 2 miles and 6·18 chains in length, commencing in Corporation Street opposite the end of Fennel Street, and passing thence into and along Corporation Street, Ducie Bridge, York Street, Cheetham Hill Road, and terminating in Cheetham Hill Road opposite the end of Boundary Street at the city boundary;

Tramway No. 1A, 2 miles 1 furlong 1·59 chains in length, commencing in Market Street by a junction with Tramway No. 7A, near the end of Corporation Street, and passing thence into and along Corporation Street, Ducie Bridge, York Street, Cheetham Hill Road, and terminating in Cheetham Hill Road nearly opposite the end of Grosvenor Street at the city boundary;

Tramways Nos. 2 and 2A, respectively 1 furlong 0·61 chains and 1 furlong 0·21 chains in length, commencing respectively in Market Street near the end of Victoria Street, and passing thence into and along Victoria Street and terminating in Hunt's Bank by junctions with the existing tramways nearly opposite the Cathedral;

Tramway No. 3, 1 furlong 0·77 chains in length, commencing in Hunt's Bank by a junction with the existing tramway opposite the end of Fennel Street, and passing thence into and along Fennel Street, and terminating in Corporation Street by a junction with Tramway No. 1 at its commencement as herein-before described;

Tramway No. 4, 1 furlong 1·68 chains in length, commencing in Corporation Street by a junction with Tramway No. 1A at the intersection of Cannon Street and Corporation Street, and passing thence in a westerly direction along Cannon Street into and along Hanging Ditch, and terminating in Corporation Street by a junction with Tramway No. 1 at its commencement as herein-before described;

Tramway No. 5, 2 furlongs 8 chains in length, commencing in Market Street by a junction with Tramway No. 7 opposite the end of High Street, thence into and along High Street, Nicholas Croft, and Shude Hill, and terminating at the southern end of Rochdale Road;

Tramways Nos. 6 and 6A, respectively 1 mile 6 furlongs 2·45 chains in length, commencing respectively by junctions with Tramways Nos. 8 and 5 at the southern end of Rochdale Road, and passing thence into and along Rochdale Road, and terminating in Rochdale Road at a point 30 yards north from its junction with Ogden Street at the city boundary:

Provided always, that the following provisions shall have effect: (*a.*) No portion of the Tramway No. 6 shall be laid between Angel Street and Back Ashley Street. (*b.*) So much of Tramway No. 6A as extends between Angel Street and Back Ashley Street shall be laid along the centre of the road. (*c.*) The promoters may construct and maintain a passing-place or passing-places between Angel Street and Back Ashley Street, with the consent of the owners, lessees, and occupiers of the houses, shops, or warehouses abutting upon any such passing-place or passing-places, but not otherwise. (*d.*) No portion of Tramway No. 6 between Coberg Street and Tebbutt Street, between Pilling Street and Nelson Street, between Limer Street and Barlow Street, between Preston Street and the bridge over the Lancashire and Yorkshire Railway, and between Buckley Street and Copper Street shall be constructed unless and until the width of the footpath on the north-westerly side of Rochdale Road is so diminished as that there is not in any part of the said portions of the tramway a less distance than 9 feet 6 inches between the outer edge of the footpath and the nearest rail of the tramway.

Those portions only of Tramway No. 7 as shown on the deposited plans as are situate (1) in Saint Mary's Gate between the commencement of the said Tramway No. 7 in Deansgate by a junction with the existing tramways at the end of Saint Mary's Gate and the end of Victoria Street, and (2) in Market Street between its junction with Tramway No. 5 opposite the end of High Street and its junction with Tramway No. 14 in Piccadilly, such portions being respectively 4·30 chains and 6·90 chains in length;

That portion only of Tramway No. 7A as shown on the deposited plans as is situate in Saint Mary's Gate and Market Street between the commencement of the said Tramway No. 7A in Deansgate by a junction with the existing tramways at the end of Saint Mary's Gate and its junction with Tramway No. 1A near the end of Corporation Street, such portion being 9 chains in length;

Tramway No. 8, 1 furlong 3·90 chains in length, commencing at the end of Rochdale Road by a junction with Tramway No. 6 at its commencement, as herein-before described, and passing thence into and along Swan Street, and terminating in Great Ancoats Street at the end of Oldham Street by a junction with Tramways Nos. 9 and 13A;

Tramway No. 9, 2 furlongs 3·18 chains in length, commencing in Piccadilly by a junction with Tramway No. 14 at the end of Oldham Street, and passing thence into and along Oldham Street, and terminating in Great Ancoats Street by a junction with Tramway No. 8 at its termination as herein-before described;

Tramway No. 9A, 1 chain in length, a short curve in Piccadilly to connect Tramway No. 14A with Tramway No. 9, at the end of Oldham Street;

Tramways Nos. 10 and 10A, respectively 7 furlongs 7·82 chains and 7 furlongs 7·40 chains in length, commencing respectively in Great Ancoats Street by a junction with Tramway No. 9 at its termination

A.D. 1878.

Manchester Corporation.

as herein-before described, and a junction with Tramway No. 13 at the end of Oldham Road, and passing thence into and along Oldham Road, and terminating in Oldham Road opposite Collyhurst Street at the city boundary;

Tramway No. 11, 2 furlongs 2·27 chains in length, commencing in Piccadilly by a junction with Tramway No. 14A at the end of Lever Street, and passing thence into and along Lever Street and Stevenson Square, and terminating in Great Ancoats Street by a junction with Tramway No. 13 near the end of George Leigh Street;

Tramway No. 11A, 1·18 chains in length, a short curve to connect Tramway No. 11 with Tramway No. 13A at the junction of Lever Street with Great Ancoats Street;

Tramway No. 11B, 1 chain in length, a short curve to connect Tramway No. 14 with Tramway No. 11 at the junction of Lever Street with Piccadilly;

Tramway No. 12, 2 furlongs 0·81 chains in length, commencing in Piccadilly by a junction with Tramway No. 14 at the end of Port Street or Newton Street, and passing thence into and along Port Street or Newton Street and Newton Street, and terminating in Great Ancoats Street by a junction with Tramway No. 13 at the end of Newton Street;

Tramway No. 13, 1 mile 4 furlongs 7 chains in length, commencing at the northern end of Oldham Street by a junction with Tramway No. 9, and passing thence into and along Great Ancoats Street, Pollard Street, Mitchell Street, and Ashton New Road, and terminating in Ashton New Road, about 127 yards east from Church Street, at the city boundary;

Tramway No. 13A, 1 mile 5 furlongs 7·22 chains in length, commencing in Great Ancoats Street by a junction with Tramway No. 8 at its termination as herein-before described, and passing thence into and along Great Ancoats Street, Every Street, and Ashton New Road, and terminating in Ashton New Road, at a point about 126 yards east from Church Street, at the city boundary:

Provided always, that so much of the Tramways Nos. 13 and 13A as extends from Lees Street to Back Mather Street shall not be constructed unless and until the width of the footpaths on one or both sides of Great Ancoats Street is so diminished as that there is not in any part of the said portion of tramways a less distance than 9 feet 6 inches between the outer edge of the footpaths on either side of the said street and the nearest rail of the tramways; and the Promoters may make such alterations in the lines of the said portions of tramways as shown on the deposited plans as they may think necessary in giving effect to this proviso.

