CHAPTER clxxiii.

An Act for confirming certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Birmingham and Aston Tramways, Blackpool St. Anne's-on-the-Sea and Lytham Tramways, Bradford Corporation Tramways, Carlisle and District Tramways, Folkestone, Sandgate, and Hythe Tramways, North Staffordshire Tramways, Rothesay Tramways, Walsall and District Tramways, Walton-on-the-Hill Tramways, and Woolwich and Plumstead Tramways. [26th August 1880.] A.D. 1880.

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

And whereas a Provisional Order made by the Board of Trade under the authority of the Tramways Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 33 & 34 Vict. c. 78.

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

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

Short title.

1. This Act may be cited as the Tramways Orders Confirmation (No. 2) Act, 1880.

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.

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SCHEDULE.

LIST OF ORDERS.

1. Birmingham and Aston Tramways.—Order authorising the construction of Tramways in the parishes of Birmingham and Aston-juxta-Birmingham, in the county of Warwick.
2. Blackpool, St. Anne's-on-the-Sea, and Lytham Tramways.—Order authorising the Blackpool, St. Anne's, and Lytham Tramways Company (Limited) to construct Tramways in the borough of Blackpool and the districts of St. Anne's-on-the-Sea and Lytham, in the county of Lancaster.
3. Bradford Corporation Tramways.—Order authorising the Mayor, Aldermen, and Burgesses of the borough of Bradford to construct Tramways in the said borough.
4. Carlisle and District Tramways.—Order authorising the construction of Tramways in the City of Carlisle and the neighbourhood thereof, in the county of Cumberland.
5. Folkestone, Sandgate, and Hythe Tramways.—Order authorising the construction of Tramways from Folkestone through Sandgate to Seabrook, in the county of Kent.
6. North Staffordshire Tramways.—Order authorising the construction of Tramways in the borough of Hanley, the borough of Burslem, the district of the local board of health of Tunstall, the district of the rural sanitary authority of Wolstanton, and in the borough of Longton, in the parishes of Stoke-upon-Trent, Burslem, and Wolstanton, in the county of Stafford.
7. Rothesay Tramways.—Order authorising the construction of Tramways in the Royal burgh and parish of Rothesay, and in the parish of North Bute, all in the county of Bute.
8. Walsall and District Tramways.—Order authorising the construction of Tramways in the borough of Walsall, in the county of Stafford.
9. Walton-on-the-Hill Tramways.—Order authorising the local board for the district of Walton-on-the-Hill, in the county of Lancaster, to construct Tramways in the said district.
10. Woolwich and Plumstead Tramways.—Order authorising the construction of Tramways from Woolwich to Plumstead, in the county of Kent.

BIRMINGHAM AND ASTON TRAMWAYS.

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Order authorising the construction of Tramways in the parishes of Birmingham and Aston-juxta-Birmingham, in the county of Warwick. *Birmingham and Aston.*

1. This Order may be cited as "The Birmingham and Aston Tramways Order, 1880." 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, terms, and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings: Provided that in this Order— Interpretation.

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

The expression "the borough" shall mean the borough of Birmingham in the county of Warwick;

The expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough acting by the council;

The expression "the Local Board" shall mean the Local Board of Health for the manor of Aston in the county of Warwick;

The expression "the Aston District" shall mean the district of the Local Board; and

The term "person" shall include a corporation.

Promoters.

4. Charles Lloyd Browning, of number one, Augustus Road, Edgbaston, Birmingham; Frederick Dale Banister, of the London Bridge Station of the London, Brighton, and South Coast Railway Company; Edward Harold Carter, of number thirty-three, Waterloo Street, Birmingham; Charles Dudley, of Dunston House, Elmdon; Charles Allarton Edge, of number twenty-one, Bennetts Hill, Birmingham; Thomas Meredith Hopkins, of Lower Wick, Worcester; Alfred Southall, of Bull Street, Birmingham; Henry George Smith, of Saint Peter's Road, Handsworth; and Henry Ellis Wallis, of number seven, Westminster Chambers, Victoria Street, Westminster; 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 purpose of this Order, and are in this Order referred to as "the Promoters." The Promoters.

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Lands by agreement.

5. The Promoters may by agreement from time to time purchase and take on lease and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes: Provided that they shall not at any time hold for such purposes more than five acres of land.

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, except as is herein-after provided, the tramways herein-after described, with all proper rails, plates, offices, weighbridges, 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,—

A Tramway (No. 3), 6 furlongs 0·10 chains in length, commencing in Stafford Street at its junction with Aston Street, thence proceeding along Aston Street through Gosta Green and Aston Road to and terminating at the borough boundary in Aston Road. Tramway No. 3 shall be a double line:

A Tramway (No. 6), 2 furlongs 1·80 chains in length, commencing by a junction with Tramway No. 3 at the borough boundary in the Aston Road, thence proceeding in a north-easterly direction along the Aston Road to Aston Cross, and terminating at the junction of Rocky Lane with Aston Road. Tramway No. 6 shall be a double line:

A Tramway (No. 7), 6 furlongs 3·18 chains in length, commencing by a junction with Tramway No. 6 at its termination above described, thence proceeding along Lichfield Road to its junction with Church Lane, thence along Church Lane and Witton Lane to and terminating at or near the west end of Aston Church. Tramway No. 7 shall be a single line:

A Tramway (No. 8), 4 furlongs 8·18 chains in length, commencing by a junction with Tramway No. 7 at its termination above described, thence proceeding along the Park Road, and terminating at Aston Cross by a junction with Tramway No. 6 at its termination above described. Tramway No. 8 shall be a single line:

A Tramway (No. 9), 3 furlongs 6·04 chains in length, commencing by a junction with Tramway No. 7 at its termination above described, thence proceeding in a north-westerly direction along Witton Lane, and terminating at the junction of Witton Lane with Witton Road. Tramway No. 9 shall be a single line:

A Tramway (No. 10), 5 furlongs 8·63 chains in length, commencing by a junction with Tramway No. 9 at its termination above described, thence proceeding in a south-westerly direction along the Witton Road to its junction with Bevington Road, thence along the Bevington Road to its junction with Trinity Road, thence proceeding in an easterly direction along the Trinity Road, and terminating by a junction with Tramway No. 8 at its commencement above described. Tramway No. 10 shall be a single line:

A Tramway (No. 11), 6·04 chains in length, commencing by a junction with Tramway No. 7 at the junction of Vicarage Road with Church Lane, thence proceeding in a westerly direction along Queen's Road, and terminating by a junction with Tramway No. 8 at the junction of Queen's Road with Park Road. Tramway No. 11 shall be a single line:

Provided that so much of the tramways as are by this Order authorised to be laid in Aston Road shall be so laid that a space of at least nine feet and six inches shall intervene between the kerb on each side of the road and the nearest rail.

Promoters to make deposit before opening roads.

7. Before the Promoters open or break up any road within the borough they shall deposit the sum of four thousand pounds in the Birmingham and Midland Bank to a joint account in the names of the Corporation and the Promoters; and before the Promoters open or break up any road within the Aston District they shall deposit the sum of five thousand pounds in the Union Bank of Birmingham to a joint account in the names of the Local Board and the Promoters. The sums so to be deposited shall from time to time during the progress of the works be respectively paid out to the Promoters in the proportion of fifty pounds per centum on the value of the works in the borough and the Aston District respectively which at the time of making such payments respectively have been properly executed, such valuation to be ascertained by writing under the hand of the engineer for the time being of the Corporation and of the Local Board respectively. The sums of four thousand pounds and five thousand pounds so to be deposited shall, at the request of the Promoters, but at their risk, be respectively invested in such securities as the Corporation and the Local Board respectively approve, and the interest thereon shall be payable to the Promoters.

Extension of s. 26 of Tramways Act.

8. Sub-sections two, three, and four of section twenty-six of the Tramways Act, 1870, shall extend and apply to the works referred to in sections twenty-seven and twenty-eight of the said Act, and to all other works of every description affecting any sewer or gas or water main, or other works or property of or under the control or jurisdiction of the local authority or of the Birmingham, Tame, and Rea District Drainage Board.

Paving and materials of roads.

9. So much of any road upon which any of the tramways are laid as the Promoters are under the provisions of the Tramways Act, 1870, required to repair shall be paved and maintained by the Promoters with such paving material and foundation as the road authority shall approve.

Repair of roads.

10. If at any time any such part of any road in which any of the tramways is laid as is by the Tramways Act, 1870, required to be maintained and kept in good condition and repair by the Promoters shall in the judgment of the road authority be not maintained and kept in such good condition and repair, then it shall be lawful for the road authority to repair and amend the same, and to recover the cost incurred by them in so doing from the Promoters by all and the same means as any simple contract debt may be recovered; and it shall be lawful for the road authority to stop the traffic along any part of the tramways where any such part of any road is in the judgment of the road authority out of repair, until such part of such road shall have been put into good condition and repair to the satisfaction of the road authority.

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Access to sewers.

11. The local authority and the Birmingham, Tame, and Rea District Drainage Board, and their officers and servants respectively, shall at all times have free access to and communication with all existing and future sewers and drains (whether public or private) under the control of or maintained or repaired by such authority and Board respectively, and the man-holes, ventilating shafts, and other works in connexion therewith, and shall have power without the consent or concurrence of the Promoters to construct any new or additional public or private sewers or drains, and any man-holes, ventilating shafts, or other works connected therewith, and any lateral or private drains to communicate therewith, and the provisions contained in sections thirty-two and thirty-three of the Tramways Act, 1870, shall be applicable to the case of any such works as aforesaid, as though the same were a pipe for the supply of gas or water laid before the construction of the tramways: Provided always, that if at any time after the passing of the Act confirming this Order any of such sewers or drains, whether public or private, or any other works of or belonging to or under the control of the local authority, or the said Board, shall be or become injured or damaged by reason or in consequence of any act, deed, matter, or thing, of or by the Promoters or their servants, it shall be lawful for the local authority or the said Board (as the case may be) immediately thereupon, or at any time thereafter, at the cost and risk of the Promoters to do all reasonable and proper works for the thorough and efficient repair and reinstatement of such sewer, drain, or other work as aforesaid, and if the Promoters shall not on demand pay to the local authority or the said Board the cost and expense incurred by them as aforesaid they may recover the same by all and the same means as any simple contract debt may be recovered.