Tramways Nos. 14 and 14A, respectively 1 mile 5 furlongs 0·18 chains and 2 miles 9·81 chains in length, commencing respectively in Piccadilly by junctions with Tramways Nos. 7 and 18 at their terminations as herein-before described, and passing thence along Piccadilly into and along London Road, Downing Street, Ardwick Green, and Stockport Road,

and terminating respectively in Stockport Road near Grey Street and Albert Road respectively at the city boundary;

Tramways No. 16 and 16A, respectively 1 mile 1 furlong 0·97 chains and 1 mile 1 furlong 0·76 chains in length, commencing in London Road by junctions respectively with Tramways Nos. 14 and 14A about 24 yards north from the north side of Granby Row, and passing thence into and along the new street now being constructed by the London and North-western Railway Company, Fairfield Street, Ogden Street, and Ashton Old Road, and terminating in Ashton Old Road near the end of Eldon Street at the city boundary;

Tramways Nos. 17 and 17A, respectively 5 furlongs 5·45 chains and 5 furlongs 6 chains in length, commencing respectively in Ardwick Green by junctions with Tramways No. 14 and 14A at or near the end of Brunswick Street, and passing thence into and along Hyde Road, and terminating in Hyde Road about 60 yards east from Armitage Street at the city boundary;

Tramway No. 18, 3 furlongs 0·90 chains in length, commencing in Oxford Street by a junction with Tramway No. 29 opposite the north-westerly side of Saint Peter's Square, and passing thence into and along Saint Peter's Square and Mosley Street, and terminating in Piccadilly by a junction with Tramway No. 14A at its commencement as herein-before described;

Tramway No. 18A, 4·77 chains in length, commencing in Oxford Street by a junction with Tramway No. 22B opposite the south-easterly side of Saint Peter's Square, and passing thence into and along Saint Peter's Square, and terminating by a junction with Tramway No. 18 at the south-westerly end of Mosley Street;

Tramway No. 18B, 1·47 chains in length, a short curve to connect Tramway No. 18 with Tramway No. 7, at the junction of Mosley Street and Market Street;

Tramway No. 19, 3 furlongs 7·30 chains in length, commencing in Oxford Street by a junction with Tramway No. 22C near the end of Portland Street, and passing thence into and along Portland Street and Portland Place, and terminating in Piccadilly by a junction with Tramway No. 14A at or near the end of Portland Place;

Tramways Nos. 22 and 22A, respectively 1 furlong 9·05 chains and 1 furlong 8·87 chains in length, commencing respectively in Deansgate by junctions with Tramways Nos. 32A and 32 at the end of Peter Street, and passing thence into and along and terminating at the easterly end of Peter Street opposite the north-west side of Saint Peter's Square;

Tramways Nos. 22B and 22C, respectively 4 furlongs 6·14 chains in length, commencing respectively in Oxford Street by junctions with Tramways Nos. 22 and 22A at their terminations as herein-before described, and passing thence along and terminating in Oxford Street at the end of Grosvenor Street:

Provided always, that so much of Tramway No. 22C as is proposed to be laid opposite the premises in the occupation of Messieurs Behrens shall be con-

A.D. 1878.

Manchester Corporation.

structed to the satisfaction of the said Messieurs Behrens, or, in case of difference between them and the Promoters, to the satisfaction of an engineer to be appointed by the Board of Trade on the application of either party.

Tramways Nos. 23 and 23A, respectively 7 furlongs 0·90 chains and 7 furlongs 0·87 chains in length, commencing respectively in Oxford Street by junctions with Tramways Nos. 22B and 22C respectively at their terminations as herein-before described, and passing thence along and terminating in Oxford Street about 37 yards south from High Street at the city boundary;

Tramway No. 24, 3 furlongs 4·54 chains in length, commencing in Oxford Street by a junction with Tramway No. 23 at the end of Burlington Street, and passing thence into and along Burlington Street and Lloyd Street, and terminating in Lloyd Street at its intersection with Denmark Road at the city boundary;

Tramway No. 24A, 4 furlongs 1·22 chains in length, commencing in Oxford Street by a junction with Tramway No. 23A at the end of Coupland Street, and passing thence into and along Coupland Street, Lloyd Street, Burlington Street, and Carter Street, and terminating in Carter Street, near its intersection by Denmark Road, at the city boundary:

Provided always, that so much of Tramway No. 24A as extends from Oxford Street to a point in Coupland Street, 90 yards or thereabouts west of Oxford Street, shall not be constructed unless and until so much of the footpath on the northerly side of Coupland Street as extends for the said distance of 90 yards is reduced in width so as not to be in any part thereof of a greater width than 9 feet.

Tramways Nos. 25 and 25A, respectively 1 mile 0·59 chains in length, commencing respectively in Oxford Street by junctions with Tramways Nos. 22B and 22C at their terminations as herein-before described, and passing thence into and along Cavendish Street and Stretford New Road, and terminating in Stretford New Road about 26 yards west of Erskine Street at the city boundary;

Tramway No. 26, 4 furlongs 4·72 chains in length, commencing in Stretford New Road by a junction with Tramway No. 25 at the end of Upper Jackson Street, and passing thence into and along Upper Jackson Street, Chapman Street, Boston Street, Upper Moss Lane, and terminating in Upper Moss Lane at the end of Norfolk Street at the city boundary;

Tramway No. 26A, 4 furlongs 2·96 chains in length, commencing in Stretford New Road by a junction with Tramway No. 25A at the end of Upper Jackson Street, and passing thence into and along Upper Jackson Street, Preston Street, Upper Moss Lane, and terminating in Upper Moss Lane opposite St. Mary's Schools at the city boundary;

Tramway No. 27, 1 furlong 7·95 chains in length, commencing in Boston Street by a junction with Tramway No. 26 at the intersection of Boston Street and Warwick Street, and passing thence in a south-easterly direction into and along and terminating in Warwick Street near the end of Linwood Street at the city boundary;

Tramway No. 27A, 2 furlongs 8·40 chains in length, commencing in Preston Street by a junction with Tramway No. 26A at the intersection of Preston Street and Radnor Street, and passing thence in a south-easterly direction into and along and terminating in Radnor Street about 25 yards south-east from Lowndes Street at the city boundary;

Tramways Nos. 28 and 28A, respectively 1 furlong 6·53 chains in length, commencing respectively in Stretford New Road by junctions with Tramways Nos. 25 and 25A at the end of Chorlton Road, and passing thence into and along and terminating in Chorlton Road opposite Clayton Street at the city boundary;

Tramways Nos. 29 and 29A, respectively 1 mile 6·88 chains and 1 mile 6·51 chains in length, commencing respectively in Peter Street by junctions with Tramways Nos. 22 and 22A at their terminations as herein-before described, and passing thence into and along Lower Mosley Street, Albion Street, City Road, and terminating in City Road about 12 yards south-west of Brook Side at the city boundary;

Tramways No. 30 and 30A, respectively 2 furlongs 0·86 chains and 2 furlongs 1·24 chains in length, commencing respectively in City Road by junctions with Tramways Nos. 29 and 29A at the intersection of the City Road and Great Jackson Street, and passing thence in a southerly direction into and along Great Jackson Street, and terminating at the northerly end of Upper Jackson Street by junctions with Tramways Nos. 26 and 26A;

Tramway No. 31, 1 furlong 3 chains in length, commencing in Deansgate by a junction with Tramway No. 32 at the end of Great Bridgewater Street, and passing thence into and along Great Bridgewater Street, and terminating at the southerly end of Lower Mosley Street by a junction with Tramway No. 29;

Tramways Nos. 32 and 32A, respectively 1 mile 1 furlong 4·51 chains and 1 mile 1 furlong 7·30 chains in length, commencing respectively by junctions with the existing tramways in Deansgate at the ends of Bridge Street and King Street respectively, and passing thence in a southerly direction along Deansgate into and along Bridgewater Viaduct and Chester Road, and terminating in Chester Road at Cornbrook Bridge at the city boundary;

Tramway No. 33, 4 furlongs 6·22 chains in length, commencing in Deansgate by a junction with Tramway No. 32 at the end of Liverpool Road, and passing thence into and along Liverpool Road, Water Street, Regent Road, and terminating on the centre of Regent Bridge at the city boundary;

Tramway No. 33A, 1 furlong 7·95 chains in length, commencing by a junction with Tramway No. 35 at the end of Liverpool Road in Water Street, and passing thence along Water Street and Regent Road, and terminating in the centre of Regent Bridge at the city boundary;

Tramways Nos. 34 and 34A, respectively 2 furlongs 3·04 chains and 2 furlongs 3·48 chains in length, commencing respectively in Water

A.D. 1878.

Manchester Corporation.

Street by junctions with Tramways Nos. 33A and 33 at the easterly end of Regent Road, and passing thence into and along Dawson Street and Egerton Street, and terminating in Chester Road by junctions with Tramways Nos. 32A and 32 at the end of Egerton Street;

Tramway No. 35, 3 furlongs 3·77 chains in length, commencing in Bridge Street by a junction with the existing tramway at the end of Water Street, and passing thence into and along Water Street, and terminating in Water Street by a junction with Tramway No. 33A at the end of Liverpool Road:

Provided that so much of Tramway No. 35 as is proposed to be laid opposite the premises occupied by Messieurs John Marsland Bennett and Sons shall not be constructed unless and until the width of so much of the footpath on the north-westerly side of Water Street opposite the said premises is so diminished as that there is not in any part of the said portion of such tramway a less distance than 9 feet 6 inches between the outer edge of the footpath and the nearest rail of the tramway.

Tramway No. 36, 2 furlongs 3·40 chains in length, commencing at the westerly end of Peter Street by a junction with Tramway No. 22, and passing thence into and along Quay Street, and terminating in Water Street by a junction with Tramway No. 35 at the end of Quay Street;

Tramways Nos. 37 and 37A, respectively 5·97 chains and 5·77 chains in length, commencing on the centre of Blackfriars Bridge at the city boundary, and passing thence in a south-easterly direction along Blackfriars Street, and terminating in Deansgate by junctions with the existing tramways at the end of Blackfriars Street;

Tramways Nos. 38 and 38A, respectively 6 furlongs 9·50 chains in length, commencing in Great Ducie Street by junctions with the existing tramways about 78 yards south from the southerly side of New Bridge Street, and passing thence in a northerly direction along Great Ducie Street into and along Bury New Road, and terminating in Bury New Road near the Grove Inn at the city boundary:

Provided that nothing in this Order shall authorise the Promoters to lay down any additional line of tramway in Great Ducie Street between New Bridge Street and Julia Street, but the Promoters may maintain the passing-places as now existing in Great Ducie Street between the points aforesaid.

Tramway No. 38B, 5·98 chains in length, commencing in Hunt's Bank by a junction with the existing tramway at a point opposite the northerly side of Fennel Street, and passing thence along and terminating in Hunt's Bank by a junction with the existing tramway at a point opposite the southerly side of the abutment of the railway bridge over the River Irwell.

Power to take up and adapt portion of existing tramways.

7. It shall be lawful for the Promoters, for the purposes of Tramways Nos. 38, 38A, and 38B, to take up, alter, and adapt so much of their existing tramways as lie between the commencement and termination of Tramways Nos. 38, 38A, and 38B as herein-before described, and the passing-places connected therewith.

8. The rails of the tramways shall be such as the Board of Trade may approve, and the Promoters shall at all times maintain and keep in good condition and repair the rails of which any of the tramways for the time being consist; and if the Promoters at any time fail to comply with this provision or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall be subject to a penalty not exceeding five pounds for every day on which such act of omission continues; and such penalty may be recovered as by section fifty-six of the said Act is provided.

Rails of tramway. Penalty for not maintaining rails and road in good condition.

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

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

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

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

11. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid, it is, in the opinion of the 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 may maintain, so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued.

Temporary tramways may be made when necessary.

12. Any paving, metalling, or material excavated by the Promoters in the construction of their works 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 a manner as they may think fit.

Application of road materials excavated in construction of Promoters works.

Any paving, metalling, or material excavated by the Promoters in the construction of any tramway from any road under the jurisdiction or control of the justices, or which they are by law bound to maintain and repair, may be applied by the Promoters so far as may be necessary in or towards the reinstating of the roads and the maintenance for six months after the completion of the tramways within the district of the justices of so much of the roadway on either side of such tramways as the Promoters are by section twenty-eight of the Tramways Acts, 1870, required to maintain, and the Promoters shall, if so required, deliver

A.D. 1878.

Manchester Corporation.

the surplus paving, metalling, or materials not used or required to be retained for the purposes aforesaid to the bridge surveyor, or to such person or persons as such bridge surveyor may appoint to receive the same. Any difference between the Promoters and the justices or bridge surveyor, with reference to any of the matters to which this section relates, shall be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Promoters and any road authority.

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

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

Traffic upon Tramways.

Traffic upon tramways.

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

Lessees not bound to carry goods.

15. The 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 goods, &c. in separate carriages.

16. In case the lessees carry animals, goods, minerals, or parcels, they may, and when required by the Corporation shall, carry the same in separate carriages or separate parts of carriages set apart for that purpose, provided that this provision shall not apply to the carriage of passengers luggage.

Corporation may use tramways for sanitary purposes.

17. The Corporation may, at such times and in such manner as they think fit (but subject to the reasonable byelaws for the time being in force with respect to the tramways), use the tramways for sanitary purposes and for the conveyance of scavenging stuff, road metal, and other materials required for the works of the Corporation, free of all tolls and charges in respect of such use.

Tolls.

Tolls and charges.

18. The tolls and charges authorised by this Order to be demanded and taken are as follows, viz.:

For every passenger travelling upon any of the tramways, or any part thereof, any tolls or charges not exceeding one penny per mile (and for this purpose a fraction of a mile beyond any integral number of miles shall be deemed a mile), but for any less distance than three miles any sum not exceeding threepence may be charged; and

For all animals, goods, minerals, and parcels conveyed upon the tramways, any tolls or charges not exceeding the tolls and charges specified in the Schedule to this Order annexed, subject to the regulations in that behalf therein contained.