Gauge of tramways.

12. The tramways shall be constructed on a gauge of four feet eleven inches from outside to outside of rails.

Provisions as to construction of tramways.

13. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall, at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein; and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act.

As to rails of tramways.

14. The rails of the tramways shall be such as the Board of Trade may approve; and the Board of Trade may from time to time, upon the application of the road authority of any district in which the tramways or any portion thereof are or is situate, require the Promoters to adopt and apply such improvements in the tramways within such district, including the rails thereof, as

experience may from time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic; and the Promoters shall, with all reasonable despatch, comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Mode of laying tramways to be approved by road authorities.

15. Subject to the preceding provisions of this Order, the mode of laying down the tramways, and the form of the rails, sleepers, fastenings, and groove, if any, shall be such as the road authorities shall approve, but so that the mode and form shall be the same in the borough and the Aston District, and in case of difference between the road authorities they shall be such as the Board of Trade shall determine.

Penalty for not maintaining rails and road in good condition.

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

In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made any such default as aforesaid, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870, and if the Board of Trade certify under the hand of a Secretary or an Assistant Secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are herein-before imposed with respect to offences.

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

17. 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.

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

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

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

19. 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-houses, sheds, or works of the Promoters, subject to the approval of the road authority: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if any owner or occupier of 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.

Temporary tramways may be made when necessary.

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

If any difference 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 temporary tramways under the authority of this section, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Application of road materials excavated in construction of Promoters works.

21. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may, if and so far as the road authority deem them satisfactory and proper, 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 such road authority, 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 notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus 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.

22. 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 has, by an order signed by a Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

Protecting bridges over Birmingham canals.

23. Where any of the tramways are authorised to be constructed upon a bridge carrying a road over a canal of the Company of Proprietors of the Birmingham Canal Navigation (in this Order referred to as "the Canal Company") the following provisions shall apply:

A. The Promoters shall give fourteen days notice in writing to the Canal Company of the intention to commence any works which affect or in any wise interfere with the structural works of any such bridge, and shall at the same time send sufficient specifications or other information to show the nature of such works, and such works shall be constructed to the reasonable satisfaction of the Canal Company, and so as not in any way to interfere with the traffic to, from, or upon the canal or the towing paths or towing path thereof:

B. No locomotive engine with flange wheels or other wheels suitable only to run on the rail of the tramways shall at any time be driven over such bridge without the previous consent in writing of the Canal Company under their common seal, but such consent shall not be arbitrarily withheld:

C. Any additional expense in the maintenance of any such bridge, or of the roadway on or over the same, or of the approaches thereto, occasioned by the construction, use, or maintenance of the tramways shall be borne by the Promoters.

Saving of rights of Birmingham Canal Company to open roads.

24. Nothing in this Order shall take away or abridge any power to open or break up any road along or across which any of the tramways is laid, or any power vested in the Canal Company for the purpose of erecting, constructing, raising, lowering, repairing, altering, rebuilding, or removing any bridge or any approach thereto or otherwise, and the exercise of such power shall be subject to the following provisions; (that is to say,)

A. The Canal Company shall cause as little detriment or inconvenience to the Promoters as circumstances admit:

B. Any alteration of the tramways and the works connected therewith that may be necessary shall be made by and at the expense of the Promoters, who shall also at the like expense replace and make good the same:

C. Before the Canal Company commence any works whereby the traffic on the tramways will be interrupted they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the Promoters notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given eighteen hours at least before the commencement of the work:

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D. The Canal Company shall not be liable to pay to the Promoters any compensation for injury done to the tramways, or any work connected therewith, by the execution by the Canal Company of any such work as aforesaid, or for the reasonable exercise of the powers so vested in them as aforesaid:

E. Whenever for the purpose of enabling them to execute any such work the Canal Company so require the Promoters shall either stop the traffic on such of the tramways to which the notice refers where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work there:

Provided that such work shall always be completed by the Canal Company with all reasonable expedition:

F. The Canal Company shall not execute such work, so far as it immediately affects the tramways, except under the superintendence of the Promoters, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work, or discontinue the superintendence during the progress of the work:

G. Any additional expense imposed upon the Canal Company by reason of the existence of the tramways, or any of the works connected therewith, shall be borne by the Promoters.

Difference between the Promoters and Birmingham Canal Company.

25. If any difference arises between the Promoters and the Canal Company with respect to any interference or control exercised or claimed to be exercised by the Promoters or on their behalf, or by the Canal Company or on their behalf by virtue of this Order, in relation to any of the tramways, or in relation to any work or proceeding of the Canal Company, or with respect to the propriety of or the mode of execution of any work relating to any of the tramways, or with respect to the amount of any compensation to be made by or to the Promoters, or on the question whether any work relating to any of the tramways is such as ought reasonably to satisfy the Canal Company, or with respect to the consent of the Canal Company to the use of locomotive engines on any such bridge as aforesaid being arbitrarily withheld, or with respect to any other subject or thing regulated by or comprised in this Order, the matter in difference shall (unless the parties agree upon some other reference) be settled by an engineer or other fit person nominated as referee by the Board of Trade, on the application of the Promoters or of the Canal Company, and the expenses of the reference shall be borne and paid as the referee directs.

Rights of the Canal Company under their Acts not to be interfered with.

26. Except as is expressly mentioned in this Order, nothing in this Order contained shall extend to prejudice, diminish, alter, or take away any of the rights, privileges, powers, or authorities vested in the Canal Company in and by all or any of the several Acts of Parliament now in force relating to their canals.

Rights of the Canal Company under the Act of 1870 and this Order not to be interfered with.

27. Notwithstanding the special provisions herein-before contained for their protection and benefit, the Canal Company shall be entitled to the protection and benefit of every provision for the protection and benefit of canal companies or proprietors of canals contained in the Tramways Act, 1870, and in this Order, or either of them.

Traffic upon Tramways.

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Traffic upon tramways.

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

Promoters not to be bound to carry animals, goods, &c., unless as provided in Order.

29. The Promoters shall not, except as by this Order otherwise provided, 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.

Corporation, &c. may require Promoters to carry goods.

30. If at any time after the opening of the tramways, or any of them, or any part thereof, for public traffic, the Corporation or the Local Board, by notice, require the Promoters to arrange for and conduct a separate service for the transmission of animals, goods, minerals, or parcels, other than passengers luggage not exceeding twenty-eight pounds in weight, within the borough of Birmingham, or within the Aston District respectively, the Promoters shall, within three months after the receipt of such notice, arrange for such service upon the terms of payment of tolls and charges in respect of such animals, goods, minerals, or parcels not exceeding the tolls and charges by this Order authorised, but such service shall not be required to exceed two journeys in each direction over the whole length of the tramways on each day (Sundays, Christmas Day, and Good Friday always excepted), and in the event of any difference arising between the Corporation or the Local Board and the Promoters in respect thereof, 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.

Limitation as to size of goods.

31. Nothing in this Order contained shall be construed to oblige the Promoters to provide for the conveyance of or to carry goods of greater length or width than fifteen feet in length or seven feet in width.

Carriages.

32. The carriages to be used on the tramways shall, subject to the provisions of the Tramways Act, 1870, and of this Order, be of such width and construction, and the wheels and breaks of and attached to such carriages shall be of such construction, form, and dimensions as the Corporation and the Local Board may jointly approve, or in case of difference as to such approval between the Corporation and the Local Board, as shall be determined by the Board of Trade.

Power to stop the working of tramways on market and other days.

33. The Corporation and the Local Board respectively may from time to time by notice in writing to the Promoters for the purpose of regulating and facilitating the traffic on market and fair days for police or watch purposes for the execution of any works by them respectively, or by the Birmingham, Tame, and Rea District Drainage Board or for any other purpose which the Corporation and the Local Board respectively, having regard to the good government of the borough and the Aston District respectively, or the safety of the public, deem necessary, stop, delay, or suspend the working of the tramways, or any of them in the borough and the Aston District respectively, but so that such stoppage, delay, or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid, or any of them, and the Promoters shall not be entitled to claim any compensation for damages in respect thereof.

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Tolls.

Tolls for passengers.

34. 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 demand and take for any less distance than two miles any sum not exceeding twopence.

Passengers luggage.

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

Cheap fares for labouring classes.

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

Tolls for animals, goods, &c.

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

Payment of tolls.

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

Periodical revision of tolls.

39. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate, or by twenty inhabitant

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

Miscellaneous.

Power for Corporation to elect to be substituted as Promoters as to tramways within the borough.

40. The powers in this Order contained for the construction and maintenance by the Promoters of such of the tramways as are situate within the borough shall be suspended for three months from the passing of the Act confirming this Order, and the Corporation, if they shall so decide by a resolution passed at a special meeting, may, within a period of three months after the passing of the Act confirming this Order, intimate to the Promoters by notice in writing the intention of the Corporation to be substituted in the place of the Promoters for the purposes of this Order, so far as the same relates to the tramways within the borough, and thereupon, provided that the Corporation shall also cause a copy of such notice to be published within the like period once in the "London Gazette," all the rights, powers, and authorities conferred by this Order upon the Promoters as to the construction, maintenance, working, and use of the tramways within the borough, and the works connected therewith or incidental thereto, shall, subject to the provisions herein-after contained, be transferred to and vested in, and may thenceforward be exercised by, the Corporation in like manner as if the Corporation had been in the first instance authorised by this Order to construct such tramways and works, and the Corporation shall, as to the tramways within the borough, be deemed to be the Promoters of this Order instead of the Promoters, and this Order shall be construed accordingly, and the Corporation may pay all expenses incurred by them in carrying into effect the provisions of this Order out of the local rate, and shall have the like powers to borrow on the same security as if such expenses were expenses incurred in carrying into effect the purposes of a Provisional Order applied for and obtained by them under the Tramways Act, 1870: Provided always, that the provisions of this Order with respect to the traffic and tolls and charges by this Order authorised in relation to the tramways shall be applicable to and shall be observed by and the said tolls and charges may be demanded and taken by the lessees of the Corporation as though they were by this Order made specially applicable to and were authorised to be observed, demanded, and taken on the tramways within the borough.

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Release of part of deposit as to tramways within the borough.