Such tolls or charges shall include all tolls and charges which may be taken or made for the use of the tramways, and of carriages, waggons, or trucks, and for motive power, and every other expense incidental to such conveyance.

19. 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. Passengers luggage.

20. Every lease of the tramways granted by the Promoters shall imply a condition of re-entry if the lessees at any time during the continuance of the demise do not run carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours 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 toll or charge less than one penny: Provided always, 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, the said Board shall have power to fix and regulate the same from time to time. Cheap fares for labouring classes.

21. 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 persons entitled to demand such tolls and charges may by notice to be annexed to the list of tolls and charges appoint. Payment of tolls.

Opening of Tramways to the Public.

22. The Promoters may from time to time by resolution declare the tramways, or any part thereof, to be open to be used by the public, and for such periods as the Promoters think fit, and such user may be either concurrently with the lessees or otherwise; and so soon as the Promoters have passed such resolution any person or persons may use the tramways, or any part thereof, with carriages having flange wheels or other wheels suitable only to run on the rail of the tramways, and may demand and take for the like purposes for which tolls or charges are authorised to be demanded and taken by this Order any tolls or charges not exceeding the tolls or charges by this Order authorised to be demanded and taken for such purposes. As to user of tramways and tolls thereon when declared open to be used by the public.

23. If the tramways, or any part thereof, be declared to be open to be used by the public, the Promoters may demand and take from the person or persons so using the tramways, or any part thereof, the following tolls and charges in respect of such user; namely, Tolls if tramways declared open to be used by the public.

For every passenger travelling in or upon any of the carriages of such person or persons, any tolls or charges not exceeding one half of the tolls and charges which the person or persons conveying such passenger are authorised to demand and take under the provisions of this Order.

For any animals, goods, minerals, and parcels conveyed in or upon the carriages of such person or persons, any tolls or charges not exceeding one half of the tolls and charges specified in the Schedule to this Order annexed, in respect of such animals, goods, minerals, and parcels so conveyed, subject to the regulations in that behalf therein contained;

A.D. 1878.

Manchester Corporation.

and the Promoters may, if they think fit, commute such tolls or charges, so that the commuted sum may be as near as possible an equivalent of such tolls or charges.

Servants of the Promoters to ride in carriage, &c. free of charge.

24. The person or persons so using the tramways, or any part thereof, declared to be open to be used by the public, and their officers and servants shall permit the person duly authorised for that purpose by the Promoters to ride free of charge for the whole or any part of the journey in or upon each carriage, waggon, truck, or vehicle in or upon which any passengers, animals, goods, minerals, or parcels are conveyed by such person or persons upon the tramways, or such part thereof.

Certain provisions of the Tramways Act, 1870, as to licensees extended to persons using the tramways when declared open to be used by the public.

25. The provisions contained in the following sections of the Tramways Act, 1870; namely,

Section 36. (In default of payment of tolls, licensee's carriages may be detained and sold);

Section 37. (Licensees to give account of passengers carried by them);

Section 38. (Licensees not giving account of passengers carried liable to penalty);

Section 39. (Disputes as to amount of tolls to be settled by justices); and

Section 40. (Owners of carriages liable for damages done by their servants);

shall, so far as the same are applicable in this behalf, extend and apply, mutatis mutandis, to the person or persons so using the tramways, or any part thereof, declared to be open to be used by the public; and in construing those sections for the purposes aforesaid—

The expression "licensee" or "licensees" shall mean the person or persons so using the tramways, or any part thereof;

The expression "passengers" shall include animals, goods, minerals, and parcels;

The expression "number of passengers" shall include the number or quantity (as the case may require) of the animals, goods, minerals or parcels conveyed; and

The expression "carriage" shall include any waggon, truck, or vehicle in or upon which such animals, goods, minerals, or parcels are conveyed.

Miscellaneous.

Provisions as to arbitration.

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

The Corporation may borrow 150,000*l.* to be repaid in 30 years.

27. The Corporation may, under and according to the provisions contained in section twenty of the Tramways Act, 1870, borrow for the purpose of this Order any sum or sums of money not exceeding in the whole the sum of one hundred and fifty 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 one hundred and fifty 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, and the tolls, charges, and sums authorised to be taken or received by them under the provisions of this Order.

Saving for general Acts.

28. Notwithstanding anything in this Order contained, the Promoters and persons 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 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.

SCHEDULE.

TOLLS AND CHARGES FOR ANIMALS, GOODS, &c.

Animals.

	Per Mile. s.	d.
For every horse, mule, or other beast of draught or burden - -	0	3
For every ox, cow, bull, or head of cattle - - - -	0	3
For calves, pigs, sheep, and small animals - - - -	0	2

Goods and Minerals.

For all coals, culm, cannel, limestone, chalk, lime, slates, clay, ironstone, undressed or scabbled stones for building, pitching, and paving, slag, stone, salt, sand, cinders, and all undressed materials for the repair of public roads, per ton - - - - - -	0	3
For all iron, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, wrought iron, not otherwise specifically classed herein, and for heavy iron castings (including railway chairs), tiles, bricks, coke, charcoal, dung, manure, and compost, per ton - - - - - - - -	0	4
For all timber or wood, per ton - - - - -	0	3
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton - - - - - -	0	5
For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton - -	0	6
For every carriage of whatever description - - - -	1	0

A.D. 1878.

Manchester Corporation.

Small Parcels.	Any Distance. s.	d.
For any parcel not exceeding in weight seven pounds - - -	0	3
For any parcel exceeding seven but not exceeding fourteen pounds in weight - - - - - - - -	0	5
For any parcel exceeding fourteen but not exceeding twenty-eight pounds in weight - - - - - - - -	0	7
For any parcel exceeding twenty-eight but not exceeding fifty-six pounds in weight - - - - - - - -	0	9
For any parcel exceeding fifty-six but not exceeding five hundred pounds in weight the persons or person conveying the same under the provisions of this Order may demand and take any sum they or he think proper.		

Single Articles of Great Weight.

For any boiler, cylinder, or single piece of machinery or single piece of timber or stone, or other single article the weight of which, including the carriage, exceeds four tons but does not exceed eight tons, per ton - - - - - - - -	3	0
For any single piece of timber, stone, machinery, or other single article the weight of which, with the carriage, exceeds eight tons, the person or persons conveying the same under the provisions of this Order may demand and take such sum as they or he think fit.		

Regulations as to Tolls.

In respect of animals, goods, and minerals conveyed for any less distance than three miles, tolls and charges may be demanded and taken as for three miles.

For a fraction of a mile beyond three miles or beyond any greater number of miles, tolls and charges may be demanded and taken for animals, goods, and minerals for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile.

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

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

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

MANCHESTER SUBURBAN TRAMWAYS.

A.D. 1878.

Manchester Suburban.

Order authorising the construction of Tramways in the suburbs of the city of Manchester.

Short title.

1. This Order may be cited as the Manchester Suburban Tramways Order, 1878.

Incorporation of Acts.

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

Interpretation.

3. The several words 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 the expression "the tramways" or "the undertaking" shall mean the tramways and works and undertaking by this Order authorised.

In this Order—

The expression "the justices" shall mean the justices of the peace for the county palatine of Lancaster:

The expression "the bridge surveyor" shall mean the surveyor of county and hundred bridges for the county palatine of Lancaster acting within the hundred of Salford in the said county.

Promoters.

The Promoters.

4. Daniel Busby, William Turton, John Greenwood, and Benjamin Whitworth, and the survivors and survivor of them, and the executors or administrators of such survivor, their or his assigns, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Land by agreement.

5. The Promoters may, by agreement, from time to time purchase and acquire such lands as may be necessary for the undertaking, provided that they shall not at any time hold more than five acres under the authority of this Order.

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, the tramways herein-after described, with all proper rails, plates, offices, weigh-bridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are—

Tramway No. 2, commencing in the township of Levenshulme in Stockport Road, opposite the north-westerly corner of Broom Lane, and passing

A.D. 1878.

Manchester Suburban.

thence along Stockport Road in a south-easterly direction through the township of Levenshulme, and terminating in the same road (there called "Wellington Road North") in the township of Heaton Norris, in the borough of Stockport, at a point forty-six yards in a northerly direction from the centre of Wellington Bridge over the River Mersey. The length of Tramway No. 2 will be two miles one furlong six chains and eight yards.

Tramway No. 2A, commencing in the township of Levenshulme in Stockport Road, opposite the north-westerly corner of Broom Lane, and passing thence along the said road in a direction parallel to and terminating by a junction with Tramway No. 2, at a point twenty-six yards in a northerly direction from its termination. The length of Tramway No. 2A will be two miles one furlong five chains and five yards.

The tramways will be situate in the townships of Levenshulme and Heaton Norris in the parish of Manchester, in the county of Lancaster.

No part of the tramways shall be laid so that for a distance of thirty feet or upwards a less space than nine feet six inches intervene between the outside of the footpath on either side of the street and the nearest rail of the tramway.

As to paving of roads in district of Heaton Norris Local Board.

7. The portion of road to be repaired by the Promoters in accordance with the provisions of section twenty-eight of the Tramways Act, 1870, shall, as regards any road within the district of the Heaton Norris Local Board, be paved by the Promoters with Welsh sets, or granite sets of equal quality, six inches by three inches in size, or with such other paving as the said Local Board may from time to time approve.

Rails of tramways. Promoters may be required to adopt improvements.

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

Penalty for not maintaining rails and road in good condition.

9. The Promoters shall at all times maintain and keep in good condition and repair the rails of which any of the tramways for the time being consist, and if the Promoters at any time fail to comply with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall be subject to a penalty not exceeding five pounds for every day on which such act of omission continues; and such penalty may be recovered as by section fifty-six of the said Act is provided.

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

10. If any road authority hereafter alter the level of any road along or across which any of the tramways is laid or authorised to be laid, the Promoters may and shall from time to time alter or (as the case may be) lay their rails

so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

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

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

Temporary tramways may be made when necessary.

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

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

Application of road materials excavated in construction of Promoters works.

13. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of the justices or any road authority, or which they are respectively by law bound to maintain and repair, may be applied by the Promoters, so far as may be necessary, in or towards the reinstating of such road, and the maintenance for six months after completion of any of the tramways within the district of the justices or such road authority respectively, of so much of the roadway on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the bridge surveyor or to the surveyor for the time being of the road authority, or to such person or persons as such bridge surveyor or surveyor may appoint to receive the same: Provided that, if within seven days after the excavation of any such paving, metalling, or material the surplus thereof as aforesaid is not removed by such bridge surveyor or surveyor, or by some other person or persons named by such bridge surveyor or surveyor for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the

A.D. 1878.

Manchester Suburban.

Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and the justices or bridge surveyor, or any road authority or surveyor, or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the promoters and any road authority.

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

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

Traffic upon Tramways.

Traffic upon tramways.

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

Railway carriages not to be used.

16. Carriages or trucks constructed for ordinary use upon railways shall not be used upon the tramways.

Tolls.

Tolls.

17. The Promoters may demand and take for every passenger travelling upon any of the tramways, or any part thereof, including tolls or charges for the use of the tramways and of carriages, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per mile, and for this purpose the fraction of a mile beyond an integral number of miles shall be deemed a mile, but the Promoters may charge for any less distance than three miles any sum not exceeding threepence: Provided always, that if at any time after three years from the opening for public traffic of any portion of the tramways it is represented in writing to the Board of Trade by the local authority of any district in which such portion is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, that the Promoters are charging a greater sum than twopence for distances not exceeding two miles, and that under the circumstances then existing such charge is unreasonable, 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 the truth of the representation has been proved to his satisfaction, the said Board may make an order in writing limiting the amount of the tolls and charges to be thenceforth charged by the Promoters for the conveyance of passengers for distances not exceeding two miles to twopence, and the Promoters shall thenceforth conform to and abide by such order: Provided always, that the Board of Trade may from time to time, after making such order, revoke or modify the same for good cause shown to them.

Passengers luggage.

18. 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.

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

run carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Promoters think most convenient for artisans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any toll or charge less than one penny): 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, the said Board shall have power to fix and regulate the same from time to time.

Tolls for animals, goods, &c.

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

Payment of tolls.

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

Miscellaneous.

For protection of corporation of Manchester.

22. The following provisions for the protection of the mayor, aldermen, and citizens of the city of Manchester in the county of Lancaster (in this section referred to as "the corporation") shall be in force and have effect:

(1.) Nothing in this Order contained shall authorise the Promoters to interfere with or use any tramway or tramways already or hereafter to be laid within the city of Manchester:

(2.) Nothing in this Order contained shall be construed so as to discharge, alter, or in anywise affect any covenant, condition, or provision of the subsisting lease from the corporation to William Turton and Daniel Busby of existing tramways in the city of Manchester, nor to lessen, alter, or prejudicially affect any rights, powers, interests, or remedies of the corporation under such lease:

(3.) Sections thirty, thirty-two, and thirty-three of the Tramways Act, 1870, shall (subject to the other provisions of this section) extend and apply to the corporation with reference to the gas and water mains, pipes, and apparatus belonging to the corporation in like manner as the same apply to a company or person being the owner of gas or water mains or pipes; provided that all works or interference with or in connexion with the gas and water mains, pipes, or apparatus of the corporation under the thirtieth section of the Tramways Act, 1870, or otherwise, shall be made and executed by the corporation, and not otherwise, upon the request and at the cost of the Promoters:

(4.) The cost of constructing, providing, and laying any new gas or water mains, pipes, or apparatus in substitution for any which may be

A.D. 1878.