41. In case the Corporation elect as aforesaid to be substituted in place of the Promoters in respect of the tramways within the borough, then, on the production of a certificate signed by a Secretary or by an Assistant Secretary of the Board of Trade, specifying the length of such tramways, and the portion of the deposit made by the Promoters in pursuance of section twelve of the Tramways Act, 1870, and the Rules made by the Board of Trade under the powers of the said Act in respect of the application for this Order, which bears to the whole of the said deposit the same proportion as the length of the tramways within the borough bears to the entire length of the tramways by this Order authorised, the Chancery Division of the High Court of Justice shall, on the application of the Promoters, order the said portion of the deposit so specified in such certificate as aforesaid to be paid or transferred to the Promoters, or as they shall direct; and the residue of the deposit, except as otherwise by this Order provided, shall be treated and dealt with as if it had been the deposit made in respect of the application for this Order with reference to the tramways within the Aston District, and as if such last-mentioned tramways were the only tramways by this Order authorised.

Commencement and completion of tramways.

42. If the Corporation elect to construct the tramways within the borough they shall not be required to commence the same until the terms and conditions of the lease of the tramways which they are hereby required to grant to the Promoters have been agreed upon, or the Promoters have paid to the Corporation a sum of four thousand pounds (herein-after called "the security fund") to be applied as herein-after mentioned, or have given to the Corporation a mortgage or other security for a like sum in a form to be agreed upon, or, failing agreement, to be settled by the junior conveyancing counsel for the time being of the Chancery Division of the High Court of Justice, but when such terms or conditions have been agreed upon, or when such sum has been paid, or when such mortgage or security has been given, the Corporation shall forthwith thereafter commence to construct the tramways, and they shall complete the same within six months after the commencement of the same and within two years from the passing of the Act confirming this Order.

Corporation to lease tramways in borough to Promoters.

43. If and when the tramways within the borough have been completed by the Corporation, the Corporation shall at the cost of the Promoters cause to be prepared and execute a lease of the same to the Promoters for the term of twenty-one years, or such shorter term as may be agreed upon between the Corporation and the Promoters, at such rent, upon such terms, and subject to such conditions as shall be agreed upon between the Corporation and the Promoters, or, failing agreement, as shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either party, and as shall in each case be approved by the Board of Trade, and the Promoters shall accept such lease and execute a counterpart thereof.

Application of security fund.

44. At the expiration of two years after the tramways within the borough have been open to the public and continuously worked by the Promoters in pursuance of such lease as aforesaid the Corporation shall repay one half of the security fund with the interest accrued thereon to the Promoters, and the other half with the interest accrued thereon shall be retained by the

Corporation as a security for the due payment of the rent and performance of the covenants and conditions contained in such lease as aforesaid, with power to resort to such fund for the payment of any arrears of rent or damages sustained by breach of any of the covenants or conditions, and the balance (if any) of the security fund with the interest accrued thereon shall at the expiration of the lease be repaid to the Promoters.

Forfeiture of security fund in case of default.

45. If the Promoters fail to accept the said lease or to execute a counterpart thereof, or fail to work the tramways within the borough in accordance with the provisions of such lease and of this Order and the Tramways Act, 1870, at any time during the period of two years from the completion thereof, or shall within the same period make default in payment of the rent reserved by such lease, the security fund shall be forfeited to the Corporation, who may apply the same either in the reinstatement of the roads within the borough, or otherwise for the general benefit of the borough.

Power for Local Board to elect to be substituted as Promoters as to tramways within Aston District.

46. The powers in this Order contained for the construction and maintenance by the Promoters of such of the tramways in this Order described as are situate within the Aston District shall also be suspended for three months from the passing of the Act confirming this Order, and the Local Board, if they shall so decide by a resolution passed at a special meeting of the Board, may, within a period of three months after the passing of the Act confirming this Order, intimate to the Promoters by notice in writing the intention of the Local Board to be substituted in the place of the Promoters for the purposes of this Order, so far as the same relates to the tramways within the Aston District, and thereupon, provided that the Local Board shall also cause a copy of such notice to be published within the like period once in the "London Gazette," all the rights, powers, and authorities conferred by this Order upon the Promoters as to the construction, maintenance, working, and use of the tramways within the Aston District, and the works connected therewith or incidental thereto, shall, subject to the provisions herein-after contained, be transferred to and vested in, and may thenceforward be exercised by, the Local Board in like manner as if the Local Board had been in the first instance authorised by this Order to construct such tramways and works, and the Local Board shall, as to the tramways within the Aston District, be deemed to be the Promoters of this Order instead of the Promoters, and this Order shall be construed accordingly, and the Local Board may pay all expenses incurred by them in carrying into effect the provisions of this Order out of the local rate, and shall have the like powers to borrow, on the same security as if such expenses were expenses incurred in carrying into effect the purposes of a Provisional Order applied for and obtained by them under the Tramways Act, 1870: Provided always, that the provisions of this Order with respect to the traffic and tolls and charges by this Order authorised in relation to the tramways shall be applicable to and shall be observed by and the said tolls and charges may be demanded and taken by the lessees of the Local Board as though they were by this Order made specially applicable to and were authorised to be observed, demanded, and taken on the tramways within the Aston District.

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Release of part of deposit as to tramways within the Aston district.

47. In case the Local Board elect as aforesaid to be substituted in place of the Promoters in respect of the tramways within the Aston District, then, on the production of a certificate signed by a Secretary or by an Assistant Secretary of the Board of Trade, specifying the length of such tramways, and the portion of the deposit made by the Promoters in pursuance of section twelve of the Tramways Act, 1870, and the Rules made by the Board of Trade under the powers of the said Act in respect of the application for this Order, which bears to the whole of the said deposit the same proportion as the length of the tramways within the Aston District bears to the entire length of the tramways by this Order authorised, the Chancery Division of the High Court of Justice shall, on the application of the Promoters, order the said portion of the deposit so specified in such certificate as aforesaid to be paid or transferred to the Promoters, or as they shall direct; and the residue of the deposit, except as otherwise by this Order provided, shall be treated and dealt with as if it had been the deposit made in respect of the application for this Order with reference to the tramways within the borough, and as if such last-mentioned tramways were the only tramways by this Order authorised.

Provision in case Local Board elect to construct tramways.

48. If the Local Board elect to construct the tramways within the Aston District, the provisions of this Order herein-before contained with respect to the commencement and completion of the tramways by the Corporation the security fund and the lease by the Corporation shall apply to the tramways within the Aston District, and shall be read as if the Local Board were substituted for the Corporation, except that the security fund in respect of the Local Board shall be five thousand pounds, or the mortgage or other security, as the case may be, shall be for the sum of five thousand pounds.

Byelaws.

49. The powers of the Corporation and the Local Board respectively as the local authority under the Tramways Act, 1870, with respect to the making regulations and byelaws as to the matters and for the purposes therein mentioned, and to repeal or alter such byelaws, and make new byelaws, shall extend and apply to the following matters and purposes; (that is to say,)

A. Prohibiting the stopping of tramway carriages to take up and set down passengers, or for any other purpose, and the entry or leaving of any carriage in any place which the local authority, having regard to the protection, safety, or convenience of the public, may from time to time deem necessary:

B. Empowering the local authority to cause to be removed from the tramways any carriage or horse, harness or fittings, which shall be certified by an officer to be appointed by the local authority to be unfit for use on the tramways:

C. For enforcing good conduct, attention, and civility from the drivers and conductors of the tramway carriages.

Authentication of byelaws.

50. The Board of Trade shall be and they are hereby authorised to approve of byelaws made under the authority of section forty-six of the Tramways Act, 1870, and of this Order with respect to the undertaking authorised by this Order, and no such byelaw made after the passing of the Act confirming this Order shall have any force or effect unless the same shall have been so

approved; and the production of a written or printed copy of any such byelaw, signed by a Secretary or an Assistant Secretary of the Board of Trade, shall be primâ facie evidence of such byelaws in all courts of justice and in all legal proceedings whatsoever.

Compensation for damage.

51. In the exercise of the powers conferred on the Promoters by this Order they shall do as little damage as may be, and shall make compensation to the local authority for all damage sustained by the local authority by reason or in consequence of the exercise of those powers, or any of them.

Saving of rights.

52. Except as is by this Order otherwise expressly provided, nothing in this Order contained shall extend or be construed to extend to take away, abridge, lessen, prejudice, or in any way affect or alter any of the estates, rights, interests, jurisdictions, powers, authorities, immunities, advantages, or privileges of or belonging or appertaining to the local authority, or to the Birmingham, Tame, and Rea District Drainage Board, and, save as aforesaid, they respectively shall and may have, use, exercise, and enjoy the same as fully, freely, and effectually in all respects as they could or might have done if this Order had not been made and confirmed.

Costs of Corporation and Local Board as to Order to be paid by the Promoters.

53. All costs and expenses incurred by the Corporation and the Local Board respectively in connexion with or incident to the arrangement in relation to this Order entered into before the making of this Order between the Promoters and the Corporation and the Local Board, and the completion of the same, and the obtaining of this Order, and the passing of the Act confirming this Order, shall be paid by the Promoters to the Corporation and the Local Board respectively within three months after the passing of the Act confirming this Order.

Provisions as to arbitration.

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

Form and delivery of notices.

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

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

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

Agreements between Promoters and road authorities.

56. 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

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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.

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

57. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing, signed by a Secretary or an Assistant Secretary of the said Board.

Saving as to powers of borrowing on mortgage.

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

Saving for general Acts.

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

SCHEDULE.

Tolls and Charges for Animals, Goods, &c.

	Per mile. s.	d.
Animals.		
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, per head - -	0	2
Goods and Minerals.		
For all coal, culm, cannel, limestone, chalk, lime, slate, clay, ironstone, undressed or scrubbed 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

	Per mile. s.	d.
For all iron, pig 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

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 person conveying the same under the provisions of this Order may demand and take any sum he thinks proper.		

Regulations as to Tolls.

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

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 numbers 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 terms shall apply only to single parcels in separate packages.

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Blackpool, St. Anne's-on-the-Sea, and Lytham.

BLACKPOOL, ST. ANNE'S-ON-THE-SEA, AND LYTHAM TRAMWAYS.

Order authorising the Blackpool, St. Anne's, and Lytham Tramways Company (Limited), to construct tramways in the borough of Blackpool and the districts of St. Anne's-on-the-Sea and Lytham, in the county of Lancaster.