Manchester Suburban.

rendered useless by the construction of the tramways, and the value of any gas or water mains, pipes, or apparatus belonging to or under the control of the corporation rendered useless or unproductive to the corporation by the works authorised by this Order, shall, on demand, and subject to credit being given for the value of the aforesaid matters so rendered useless to the corporation, be repaid to the corporation by the Promoters:

Provided always, that whenever any new main, pipe, or apparatus of larger dimensions shall be substituted for any existing main, pipe, or apparatus, the Promoters shall (unless the increased dimension be required by reason of the construction or existence of the tramways) only be required to pay the costs which would have been incurred by the substitution of a main, pipe, or apparatus of equal dimensions with the existing main, pipe, or apparatus:

(5.) The corporation shall not be liable for, and the Promoters shall indemnify the corporation against, all loss to the Promoters by reason of suspension of traffic, and all accidents, damages, or injuries either to the tramways, works, and property of the Promoters and the persons and property being conveyed on or using the same, or to any other person or property whatsoever, and all actions, suits, and costs in respect thereof which may either during the progress of the works of the Promoters, or at any time hereafter be caused by the bursting, breaking, or leakage of or escape of gas or water from any main or pipe or other apparatus of the corporation crossing or being underneath (either wholly or partially) or near to any tramway or work of the Promoters, or which may have been affected by the works of the Promoters, unless such accidents, damages, or injuries arise as the consequence of any wilful act or default of the corporation or their officers or servants:

(6.) All and singular the sum and sums of money in this section provided to be paid by the Promoters to the corporation may be recovered by the corporation by all and the same means as any simple contract debt.

For the protection of the corporation of Stockport.

23. The following provisions for the protection of the mayor, aldermen, and burgesses of the borough of Stockport (in this section referred to as "the Corporation") shall be in force and have effect:

(1.) Between the terminus of the proposed tramway of the Promoters and the bridge over the railway of the London and North-western Railway Company, so much of the road whereon the tramways are laid as lies between the rails and as extends eighteen inches beyond the rails of and on each side of the tramway shall be paved to the satisfaction of the corporation by the Promoters, at their own expense, with cubes or sets approved by the Corporation, but subject to the provisions of section thirteen of this Order:

(2.) Between the said bridge over the railway of the London and North-western Railway Company and the northerly boundary of the borough of Stockport, so much of the road whereon the tramways are laid as lies between the rails and as extends eighteen inches beyond the rails

of and on each side of the tramway shall be paved by the Promoters, at their own expense, with granite cubes or sets to the satisfaction of the corporation, or with such other paving as the corporation may approve:

(3.) The twenty-seventh section of the Tramways Act, 1870, with reference to this Order, and the ninth section of this Order, shall be so construed that the penalties therein mentioned shall, when incurred in relation to any part of the tramways within the borough of Stockport, be paid to the corporation.

For protection of the justices of the peace.

24. In constructing any of the tramways upon any bridge or any parts of the road at either end thereof under the jurisdiction of the justices, the Promoters shall not alter or interfere with the structure of such bridge or of the approaches thereto, and shall so construct and maintain the tramways on the road over such bridge and approaches as not to injuriously affect such bridge and approaches; and in the event of any injury being occasioned to any such bridge or approaches, or any part or parts thereof respectively, by the construction of the tramways on or over the same (whether such injury occur either during or after construction or in effecting the maintenance of the tramways), the justices may restore such bridge and approaches, or the part or parts which may be injured, to as good a state as they were in before such injury was occasioned at the expense of the Promoters, and the Promoters shall recoup to and indemnify the justices against all sums, costs, and expenses which they may pay or be put to in restoring such bridge and in maintaining and repairing so much of the road over such bridge and approaches as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870; and the justices may recover from the Promoters all such sums, costs, and expenses, together with full costs and charges, by all and the same means as any simple contract debt may be recovered.

For protection of London and North-western Railway Company.

25. In constructing the Tramways Nos. 2 and 2A respectively across the London and North-western Railway, the Promoters shall not alter or interfere with the structure of the bridge which carries the Stockport Road or Wellington Road North over that railway or of the approaches thereto, and they shall so construct and maintain the said tramways as not to injuriously affect the said bridge and approaches; and in the event of any injury being occasioned to the said bridge and approaches, or any part or parts thereof respectively, by the construction of the said tramways on or over the same (whether such injury occur either during or after construction, or in effecting the maintenance of the said tramways), the London and North-western Railway Company may, at the expense of the Promoters, restore the said bridge and approaches, or the part or parts thereof which may be injured, to as good a state and condition as they were in before such injury was occasioned, and the Promoters shall recoup to and indemnify that Company against all sums, costs, and expenses which they may pay or be put to in maintaining and repairing so much of the road over the said bridge and approaches as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870, and that Company may recover from the Promoters all such sums,

A.D. 1878.

costs, and expenses as in this section mentioned, together with full costs and charges, by all and the same means as any simple contract debt.

Manchester Suburban. Provisions as to arbitration.

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

Form and delivery of notices.

27. 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 any local authority or any road authority, shall be signed by their clerk or secretary:

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

Agreements between Promoters and road authorities.

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

Saving for general Acts.

29. Notwithstanding anything in this Order contained the Promoters and persons 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 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.

SCHEDULE.

Tolls and Charges for Animals, Goods, &c.

Animals.	Per Mile. *s.*	*d.*
For every horse, mule, or other beast of draught or burden - -	0	3
For every ox, cow, bull, or head of cattle - - - -	0	3
For calves, pigs, sheep, and small animals - - - -	0	2

Manchester Suburban.

Goods and Minerals.

	s.	*d.*
For all coals, culm, cannel, limestone, chalk, lime, slates, clay, ironstone, undressed or scabbled stones for building, pitching, and paving, slag, stone, salt, sand, cinders, and all undressed materials for the repair of public roads, per ton - - - - -	0	3
For all iron, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, wrought iron, not otherwise specifically classed herein, and for heavy iron castings (including railway chairs), tiles, bricks, coke, charcoal, dung, manure, and compost, per ton - - - - - - -	0	4
For all timber or wood, per ton - - - -	0	3
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton - - - -	0	5
For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandize, fish, articles, matters, or things, per ton - -	0	6
For every carriage of whatever description - - - -	1	0

Small Parcels.

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

For any parcel exceeding fifty-six but not exceeding five hundred pounds in weight, the Promoters may demand and take any sum they think proper.

Single Articles of Great Weight.

	s.	*d.*
For any boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article the weight of which, including the carriage, exceeds four tons but does not exceed eight tons, per ton - - - - - - -	3	0

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

Regulations as to Tolls.

In respect of tolls and charges for animals, goods, and minerals, the Promoters may demand and take for any less distance than three miles, tolls and charges as for three miles.

For a fraction of a mile beyond three miles or beyond any greater number of miles, the Promoters may demand and take tolls and charges on animals,

A.D. 1878.

Manchester Suburban.

goods, and minerals for such fraction in proportion to the numbers of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile.

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

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

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

Oldham Borough.

OLDHAM BOROUGH TRAMWAYS.

Order authorising the Mayor, Aldermen, and Burgesses of the borough of Oldham, in the county palatine of Lancaster, to construct certain Tramways within the said borough.

Short title.

1. This Order may be cited as the Oldham Borough Tramways Order, 1878.

Incorporation of Acts.

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

Interpretation.

3. The several words 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 the expression "the tramways" or "the undertaking" shall mean the tramways and works and undertaking by this Order authorised.

In this Order—

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

The expression "the borough" shall mean the borough of Oldham.

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."

5. The Promoters may, by agreement, from time to time purchase and acquire such land as may be necessary for the undertaking; provided that they shall not at any time hold more than five acres under the authority of this Order.

Oldham Borough.
Land by agreement.

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, 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.

Construction of tramways.

The tramways authorised by this Order will be wholly situate within the parish of Prestwich-cum-Oldham, in the county palatine of Lancaster, and are,—

1. A tramway (No. 1), four miles five chains and two yards in length, consisting of a single line of rails throughout, wholly in the townships of Oldham and Chadderton, commencing in Manchester Road at or near the point at which the boundary of the borough crosses that road, passing thence in a north-easterly direction along Manchester Road, and thence into and along the Manchester, Oldham, and Austerlands turnpike road, and thence again in and along Manchester Road, Manchester Street, Market Place, High Street, Yorkshire Street, the streets or roads called Mumps and Bottom-o'th'-Moor, and into and along Huddersfield Road, and terminating in that road at or near the point at which the boundary of the said borough crosses that road opposite or nearly opposite the eastern side of Culvert Street:

2. A tramway (No. 2), six furlongs four chains and four yards in length, consisting of a single line of rails throughout, wholly in the said townships of Oldham and Chadderton, commencing in Manchester Road at or opposite the point at which Tramway No. 1 is intended to commence as aforesaid, passing thence in a north-easterly direction along Manchester Road, and thence into and along the Manchester, Oldham, and Austerlands turnpike road, and thence again into and along Manchester Road, and terminating in that road by a junction with Tramway No. 1, opposite or nearly opposite the north-eastern side of Old Lane:

3 to 9. The following tramways or passing-places to commence and terminate respectively by junctions with Tramway No. 1; that is to say,

(No. 3) forty-four yards in length, wholly in Manchester Road, commencing opposite or nearly opposite the northern side of Suffolk Street, and terminating opposite or nearly opposite the southern side of Gregge Street:

(No. 4) one hundred and thirty-two yards in length, wholly in Manchester Road, commencing opposite or nearly opposite the eastern side of Edward Street, and terminating opposite or nearly opposite the centre of Porter Street:

(No. 5) forty-four yards in length, wholly in Manchester Street, commencing opposite or nearly opposite the eastern side of Tat-

A.D. 1878.

Oldham Borough.

tersall Street, and terminating opposite or nearly opposite the western side of Green Street:

(No. 6) forty-four yards in length, wholly in Manchester Street, commencing midway or nearly midway between Bloom Street and Booth Street, and terminating about ten feet westward of Cannon Street:

(No. 7) forty-four yards in length, wholly in Market Place, commencing at a point about one hundred and five feet, and terminating at a point about two hundred and thirty-seven feet eastward respectively of the western side of Market Place:

(No. 8) forty-four yards in length, wholly in Yorkshire Street, commencing opposite or nearly opposite the eastern side of Clegg Street, and terminating opposite or nearly opposite the western side of Greaves Street:

(No. 9) forty-four yards in length, wholly in Yorkshire Street, commencing at a point about twenty-seven feet east of the eastern side of Wright Street, and terminating opposite or nearly opposite the eastern side of Beever Street:

10. A tramway (No. 10), one mile six chains and two yards in length, consisting of a single line of rails throughout, wholly in Huddersfield Road, in the township of Oldham, commencing by a junction with Tramway No. 1, opposite or nearly opposite the eastern side of Shaw Road, and terminating by a junction with the same tramway (No. 1) opposite or nearly opposite the eastern side of Church Street East:

11. A tramway (No. 11), six furlongs six chains and ten yards in length, consisting of a single line of rails throughout, wholly in the township of Oldham, commencing in Manchester Street by a junction with Tramway No. 1, opposite or nearly opposite the western side of Crossbank Street, thence passing into and along the last-mentioned street, Union Street West and Union Street, and into Yorkshire Street, and terminating in that street by a junction with Tramway No. 1 at a point about 55 feet west of the western side of Coronation Street:

12. A tramway (No. 12), four furlongs four chains and seven yards in length, consisting of a single line of rails throughout, wholly in Union Street, in the township of Oldham, commencing by a junction with Tramway No. 11, opposite or nearly opposite the eastern side of King Street, and terminating in the street called Mumps by a junction with the same tramway (No. 11) opposite or nearly opposite the western side of Coronation Street.

Rails of tramways.

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

8. The Promoters shall at all times maintain and keep in good condition and repair the rails of which any of the tramways for the time being consist, and if the Promoters at any time fail to comply with this provision or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall be subject to a penalty not exceeding five pounds for every day on which such act of omission continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Penalty for not maintaining rails and road in good condition.

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

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

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

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

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

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

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

Temporary tramways may be made when necessary.

If any difference arises between the Promoters and any road authority with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway or tramways under the authority of this section, the same shall be settled in the manner specified in section thirty-

three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Tramways to be relaid in centre of widened streets.

13. If any street or streets, in which any tramway or tramways by this Act authorised, or any part or parts thereof, may have been laid, be at any time hereafter widened or improved, the Corporation may from time to time take up and remove such tramway or tramways, or such parts thereof as aforesaid, and relay the same in the widened or improved street or streets, as nearly as may be along the centre of the said street or streets so widened or improved.

Application of road materials excavated in construction of Promoters works.

14. Any paving, metalling, or material excavated by the Promoters in the construction of their works 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 a manner as they may think fit; and any paving, metalling, or material so excavated by the Promoters from any road under the jurisdiction or control of any road authority other than the Promoters may be applied by the Promoters, so far as may be necessary, in or towards the reinstating of such last-mentioned road, and the maintenance for six months after completion of any of the tramways of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided that if within seven days after the excavation of any such paving, metalling, or material the surplus thereof as aforesaid is not removed by the said surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Promoters and any road authority.

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

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

Traffic upon Tramways.

Traffic upon tramways.

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

Lessees not bound to carry passengers luggage exceeding 28 lbs. in weight.

17. The lessees shall not be bound to carry, unless they think fit, any passengers luggage exceeding twenty-eight pounds in weight.

Provision as to carriage of goods in

18. In case the lessees carry animals, goods, minerals, or parcels they may, and when required by the Corporation shall, carry the same in separate carriages,

or separate parts of carriages, set apart for that purpose, provided that this shall not apply to the carriage of passengers luggage.

separate carriages.

19. The Corporation may at such times and in such manner as they think fit, but subject to the reasonable byelaws for the time being in force with respect to the tramways, use the tramways for sanitary purposes, and for the conveyance of scavenging stuff, road metal, and other materials required for the works of the Corporation, including their gasworks and waterworks, free of all tolls and charges in respect of such use.

Corporation may use tramways for sanitary purposes.

Tolls.

20. The tolls and charges authorised by this Order to be demanded and taken are as follows; viz.,

Tolls and charges.

For every passenger travelling upon any of the tramways, or any part thereof, 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 for any less distance than three miles any sum not exceeding threepence may be demanded and taken:

For all animals, goods, minerals, and parcels conveyed upon the tramways, any tolls or charges not exceeding the tolls and charges specified in the schedule to this Order annexed, subject to the regulations in that behalf therein contained.