Short title.

1. This Order may be cited as "The Blackpool, St. Anne's-on-the-Sea, and Lytham Tramways Order, 1880."

Incorporation of Acts.

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

Interpretation.

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

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

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

The expression "the Borough" shall mean the said borough of Blackpool;

The expression "the Commissioners" shall mean the Improvement Commissioners of the district of Lytham, in the county of Lancaster;

The expression "the Local Board" shall mean the Local Board for the district of St. Anne's-on-the-Sea, in the county of Lancaster;

The expression "the Local Authorities" shall mean the Corporation, the Commissioners, and the Local Board;

The expression "the districts" shall include the borough and the districts of the Commissioners and the Local Board;

The expression "lighting apparatus" shall include all mains, pipes, syphons, plugs, and valves, machinery, wires, and apparatus used for the supply of light, whether by gas, electricity, or other means; and

The term "person" shall include a corporation.

Promoters.

The Promoters.

4. The Blackpool, St. Anne's, and Lytham Tramways Company (Limited) shall be the promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may, by agreement, from time to time purchase and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes; provided that they shall not at any time hold for such purposes more than five acres of land.

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Construction of tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and, except as herein-after specially provided, 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, offices, weigh-bridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are:—

Tramway No. 1, wholly in the township of Layton-with-Warbreck, in the parish of Bispham, in the borough of Blackpool, in the county of Lancaster, consisting of Tramway Portions Nos. 1a to 1m, both inclusive, commencing in Church Street at a point 0·56 chains or thereabouts east of the centre of Cookson Street by a junction with Tramway No. 3, and thence passing into and along Cookson Street, Talbot Road, Bellevue Square, Lytham Street, and Church Street, where it terminates at a point 0·45 chains west of the west side of Lytham Street by a junction with Tramway No. 3.

The total length of Tramway No. 1 is 5 furlongs 5·62 chains, and consists of 1 furlong 5 chains of double line, 4 furlongs 0·62 chains of single line. The double and single portions of Tramway No. 1 are particularised as follows:—

Tramway Portion 1a, a single line 1·03 chains in length, commencing in Church Street at a point 0·56 chains east of the centre of Cookson Street by a junction with Tramway No. 3, and thence passing into and along and terminating in Cookson Street at a point 0·36 chains from the centre of Church Street;

Tramway Portion 1b, a double line 2 chains in length, wholly in Cookson Street, commencing by a junction with the termination of Tramway Portion 1a, and terminating at a point 2·36 chains from the centre of Church Street;

Tramway Portion 1c, a single line 1 furlong 3·02 chains in length, wholly in Cookson Street, commencing by a junction with the termination of Tramway Portion 1b in Cookson Street, and terminating in the same street at a point 3·64 chains north-west of George Street;

Tramway Portion 1d, a double line 2 chains in length, wholly in Cookson Street, commencing by a junction with the termination of Tramway Portion 1c, and terminating at a point 5·64 chains north-west of the centre of George Street;

Tramway Portion 1e, a single line 1·12 chains in length, commencing in Cookson Street by a junction with the termination of Tramway Portion 1d, and thence continuing into and along Talbot Road, where it terminates at a point 0·34 chains west of the west side of Cookson Street;

Tramway Portion 1f, a double line 3 chains in length, wholly in Talbot Road, commencing by a junction with the termination of Tramway Portion 1e, and terminating at a point 3·34 chains or thereabouts west of the west side of Cookson Street;

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Tramway Portion 1g, a single line 1 furlong 5 chains in length, wholly in Talbot Road, commencing by a junction with the termination of Tramway Portion 1f, and terminating at a point opposite or nearly opposite the western end of Clifton Street;

Tramway Portion 1h, a double line 4·50 chains in length, wholly in Bellevue Square, commencing by a junction with the termination of Tramway Portion 1g, and terminating at a point 4·50 chains or thereabouts west of the west end of Clifton Street;

Tramway Portion 1i, a single line 4·13 chains in length, wholly in Bellevue Square, commencing by a junction with the termination of Tramway Portion 1h, and terminating at a point 1 chain or thereabouts west of the centre of the north end of Lytham Street;

Tramway Portion 1j, a double line 2 chains in length, commencing in Bellevue Square by a junction with the termination of Tramway Portion 1i, and thence continuing into and along Lytham Street, where it terminates at a point 0·42 chains south of the south side of Bellevue Square;

Tramway Portion 1k, a single line 5·68 chains in length, wholly in Lytham Street, commencing by a junction with the termination of Tramway Portion 1j, and terminating at a point 0·15 chains south of the south side of Back Church Street;

Tramway Portion 1l, a double line 1·50 chains in length, wholly in Lytham Street, commencing by a junction with the termination of Tramway Portion 1k, and terminating at a point 1·65 chains or thereabouts south of the south side of Back Church Street;

Tramway Portion 1m, a single line 0·64 chains in length, commencing in Lytham Street, and thence continuing in a curved line in a south-westerly direction into Church Street, where it terminates by a junction with Tramway No. 3 at a point 0·45 chains west of the centre of Lytham Street;

Tramway No. 2, wholly in the township of Layton-with-Warbreck, in the parish of Bispham, in the borough of Blackpool, in the county of Lancaster, being a single line 1 furlong 0·12 chains in length, commencing in Bellevue Square by a junction with Tramway Portion 1i at a point 1·23 chains west of the centre of Market Street, and passing thence into and along Market Street, and thence into Bank Hay Street, where it terminates at a point 0·27 chains or thereabouts south of the south side of Church Street by a junction with Tramway Portion 3e and 3f;

Tramway No. 3, partly in the township of Layton-with-Warbreck, partly in the township of Bispham-with-Norbreck and partly in the township of Marton, partly also in the parish of Bispham and partly in the parish of Poulton-le-Fylde, wholly in the borough of Blackpool, in the county of Lancaster, consisting of Tramway Portions 3a to 3ee, both inclusive, and commencing in Raikes Hill at a point 1·85 chains or thereabouts east of the centre of Cookson Street, passing thence into and around the space in front of the entrance to Raikes Hall Gardens, and thence returning to Raikes Hill, and continuing in a westerly direction until it re-unites at the

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point of its commencement, and thence continues in a westerly direction into and along Church Street for its entire length, and thence passes into and along Bank Hey Street, into and along Hound's Hill, South Beach, Foxhall Road, Tyldesley Road, Lytham Road, and terminating by a junction with Tramway No. 4 at the boundary between the borough of Blackpool and the district of St. Anne's-on-the-Sea. The total length of Tramway No. 3 is 3 miles 1 furlong 4·12 chains, and consists of 5 furlongs 7·80 chains of double line, and 2 miles 3 furlongs 6·32 chains of single line.

The double and single portions of Tramway No. 3 are particularised as follows:—

Tramway Portion 3a, a single line 2 furlongs 0·75 chains in length, commencing in Raikes Hill at a point 1·85 chains or thereabouts east of the centre of Cookson Street, passing thence into and around the space in front of the entrance to Raikes Hall Gardens, and thence returning to Raikes Hill, and continuing in a westerly direction into and along Church Street and terminating there at a point opposite to the east side of the south end of Topping Street;

Tramway Portion 3b, a double line 3 chains in length, wholly in Church Street, commencing by a junction with the termination of Tramway Portion No. 3a, and terminating at a point 3 chains west of the east side of Topping Street;

Tramway Portion 3c, a single line 1 furlong 3·05 chains in length, wholly in Church Street, commencing by a junction with the termination of Tramway Portion 3b, and terminating at a point 1 chain or thereabouts west of the centre of St. Anne's Street;

Tramway Portion 3d, a double line 2 chains in length, wholly in Church Street, commencing by a junction with the termination of Tramway Portion 3c, and terminating at a point 3 chains or thereabouts west of the centre of St. Anne's Street;

Tramway Portion 3e, a single line 0·95 chains in length, commencing in Church Street by a junction with the termination of Tramway Portion 3d, and passing a curved line in a southerly direction into and along Bank Hay Street, where it terminates at a point 0·27 chains or thereabouts south of the south side of Church Street;

Tramway Portion 3f, a double line 2 chains in length, wholly in Bank Hay Street, commencing by a junction with the termination of Tramway Portion 3e, and terminating at a point 2·27 chains or thereabouts south of the south side of Church Street;

Tramway Portion 3g, a single line 8·68 chains in length, wholly in Bank Hay Street, commencing by a junction with the termination of Tramway Portion 3f, and terminating at a point 0·50 chains south of the centre of Adelaide Street;

Tramway Portion 3h, a double line 3 chains in length, commencing in Bank Hay Street by a junction with the termination of Tramway Portion 3g, and thence continuing along Bank Hay Street in a curved line in a south-westerly direction into and along Hounds Hill, where it terminates at a point 3·50 chains south-west of the west end of Adelaide Street;

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Tramway Portion 3i, a single line 3·85 chains in length, commencing in Hounds Hill by a junction with the termination of Tramway Portion 3h, and continuing along Hounds Hill in a south-westerly direction into and along South Beach, where it terminates at a point opposite Ivy Cottage;

Tramway Portion 3j, a double line 1 furlong 6·80 chains in length, wholly in South Beach, commencing by a junction with the termination of Tramway Portion 3i, and terminating opposite the north side of the west end of Chapel Street;

Tramway Portion 3k, a single line 0·62 chains in length, commencing in South Beach at a point opposite the north side of the west end of Chapel Street, and passing thence into and along Foxhall Road, and terminating at a point 0·07 chains to the south of the west end of Chapel Street;

Tramway Portion 3l, a double line 2 chains in length, wholly in Foxhall Road, commencing by a junction with the termination of Tramway Portion 3k, and terminating at a point 2·07 chains south of the south side of the west end of Chapel Street;

Tramway Portion 3m, a single line 8·55 chains in length, wholly in Foxhall Road, commencing by a junction with the termination of Tramway Portion 3l, and terminating at a point 0·70 chains or thereabouts south of the centre of Bairstow Street;

Tramway Portion 3n, a double line 5 chains in length, commencing in Foxhall Road by a junction with the termination of Tramway Portion 3m, and thence continuing along Foxhall Road, and curving in a south-easterly direction into and along Tyldesley Road, where it terminates at a point 2·70 chains or thereabouts south of the north side of Princes Street;

Tramway Portion 3o, a single line 1 furlong 1·20 chains in length, wholly in Tyldesley Road, commencing by a junction with the termination of the Tramway Portion 3n, and terminating at a point 0·90 chains or thereabouts north of the north side of Lytham Road;

Tramway Portion 3p, a double line 3 chains in length, commencing in Tyldesley Road by a junction with the termination of Tramway Portion 3o, and then continuing along Tyldesley Road in a curved line in a southerly direction into and along Lytham Road, where it terminates at a point 1·30 chains south-east of the centre of Tyldesley Road;

Tramway Portion 3q, a single line 9·75 chains in length, wholly in Lytham Road, commencing in Lytham Road by a junction with the termination of Tramway Portion 3p, and terminating at a point 10·40 chains or thereabouts south-east of the east side of Tyldesley Road;

Tramway Portion 3r, a double line 3 chains in length, wholly in Lytham Road, commencing in Lytham Road by a junction with the termination of Tramway Portion 3q, and terminating at a point 13·40 chains south-east of the east side of Tyldesley Road;

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Tramway Portion 3s, a single line 1 furlong 9·60 chains, wholly in Lytham Road, commencing in Lytham Road by a junction with the termination of Tramway Portion 3r, and terminating at a point 0·53 chains south of the south side of Ball Street;

Tramway Portion 3t, a double line 3 chains in length, wholly in Lytham Road, commencing by a junction with the termination of Tramway Portion 3s, and terminating at a point 3·53 chains south of the south side of Ball Street;

Tramway Portion 3u, a single line 1 furlong 9·70 chains in length, wholly in Lytham Road, commencing by a junction with the termination of Tramway Portion 3t, and terminating at a point ·4 chains north of the entrance to the South Shore Railway Station;

Tramway Portion 3v, a double line 3 chains in length, wholly in Lytham Road, commencing by a junction with the termination of Tramway Portion 3u, and terminating at a point 1 chain north of the entrance to the South Shore Railway Station;

Tramway Portion 3w, a single line 7·75 chains in length, wholly in Lytham Road, commencing by a junction with the termination of Tramway Portion 3v, and terminating at a point 3·30 chains or thereabouts south of the centre of the bridge at the South Shore Station over the Blackpool and Lytham branch of the Preston and Wyre Railway;

Tramway Portion 3x, a double line 3 chains in length, wholly in Lytham Road, commencing by a junction with the termination of Tramway Portion 3w, and terminating at a point 6·30 chains or thereabouts south of the centre of the said bridge at South Shore Station;

Tramway Portion 3y, a single line 1 furlong 8·90 chains in length, wholly in Lytham Road, commencing by a junction with the termination of Tramway Portion 3x, and terminating at a point 7·10 chains north of the north side of Arnold House School;

Tramway Portion 3z, a double line 3 chains in length, wholly in Lytham Road, commencing by a junction with the termination of Tramway Portion 3y, and terminating at a point 4·10 chains north of the north side of Arnold House School;

Tramway Portion 3aa, a single line 1 furlong 8·70 chains in length, wholly in Lytham Road, commencing by a junction with the termination of Tramway Portion 3z, and terminating at a point 7·60 chains north of the north side of the road leading to Marton;

Tramway Portion 3bb, a double line 3 chains in length, wholly in Lytham Road, and commencing by a junction with the termination of Tramway Portion 3aa, and terminating at a point 4·60 chains north of the north side of the said road leading to Marton;

Tramway Portion 3cc, a single line 1 furlong 8·65 chains in length, wholly in Lytham Road, and commencing by a junction with the termination of Tramway Portion 3bb, and terminating at a point 2·85 chains south of the south side of the Coffee House Inn;

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Tramway Portion 3dd, a double line 3 chains in length, situate wholly in Lytham Road, and commencing by a junction with the termination of Tramway Portion 3cc, and terminating at a point 5·85 chains south of the south side of the Coffee House Inn;

Tramway Portion 3ee, a single line 1 furlong 5·62 chains in length, wholly in Lytham Road, and commencing by a junction with the termination of Tramway Portion 3dd, and terminating at the boundary between the borough of Blackpool and the district of St. Anne's-on-the-Sea;

Tramway No. 4, partly in the township of Marton and partly in the township of Lytham, partly also in the parish of Poulton-le-Fylde and partly in the parish of Lytham, partly also in the district of St. Anne's-on-the-Sea and partly in the district of Lytham, all in the county of Lancaster, consisting of Tramway Portions 4a to 4uu, both inclusive, and commencing at the boundary between the borough of Blackpool and the district of St. Anne's-on-the-Sea in Lytham Road opposite the north side of Fold Lane, and thence proceeding across Fold Lane along a new road or the site of an intended new road to be constructed by J. T. Clifton, Esq., in a southerly direction for a distance of 3 furlongs 7·66 chains, when it turns in a curved line towards the west, and proceeds in that direction along the site of the said intended road for a further distance of 1 furlong 1·12 chains, where it passes on, to, and across the bridge carrying the accommodation road over the Blackpool and Lytham Branch of the Preston and Wyre Railway, and thence continues a further distance of 8·55 chains along the site of the said intended road, when it turns in a south-easterly direction until it passes on to the road known as the Drive, otherwise Clifton Drive (and which road is herein-after called Clifton Drive), and proceeds along such road in a southerly and south-easterly direction, passing through the district of St. Anne's-on-the-Sea, and continues along Clifton Drive, in the district of Lytham, on, to, and along Church Road, and terminates at a point 0·55 chains west of the west side of Queen Street;

The total length of Tramway No. 4 is 5 miles 4 furlongs, and consists of 7 furlongs 2·50 chains of double line, and 4 miles 4 furlongs 7·50 chains of single line.

The double and single portions of Tramway No. 4 are particularised as follows:—

Tramway Portion 4a, a single line 0·63 chains in length, commencing at the boundary between the borough of Blackpool and the district of St. Anne's-on-the-Sea, in Lytham Road, opposite the north side of Fold Lane, and thence proceeding across Fold Lane, and terminating at a point opposite the south side of Fold Lane aforesaid;

Tramway Portion 4b, a double line 3 chains in length, wholly on the site of the said intended new road, to be constructed by the said J. T. Clifton, Esq., commencing by a junction with the termination of Tramway Portion 4a, and terminating at a point 3 chains south of the south side of Fold Lane;

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Tramway Portion 4c, a single line 1 furlong 5·62 chains in length, wholly on the site of the said intended new road, and commencing by a junction with the termination of Tramway Portion 4b, and thence passing in a southerly direction, and terminating at a point 1 furlong 9·25 chains south of the north side of Fold Lane;

Tramway Portion 4d, a double line 3 chains in length, wholly on the site of the said intended new road, commencing by a junction with the termination of Tramway Portion 4c, and thence proceeding in a southerly direction, and terminating at a point 2 furlongs 2·25 chains south of the north side of Fold Lane;

Tramway Portion 4e, a single line 1 furlong 5·42 chains in length, wholly on the site of the said intended road, commencing by a junction with the termination of Tramway Portion 4d, and proceeding in a southerly direction, and terminating at a point 3 furlongs 7·67 chains south of the north side of Fold Lane;

Tramway Portion 4f, a double line 4 chains in length, wholly on the site of the said intended road, and commencing by a junction with the termination of Tramway Portion 4e, and proceeding in a south-westerly direction, and terminating at a point 4 furlongs 1·67 chains south of the north side of Fold Lane;

Tramway Portion 4g, a single line 3·55 chains in length, wholly on the site of the said intended road, commencing by a junction with the termination of Tramway Portion 4f, and continuing in a westerly direction to its termination at a point 4·10 chains east of the centre of the bridge carrying the accommodation road over the Blackpool and Lytham Branch of the Preston and Wyre Railway;

Tramway Portion 4h, a double line 3 chains in length, wholly on the site of the said intended road, commencing by a junction with the termination of Tramway Portion 4g, and continuing in a westerly direction to its termination at a point 1·10 chains east of the centre of the said last-mentioned bridge;

Tramway Portion 4i, a single line 1 furlong 0·36 chains in length, commencing on the said accommodation road by a junction with the termination of Tramway Portion 4h, and terminating at a point 2·58 chains east of the centre of Clifton Drive;

Tramway Portion 4j, a double line 4 chains in length, commencing on the site of the said intended road by a junction with the termination of Tramway Portion 4i, and continuing in a south-westerly direction along such site on, to, and continuing in a southerly and south-easterly direction along Clifton Drive, and terminating there at a point 1·80 chains north of the boundary between the parish of Poulton-le-Flyde and the parish of Lytham;

Tramway Portion 4k, a single line 2 furlongs 0·65 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4j, and proceeding in a south-easterly direction along the said road, and terminating at a point 1 furlong 8·85 chains south-east

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of the boundary between the parish of Poulton-le-Flyde and the parish of Lytham;

Tramway Portion 4l, a double line 3 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4k, and continuing in a south-easterly direction and terminating at a point 2 furlongs 1·85 chains south-east of the boundary between the parish of Poulton-le-Flyde and the parish of Lytham;

Tramway Portion 4m, a single line 1 furlong 9·24 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4l, and terminating at a point 4 furlongs 1·09 chains south-east of the boundary between the parish of Poulton-le-Flyde and the parish of Lytham;

Tramway Portion 4n, a double line 3 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4m, and continuing in a south-easterly direction, and terminating at a point 4 furlongs 4·09 chains south-east of the boundary between the parish of Poulton-le-Flyde and the parish of Lytham;

Tramway Portion 4o, a single line 1 furlong 9·31 chains, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4n, and continuing in a south-easterly direction, and terminating at a point 6 furlongs 3·40 chains south-east of the boundary between the parish of Poulton-le-Flyde and the parish of Lytham;

Tramway Portion 4p, a double line 3 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4o, and continuing in a south-easterly direction, and terminating at a point 6 furlongs 6·40 chains south-east of the boundary between the parish of Poulton-le-Flyde and the parish of Lytham;

Tramway Portion 4q, a single line 1 furlong 9·32 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4p, and continuing in a south-easterly direction, and terminating at a point 1 mile 0 furlongs 5·72 chains south-east of the boundary between the parish of Poulton-le-Flyde and the parish of Lytham;