Such tolls and charges shall include all tolls and charges which may be taken or made for the use of the tramways, carriages, waggons, or trucks, and for motive power, and every other expense incidental to such conveyance.

21. 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.

Passengers luggage.

22. Every lease of the tramways granted by the Promoters shall imply a condition of re-entry if the lessees at any time during the continuance of the demise do not run carriages each way every morning in the week, and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours as the Promoters think most convenient for artizans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the lessees nevertheless not being required to take any toll or charge less than one penny): Provided always, 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 the said Board shall have power to fix and regulate the same from time to time.

Cheap fares for labouring classes.

23. 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 persons authorised to demand and take such tolls and charges respectively may by notice to be annexed to the list of tolls and charges appoint.

Payment of tolls.

Opening of Tramways to the Public.

24. The Promoters may from time to time by resolution declare the tramways, or any part thereof, to be open to be used by the public, and for such periods

As to user of tramways and tolls thereon

A.D. 1878.

Oldham Borough.

when declared open to be used by the public.

as the Promoters think fit, and such user may be either concurrently with the lessees or otherwise; and as soon as the Promoters have passed such resolution any person or persons may use the tramways, or any part thereof, with carriages having flange wheels or other wheels suitable only to run on the rail of the tramways, and may demand and take for the like purposes for which tolls or charges are authorised to be demanded and taken by this Order any tolls or charges not exceeding the tolls and charges by this Order authorised to be demanded and taken for such purposes.

Tolls if tramways declared open to be used by the public.

25. If the tramways, or any part thereof, be declared to be open to be used by the public, the Promoters may demand and take from the person or persons so using the tramways, or any part thereof, the following tolls and charges in respect of such user; namely,

For every passenger travelling in or upon any of the carriages of such person or persons, any tolls or charges not exceeding one half of the tolls and charges which the person or persons conveying such passenger are authorised to demand and take under the provisions of this Order;

For any animals, goods, minerals, and parcels conveyed in or upon the carriages of such person or persons, any tolls or charges not exceeding one half of the tolls and charges specified in the schedule to this Act annexed in respect of such animals, goods, minerals, and parcels so conveyed, subject to the regulations in that behalf therein contained;

and the Promoters may, if they think fit, so commute such tolls or charges that the commuted sum may be as near as possible an equivalent of such tolls or charges.

Servants of the Promoters to ride in carriage, &c. *free of charge.*

26. The person or persons so using the tramways, or any part thereof, declared to be open to be used by the public, and their officers and servants, shall permit the person duly authorised for that purpose by the Promoters to ride free of charge for the whole or any part of the journey in or upon each carriage, waggon, truck, or vehicle in or upon which any passengers, animals, goods, minerals, or parcels are conveyed by such person or persons upon the tramways, or such part thereof.

Certain provisions of the Tramways Act, 1870, as to licensees extended to persons using the tramways when declared open to be used by the public.

27. The provisions contained in the following sections of the Tramways Act, 1870; namely,

Section 36. (In default of payment of tolls, licensee's carriages may be detained and sold);

Section 37. (Licensees to give account of passengers carried by them);

Section 38. (Licensees not giving account of passengers carried liable to penalty);

Section 39. (Disputes as to amount of tolls to be settled by justices); and

Section 40. (Owners of carriages liable for damages done by their servants);

shall, so far as the same are applicable in this behalf, extend and apply, mutatis mutandis, to the person or persons so using the tramway, or any part thereof, declared to be open to be used by the public; and in construing those sections for the purposes aforesaid—

The expression "licensee" or "licensees" shall mean the person or persons so using the tramways, or any part thereof;

The expression "passengers" shall include animals, goods, minerals, and parcels;

The expression "number of passengers" shall include the number or quantity (as the case may require) of the animals, goods, minerals, or parcels conveyed; and

The expression "carriage" shall include any waggon, truck, or vehicle in or upon which such animals, goods, minerals, or parcels are conveyed.

Miscellaneous.

Provisions as to arbitration.

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

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

Form and delivery of notices.

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

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

Power to corporation and trustees of Manchester, Oldham, and Austerlands turnpike roads to agree, &c.

30. The Promoters and the trustees of the Manchester, Oldham, and Austerlands turnpike roads may, subject to the provisions of this Order, from time to time enter into and carry into effect contracts or agreements with respect to the laying down, maintaining, renewing, and repairing of the tramways, or any of them, or any part or parts thereof respectively, and the rails, plates, sleepers, and works connected therewith, and for facilitating the passage of carriages and traffic over or along the same, and as to the repairing from time to time of the roads along which the tramways, or any of them, or any part or parts thereof respectively, are to be laid.

Saving for general Acts.

31. Notwithstanding anything in this Order contained, the Promoters and persons 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 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.

A.D. 1878.

Oldham Borough.

SCHEDULE.

TOLLS AND CHARGES FOR ANIMALS, GOODS, &c.

Animals.

	Per mile. s.	d.
For every horse, mule, or other beast of draught or burden - -	0	3
For every ox, cow, bull, or head of cattle - - - - - -	0	3
For calves, pigs, sheep, and small animals - - - -	0	2

Goods and Minerals.

For all coals, culm, cannel, limestone, chalk, lime, slates, clay, ironstone, undressed or scabbled stones for building, pitching, and paving, slag stone, salt, sand, cinders, and all undressed materials for the repair of public roads, per ton - - - - - -	0	3
For all iron, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets and rolled iron, wrought iron not otherwise specially classed herein, and for heavy iron castings (including railway chairs), tiles, bricks, coke, charcoal, dung, manure, and compost, per ton - - - - - - - - -	0	4
For all timber or wood, per ton - - - - - - - -	0	3
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton - - - - - -	0	5
For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton	0	6
For every carriage of whatever description - - - - -	1	0

Small Parcels.

	Any distance.	
For any parcel not exceeding in weight seven pounds - -	0	3
For any parcel exceeding seven and not exceeding fourteen pounds in weight - - - - - - - - - - - -	0	5
For any parcel exceeding fourteen but not exceeding twenty-eight pounds in weight - - - - - -	0	7
For any parcel exceeding twenty-eight but not exceeding fifty-six pounds in weight - - - - - - - - - -	0	9
For any parcel exceeding fifty-six but not exceeding five hundred pounds in weight the persons or person conveying the same may demand any sum they or he think proper.		

Single Articles of Great Weight.

For any boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, exceeds four tons but does not exceed eight tons, per ton - - - - - -	3	0

For any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, exceeds eight tons, the persons or person conveying the same may demand such sum as they or he think fit.

Regulations as to Tolls.

(*a.*) In respect of animals, goods, and minerals conveyed for any less distance than three miles, tolls and charges may be demanded and taken as for three miles.

(*b.*) For a fraction of a mile beyond three miles or beyond any greater number of miles, tolls and charges may be demanded and taken for animals, goods, and minerals for such fraction in proportion to the numbers of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile.

(*c.*) For a fraction of a ton, tolls and charges may be demanded and taken according to the numbers of the quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

(*d.*) With respect to all articles except stone and timber, the weight shall be determined according to the usual avoirdupois weight.

(*e.*) 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.

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

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1878.