Tramway Portion 4r, a double line 3 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4q, and continuing in a south-easterly direction, and terminating at a point 1 mile 0 furlongs 8·72 chains south-east of the boundary between the parish of Poulton-le-Flyde and the parish of Lytham;

Tramway Portion 4s, a single line 1 furlong 9·25 chains, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4r, and continuing in a south-easterly direction, and terminating at a point 2 furlongs 5·75 chains north-west of the centre of St. Anne's Road;

Tramway portion 4t, a double line 3 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4s, and thence continuing in a south-easterly direction, and terminating at a point 2 furlongs 2·75 chains north-west of the centre of St. Anne's Road;

Tramway Portion 4u, a single line 2 furlongs 0·75 chains, wholly on Clifton

Drive, commencing by a junction with the termination of Tramway Portion 4t, and continuing in a south-easterly direction, and terminating at a point 2 chains north-west of the centre of St. Anne's Road;

Tramway Portion 4v, a double line 4 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4u, and continuing in a south-easterly direction, and terminating at a point 2 chains south-east of the centre of St. Anne's Road;

Tramway Portion 4w, a single line 1 furlong 5·50 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4v, and continuing in a south-easterly direction, and terminating at a point 1 furlong 7·50 chains south-east of the centre of St. Anne's Road;

Tramway Portion 4x a double line 3 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4w, and continuing in a south-easterly direction, and terminating at a point 2 furlongs 0·50 chains south-east of the centre of St. Anne's Road;

Tramway Portion 4y, a single line 1 furlong 6·37 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4x, and continuing in a south-easterly direction, and terminating at a point 3 furlongs 6·57 chains south-east of the centre of St. Anne's Road;

Tramway Portion 4z, a double line 3 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4y, and continuing in a south-easterly direction, and terminating at a point 3 furlongs 9·57 chains south-east of the centre of St. Anne's Road;

Tramway Portion 4aa, a single line 1 furlong 6·73 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4z, and continuing in a south-easterly direction, and terminating at a point 5 furlongs 6·30 chains south-east of the centre of St. Anne's Road;

Tramway Portion 4bb, a double line 3 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4aa, and thence continuing in a south-easterly direction, and terminating at a point 5 furlongs 9·30 chains south-east of the centre of St. Anne's Road;

Tramway Portion 4cc, a single line 1 furlong 6·70 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4bb, and continuing in a south-easterly direction, and terminating at a point 7 furlongs 6 chains south-east of the centre of St. Anne's Road;

Tramway Portion 4dd, a double line 3 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4cc, and continuing in an easterly direction, and terminating at a point 7 furlongs 9 chains south-east of the centre of St. Anne's Road;

Tramway portion 4ee, a single line 1 furlong 6·66 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of

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Tramway Portion 4dd, and continuing in an easterly direction, and terminating at a point 1 mile 1 furlong 5·66 chains south-east of the centre of St. Anne's Road;

Tramway Portion 4ff, a double line 3 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4ee, and continuing in an easterly direction, and terminating at a point 5 furlongs 7·89 chains west of the centre of the road leading from Clifton Drive to the Ansdell Railway Station, on the Blackpool and Lytham Branch of the Preston and Wyre Railway;

Tramway Portion 4gg, a single line 1 furlong 6·69 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4ff, and continuing in an easterly direction, and terminating at a point 4 furlongs 1·20 chains west of the road leading from Clifton Drive to the Ansdell Railway Station;

Tramway Portion 4hh, a double line 3 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4gg, and continuing in an easterly direction, and terminating at a point 3 furlongs 8·20 chains west of the centre of the road leading from Clifton Drive to the Ansdell Railway Station;

Tramway Portion 4ii, a single line 1 furlong 5·70 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4hh, and continuing in an easterly direction, and terminating at a point 2 furlongs 2·50 chains west of the centre of the road leading from the Clifton Drive to the Ansdell Railway Station;

Tramway Portion 4jj, a double line 3 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4ii, and continuing in an easterly direction, and terminating at a point 1 furlong 9·50 chains west of the road leading to the Ansdell Railway Station;

Tramway Portion 4kk, a single line 1 furlong 5·75 chains in length, wholly on Clifton Drive, and commencing by a junction with the termination of Tramway Portion 4jj, and continuing in an easterly direction, and terminating at a point 3·75 chains west of the road leading from Clifton Drive to Ansdell Railway Station;

Tramway Portion 4ll, a double line 3 chains in length, wholly on Clifton Drive, and commencing by a junction with the termination of Tramway Portion 4kk, and continuing in an easterly direction, and terminating at a point 0·75 chains west of the centre of the road leading to the Ansdell Railway Station;

Tramway Portion 4mm, a single line 1 furlong 8·40 chains in length, wholly on Clifton Drive, commencing by a junction with the termination of Tramway Portion 4ll, and continuing in an easterly direction, and terminating at a point 1 furlong 7·45 chains east of the centre of the road leading to Ansdell Railway Station;

Tramway Portion 4nn, a double line 3 chains in length, wholly on Clifton Drive, and commencing by a junction with the termination of Tramway portion 4mm, and terminating at a point 2 furlongs 0·45 chains east of the centre of the road leading to the Ansdell Railway Station;

Tramway Portion 4oo, a single line 1 furlong 8·50 chains in length, commencing on Clifton Drive by a junction with the termination of Tramway Portion 4nn, and continuing in an easterly direction along Clifton Drive on, to, and across a new road leading from Church Road, Lytham, to the seashore, thence on to the site of an intended new road to be constructed by the said J. T. Clifton, Esq., and terminating there at a point 0·36 chains to the east of the boundary separating the field of which such site now forms part from the last-mentioned new road;

Tramway Portion 4pp, a double line 3 chains in length, wholly on the said site of the last-mentioned intended new road, and commencing there by a junction with the termination of Tramway Portion 4oo, and continuing in a curved line in an easterly direction, and terminating at a point ·65 chains to the east of the north-eastern end of Clifton Drive;

Tramway Portion 4qq, a single line 6·10 chains in length, wholly on the said site of the last-mentioned intended new road, and commencing there by a junction with the termination of Tramway Portion 4pp, and continuing in a north-easterly direction, and terminating there at a point 1·12 chains south-west of the north-eastern corner of the said field;

Tramway Portion 4rr, a double line 3·50 chains in length, commencing on the said site of the said last-mentioned intended new road by a junction with the termination of Tramway Portion 4qq, and continuing thence in a north-easterly direction in a curved line along such site, and thence on to and along Church Road, where it terminates at a point 5·03 chains west of the west side of the new road leading from Church Road along the west side of Lowther Gardens;

Tramway Portion 4ss, a single line 1 furlong 8·30 chains in length, wholly in Church Road, commencing by a junction with the termination of Tramway Portion 4rr, and terminating at a point 0·26 chains east of the east side of the new road leading from Church Road along the east side of Lowther Gardens;

Tramway Portion 4tt, a double line 3 chains in length, wholly in Church Road aforesaid, commencing by a junction with the termination of Tramway Portion 4ss, and terminating at a point 0·12 chains west of the west side of Gregson Street;

Tramway Portion 4uu, a single line 1 furlong 2·30 chains in length, wholly in Church Road, commencing by a junction with the termination of Tramway Portion 4tt, and terminating at a point 0·55 chains west of the west side of Queen Street;

Tramway No. 5, wholly in the township of Lytham, in the parish of Lytham, in the district of St. Anne's-on-the-Sea, in the county of Lancaster, consisting of Tramway Portions 5a and 5b, both inclusive, commencing by a junction with Tramway Portion No. 4 and Tramway Portion 4v in Clifton Drive, at a point 0·80 chains north-west of the centre of St. Anne's Road, thence continuing in a north-easterly direction in a curved line into and along St. Anne's Road, and terminating there at a point 0·35 chains from the fence on the south-west side of the Blackpool and Lytham branch of the Preston and Wyre Railway.

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The total length of Tramway No. 5 is 1 furlong 8·81 chains, consisting of 2·13 chains of double line and 1 furlong 6·68 chains of single line.

The double and single portions of Tramway No. 5 are particularised as follows:—

Tramway Portion 5a, a double line 2·13 chains in length, commencing by a junction with Tramway No. 4 and Tramway Portion 4v in Clifton Drive, at a point 0·80 chains north-west of the centre of St. Anne's Road, and continuing thence along St. Anne's Road, and terminating at a point 1·70 chains north-east of the centre of Clifton Drive;

Tramway Portion 5b, a single line 1 furlong 6·68 chains in length, commencing in St. Anne's Road by a junction with the termination of Tramway Portion 5a, and thence continuing in a north-easterly direction along St. Anne's Road, and terminating there at a point 0·35 chains from the fence on the south-west side of the before-mentioned Railway;

Tramway No. 6, wholly in the township of Lytham, in the parish of Lytham, in the district of St. Anne's-on-the-Sea, in the county of Lancaster, consisting of a double line, and being a passing-place, commencing by a junction with Tramway No. 4 and Tramway Portion 4v in Clifton Drive, at a point 0·80 chains south-east of the centre of St. Anne's Road, and thence continuing in a north-westerly direction into and along St. Anne's Road, where it terminates by a junction with Tramway Portion 5a at a point 0·70 chains from the centre of Clifton Drive.

The total length of Tramway No. 6 is 1·30 chains or thereabouts.

Tramway No. 7, wholly in the township of Lytham, in the parish of Lytham, and in the district of Lytham, in the county of Lancaster, consisting of a single line, commencing in Church Road by a junction with the termination of Tramway No. 4 at a point 0·55 chains west of the west side of Queen Street, and thence continuing in a curved line in a north-easterly direction into Market Square, whence it proceeds in a northerly direction into and along Hastings Place, and thence still in a northerly direction into the approach road to the Lytham Railway Station, and thence turning in an easterly direction it proceeds round such approach road, and turning again in a southerly direction passes along such approach road into Westby Street, and passing along such street turns in a curved line in an easterly and southerly direction into Park Street, whence it proceeds in a southerly direction along that street until it turns in a westerly direction by a curved line into Clifton Square, and thence continues in a westerly direction into and along Market Square until it reaches its point of commencement at the termination of Tramway No. 4.

The total length of Tramway No. 7 is 3 furlongs 3·33 chains.

Tramway No. 8, wholly in the township of Lytham, the parish of Lytham, and the district of Lytham, in the county of Lancaster, consisting of a single line commencing in Hastings Place by a junction with Tramway No. 7 at a point 0·28 chains south of the south side of Westby Street, whence it passes in a curved line in a north-easterly direction into Westby Street, whence it proceeds along such street in an easterly direction to its termination by a junction with Tramway No. 7 at a point 1 chain west of the centre of Park Street.

The total length of Tramway No. 8 is 5 chains.

Tramway No. 9, wholly in the township, the parish, and the district of Lytham, in the county of Lancaster, consisting of Tramway Portions Nos. 9a to 9e, both inclusive, commencing in Clifton Drive by a junction with Tramway Portion 4nn at its termination, and continuing thence in an easterly direction along Clifton Drive, thence into and in a northerly direction along Fairlawn Drive, and then turning in an easterly direction into and along Church Road, where it joins Tramway Portion 4ss at its commencement.

The total length of Tramway No. 9 is 3 furlongs 2·61 chains, and consists of 5 chains of double line and 2 furlongs 7·61 chains of single line.

The double and single portions of Tramway No. 9 are particularised as follows:—

Tramway Portion 9a, a single line 1 furlong 7·04 chains in length, commencing in Clifton Drive by a junction with Tramway Portion 4nn at its termination, and continuing thence in an easterly direction along Clifton Drive, and terminating at a point 0·70 chains to the west of the centre of Fairlawn Drive;

Tramway Portion 9b, a double line 2 chains in length, commencing in Clifton Drive by a junction with Tramway Portion 9a at its termination, and continuing thence in a curved direction into and along Fairlawn Drive, and terminating at a point 1·50 chains north of the centre of Clifton Drive;

Tramway Portion 9c, a single line 5·33 chains in length, commencing in Fairlawn Drive by a junction with Tramway Portion 9b at its termination, and passing thence into and terminating in Church Road at a point 0·35 chains east of the centre of Fairlawn Drive;

Tramway Portion 9d, a double line 3 chains in length, wholly in Church Road, commencing by a junction with Tramway Portion 9c at its termination, and terminating at a point 3 chains to the east of its commencement;

Tramway Portion 9e, a single line 5·24 chains in length, wholly in Church Road, commencing by a junction with Tramway Portion 9d at its termination, and terminating by a junction with Tramway portion 4ss at its commencement;

Tramway No. 9 is an alternative line, and shall not be constructed if Tramway Portions 4oo to 4rr, both inclusive, are constructed, but shall be in lieu thereof:

Provided always, that until the road called Fairlawn Drive, in Lytham, shall have been widened in that part where the tramway numbered 9b is authorised to be constructed by the Provisional Order with respect to the Blackpool, St. Anne's-on-the-Sea, and Lytham Tramways contained in the schedule to this Act, as shown on the deposited plans, the Promoters in that Order named shall lay down and construct such tramway as a single line only, and in the centre of Fairlawn Drive; but in such event they shall be entitled to lay down and construct so much of tramway numbered 9d as lies between points respectively situate two yards and three chains and two yards north-west of the

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north-west gate-post of the entrance in Clifton Drive, in Lytham, to the stables of Thomas Fildes as a double line instead of as a single line as shown on the deposited plans: Provided that in the event of Fairlawn Drive being widened in such part as aforesaid at any time after Tramway 9b shall have been constructed as in this section is before mentioned as a single line, it shall be lawful for the Promoters to and they shall thereupon take up such last-mentioned tramway and relay the same as a double line or passing-place in such situation and manner as that there shall be a space of not less than nine feet and six inches between the nearest rail of such tramway and the outside of the footpath on each side of the road: Provided further, that the Promoters shall, when they shall have so relaid Tramway 9b as aforesaid, alter such part as aforesaid of Tramway 9a from a double line to a single line as shown on the deposited plans.

The tramways and works herein-before described will pass from, through, or be made from, in, through, or into the parishes of Bispham, Poulton-le-Fylde, and Lytham, the borough of Blackpool, and the districts of St. Anne's-on-the-Sea and Lytham, all in the county of Lancaster, or some of them.

As to commencement and completion of tramways.

7. The tramways, except as herein-after expressly provided, shall be commenced and completed and opened for public traffic within the time and subject to the conditions prescribed by section eighteen of the Tramways Act, 1870: Provided that the time for the completion of the tramways in any of the districts shall not be prolonged by the special direction of the Board of Trade, except with the consent of the local authority of such district; and in default of the Promoters completing the tramways and opening the same for public traffic within the time prescribed as aforesaid, or, if the time has been prolonged with such consent as aforesaid, within such prolonged time, the Promoters shall, but without prejudice to any of the provisions contained in section eighteen of the Tramways Act, 1870, forfeit and pay, as and for liquidated damages, the following sums, that is to say, to the Corporation the sum of five hundred pounds, to the Commissioners the sum of one hundred pounds, and to the Local Board the sum of one hundred pounds; but any sum so payable to any of the local authorities shall not be in addition to any moneys forming part of the deposit fund to which such local authority may become entitled under any forfeiture thereof in accordance with the provisions of section twelve of the Tramways Act, 1870, and the rules of the Board of Trade made with respect to deposits to be paid in relation to provisional orders under the Tramways Act, 1870; and such sum shall be taken by such local authority in settlement or on account, as the case may be, of any such moneys: Provided always, that nothing in this section, or elsewhere in this Order, shall make the Promoters liable to forfeit the said sums of five hundred pounds, one hundred pounds, and one hundred pounds, or either of them, or any part of them, or any other sum, by reason of their failing to construct the tramways authorised by this Order to be constructed in Market Street, in the borough, or in or along the approach road to the Lytham Railway Station, or Tramway Portions 4oo to 4rr, both inclusive, or any of the intermediate Tramway Portions 4pp and 4qq respectively, or Tramways 5 and 6, or any of them, or any part of any of them.

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The respective times limited by section eighteen of the Tramways Act, 1870, for the completion and for the substantial commencement of the tramways shall, so far as regards the tramway in Market Street, in the borough, be deemed to be twelve months and six months respectively after receipt by the Promoters of notice from the Corporation requiring them to lay the said tramway; and the said section shall, as regards the said tramway in Market Street, be construed accordingly.

Tramway portions 400 to 4rr and tramway in or along the approach road to the Lytham Railway Station not to be constructed except by consent.

8. The Promoters shall not construct Tramway Portions 400 to 4rr, both inclusive, or any of the intermediate Tramway Portions 4pp and 4qq respectively, all inclusive, or any of such tramway portions, or any part of such tramway portions, or any other tramway, in, on, through, over, or across a certain field or close of land situate in the district of Lytham, and which is bounded on the north by Church Road, on the west by Fairlawn Drive, on the south by a road called or intended to be called Beach Parade, and on the east by a road formerly called or intended to be called Church Street, and which field or close of land is delineated on a certain plan which has been signed by Messrs. Radcliffe and Layton, the solicitors of the Promoters, and by Messrs. Turner and Son, the solicitors of Thomas Fildes, and of the trustees and executors of the late Thomas Threlfall, and is dated the thirty-first day of January 1880, and which has been deposited at the office of the Board of Trade in addition to the deposited plans, except with the previous consent in writing (to be approved of by the Corporation) of John Talbot Clifton, his heirs or assigns, of the said Thomas Fildes, his executors, administrators, or assigns, of the said trustees and executors of the late Thomas Threlfall, or the person or persons claiming through them, and also of all other persons (if any) having rights in or with respect to the said field or close of land which would be interfered with if the tramway were constructed in or across the same without their consent.

The Promoters shall not construct so much of Tramway No. 7 as is shown on the deposited plans in or along the approach roads to the Lytham Railway Station except with the previous consent in writing of the Lancashire and Yorkshire and the London and North-Western Railway Companies, the proprietors of the Preston and Wyre Railway, and the person or persons in whom the said roads are for the time being vested, and of the person or persons who for the time being has or have the power to maintain and repair the said roads.

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

9. For the protection of the London and North-Western Railway Company and the Lancashire and Yorkshire Railway Company, in respect of the bridges over their Preston and Wyre joint railway, the following provisions shall apply and have effect:

In constructing the tramways across any of the said bridges the Promoters shall not alter or interfere with the construction of the said bridges respectively or of the approaches thereto, and they shall so construct and maintain the said tramways as not to injuriously affect the stability of the said bridges respectively and the approaches thereto; and in the event of any injury being occasioned to any of the said bridges or the approaches thereto, or any part or parts thereof, by the construction of the tramways on or over the same (whether such injury shall occur either during or after the construction or in effecting the maintenance of the tramways), or in or

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by the working or user thereof, the said companies may, at the expense of the Promoters, restore such bridge and the approaches thereto, or the part or parts thereof which may be injured, to as good a state and condition as they respectively were in before such injury was occasioned; and the Promoters shall recoup to and indemnify the said companies 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 bridges and the approaches thereto as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870; and the said companies may recover from the Promoters all such sums, costs, and expenses, as also any moneys expended by the said companies in restoring the said bridges and the approaches thereto as aforesaid, together with full costs and charges, by all and the same means as any simple contract debt is recoverable.

Promoters to widen Cookson Street.

10. The Promoters shall, at their own expense, widen the carriageway of Cookson Street within the borough, and for such purpose shall be entitled to use the materials now forming such road, by reducing the width of the footpath on both or either side of such street to such an extent, but no more, as shall leave a clear space of nine feet six inches between the outside of the footpath on each side of the same street and the nearest rail of the tramway authorised by this Order to be laid down by the Promoters in such street, such works to be done under the supervision and to the reasonable satisfaction of the Corporation; and the Promoters shall indemnify the Corporation against all actions, damages, suits, claims, or demands which may be brought, sustained, or made by any person for compensation for any injuries caused by any accident or accidents during the carrying out of the said works and in consequence thereof.

As to tramway in Market Street.

11. The Promoters shall not lay down, maintain, or work the tramway by this Order authorised in Market Street, in the borough, until such street shall have been widened by the Corporation, and the Corporation shall by notice in writing require the Promoters to lay the same. In the event of the Promoters laying down and completing such tramway in Market Street, the powers by this Order conferred upon the Promoters with respect to the laying down, maintaining, and working tramways in Lytham Street shall absolutely cease and determine; and if at the time of the completion of such tramway in Market Street they shall have laid any tramway in Lytham Street they shall forthwith take up and remove such tramway in Lytham Street, and shall thereupon forthwith reinstate the roadway of that street to the reasonable satisfaction of the Corporation; and in default of their so doing they shall be liable to a penalty not exceeding five pounds for every day during which a breach of this provision shall continue, and this penalty shall be in addition to any other liability of the Promoters by reason of any other remedy of the Corporation for such breach.

Tramway Portion 3j to be made a single line with passing-places in certain events.

12. If the Promoters shall at any time hereafter be so required by the Corporation, they shall construct Tramway Portion 3j as a single line, as nearly as may be in the middle of the road, with double lines or passing-places three chains in length at each end thereof instead of as a double line throughout its entire length, as shown on the deposited plans; and in the event of the

Promoters having constructed such last-mentioned tramway portion as a double line, they shall, if and when so required by the Corporation, forthwith alter the same so as to convert it into a single line, to be constructed as nearly as may be in the middle of the road, with double lines or passing-places three chains in length at each end thereof, and such double lines or passing-places shall in each case be laid and constructed in such position in the road as the Corporation shall direct; and in case of default by the Promoters so to carry out the provisions of this section, it shall be lawful for the Corporation to carry out the same, at the cost and risk in all respects of the Promoters.

As to tramway on South Beach and Foxhall Road.

13. If, after the tramways authorised by this Order to be constructed in South Beach and Foxhall Road, in the borough, shall have been opened for traffic for seven years, the Corporation should deem it desirable that such tramways should be taken up and the route diverted by a substituted line or lines being laid along a road or roads at the rear of South Beach and Foxhall Road, or either of them, then, subject to the Corporation obtaining, at their own cost in all respects, by means of a Provisional Order or Act of Parliament, the necessary powers therefor, and also, at their own cost in all respects, providing the road or roads for such substituted line or lines, the Promoters shall, when required by notice in writing by the Corporation, and at the cost in all respects of the Corporation, divert the said tramways by laying down and constructing along such road or roads a tramway or tramways, with the necessary passing-places and works, in such position in the said road or roads as may be prescribed by such Provisional Order or Act, to be used in place of the tramways in South Beach and Foxhall Road aforesaid, or either of them; and all the conditions and provisions of this Order (so far as the same shall be applicable), shall apply to such new or substituted tramways, in the same manner as if they were the tramways hereby authorised to be constructed in South Beach and Foxhall Road aforesaid, except as shall be otherwise provided by such Provisional Order or Act of Parliament, or as shall be inconsistent therewith.

As to tramway in Bank Hay Street.

14. If the Promoters shall lay down in Bank Hay Street, in the borough, before such street shall be widened by the Corporation, any of the tramways authorised by this Order, they shall, if such street shall be afterwards widened by the Corporation, and on receiving notice in writing from the Corporation requiring them to do so, at their own cost, forthwith take up such tramways and relay the same in the middle of Bank Hay Street.

Corporation to widen Church Street and Talbot Road

15. The Corporation shall, at their own cost, widen such parts of the carriageways of Church Street and of Talbot Road, in the borough, upon which tramways are by this Order authorised to be laid down, as are included in the improvements authorised by the Blackpool Improvement Act, 1879, to such an extent that the carriageways of such parts of both such streets shall, throughout the length of the tramways therein respectively, be at least twenty-two feet six inches wide; and they shall effect such widening and do all necessary works in connection therewith within such time as will enable the Promoters to commence, and to continue without interruption, the construction of their tramways in both such streets, with the carriageways thereof so widened as aforesaid, forthwith after this Order shall have been confirmed by Act of Parliament.

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Gauge of the tramways.

16. The tramways shall be constructed on a gauge of three feet and six inches: Provided always, that so much of section thirty-four of the Tramways Act, 1870, as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways; but no carriage used on the tramways in any district shall exceed six feet in width, except with the consent of the local authority of such district, but in no case shall the width of the carriages exceed six feet and four inches.

As to lighting apparatus and sewers of local authorities.

17. Sections thirty, thirty-two, and thirty-three of the Tramways Act, 1870, shall (subject to the provisions of this Order) extend and apply to the local authorities respectively, with reference to the several lighting apparatus and sewers belonging to the local authorities respectively, in like manner as the same apply to a company or person being the owner of gas or water mains or pipes; and for the purposes of this section the word Company in those sections shall include the Corporation, the Commissioners, and the Local Board respectively: Provided that all works or interference with or in connection with the lighting apparatus or sewers of the local authorities respectively, under the thirtieth section of the Tramways Act, 1870, or otherwise, shall be made or executed by the local authority to whom the same shall belong, and not otherwise, upon the request, but at the cost and risk in all respects, of the Promoters.

As to cost of substituted sewers, drains, or lighting apparatus.

18. The cost of constructing, providing, and laying any new sewers, drains, or lighting apparatus in substitution for any which may be rendered useless by the construction of the tramways, and the value of any lighting apparatus belonging to or under the control of the local authorities respectively, and rendered useless or unproductive to the Corporation, or to the Commissioners, or to the Local Board, as the case may be, by the works authorised by this Order, shall, on demand, and subject to credit being given for the value of such lighting apparatus so rendered useless or unproductive, be paid to the Corporation, or to the Commissioners, or to the Local Board, as the case may be, by the Promoters: Provided always, that whenever any new sewer, drain, or lighting apparatus of larger dimensions shall be substituted for any existing sewer, drain, or lighting apparatus, the Promoters shall (unless the increased dimensions be required by reason of the construction or existence of the tramways) only be required to pay the cost which would have been incurred by the substitution of a sewer, or drain, or lighting apparatus of equal dimensions with the existing sewer, drain, or lighting apparatus.

As to removal of sewers, drains, and lighting apparatus beneath the tramways.

19. The Promoters shall, at their own cost and risk in all respects, if and when required by the local authority of any of the districts, forthwith remove so much of all drains and sewers in the district of such local authority constructed or used for the purpose of carrying off surface water, and all lighting apparatus in such district, as shall be situate under that part of any road which they are by section twenty-eight of the Tramways Act, 1870, or this Order, required to maintain and repair, and which would, in the opinion of such local authority or of their surveyor, be injuriously affected by the

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tramways, or the works connected therewith, of the Promoters, and shall reconstruct and relay with all needful alterations so much as aforesaid of any such drains, sewers, mains, and lighting apparatus in such other parts of the said road as may be prescribed by and to the reasonable satisfaction of such local authority: Provided always, that nothing herein contained shall refer to or be construed to extend or refer to drains or sewers which shall be in or under any roads in the districts of the Commissioners and the Local Board, or the district of either of them, which at the time being shall not be vested in or repairable by the Commissioners or by the Local Board, as the case may be.

As to alteration &c. of lighting apparatus

20. Whenever the Promoters desire, under the authority of this Order, to do any act which may render necessary the alteration, removal, or displacement of any of the lighting apparatus of any of the local authorities, the Promoters shall give to such local authority fourteen days notice in writing of such desire; and such local authority shall thereupon forthwith, but without prejudice to the protection afforded to them by the Tramways Act, 1870, make such alteration, displacement, or removal, as the case may be, and do all works incidental thereto; and all expenses that may be thereby reasonably incurred shall be defrayed by the Promoters.

Local authorities to have access to their sewers, &c.

21. The local authorities respectively and their respective officers and servants shall, at all times, have free access to and communication with all existing and future sewers and drains (whether public or private) of or belonging to or under the control of or maintained or repaired by the local authorities respectively, and the manholes, ventilating shafts, and other works in connection therewith; and the consent or concurrence of the Promoters shall not be necessary to empower the local authorities respectively to construct any new or additional public or private sewers or drains, and any manholes, ventilating shafts, or other works connected therewith, and any lateral or private drains to communicate therewith.

If at any time any such sewer or drain in any of the districts shall be or become injured or damaged by reason or in consequence of any act, deed, matter, or thing of or by the Promoters or their contractors or servants, the local authority of such district may immediately thereupon, or at any time thereafter, at the cost and risk in all respects of the Promoters, do and execute such acts and works as such local authority may deem necessary in order to the thorough and efficient reinstatement of such sewer, drain, or other works.

Promoters to pay local authorities certain costs incurred by them.

22. The Promoters shall, except as by this Order otherwise provided, pay to the local authorities of the districts respectively, on demand, the amount of all reasonable costs, charges, and expenses incurred by them respectively in or about, or in any way relating to, the works authorised by and to be executed by them respectively under the provisions of this Order.

Provision as to construction of tramways.

23. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall, at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of

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constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein; and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade and the road authority; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act.

Promoters to repair the whole road between double lines of tramways in certain cases.

24. Where a double line of tramway (other than Tramways or Tramway Portions 1h, 1i, 1j, 3a, 4v, 5a, and 6, which, notwithstanding this section, are to be subject to the provisions of section twenty-eight of the Tramways Act, 1870) is laid by the Promoters in the same road or any part thereof, the whole of the road between the tramways shall be repaired by and at the cost and risk in all respects of the Promoters, whatever be the distance at which such tramways shall be laid from each other: Provided that the double lines of Tramway Portion 1h, and the double lines of Tramway Portion 1j, shall severally be laid at distances of not more than four feet from each other.

As to rails of tramways.

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

Penalty for not maintaining rails and road in good condition.

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

In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made any such default as aforesaid, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade certify under the hand of a secretary or an assistant secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction

of the said Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are herein-before imposed with respect to offences.

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

27. 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.

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

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

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

29. The Promoters may from time to time hereafter, with the consent of the road authority, 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, carriage-houses, engine-houses, sheds, or works of the Promoters: Provided always, that all such works shall be deemed to be parts of the tramways authorised by this Order; provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if any owner or occupier of 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.

Temporary tramways may be made when necessary.

30. 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 the tramway so removed or discontinued.

If any difference arise 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 temporary tramways under the authority of this section, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Application of road materials

31. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of

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any road authority 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 within the district of such road authority, 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 notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus 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.

excavated in construction of Promoters works.

For further protection of the Corporation of Blackpool.

31*a*. For the further protection of the Corporation the following provisions shall have effect; that is to say:—

1. If the Promoters as to such of the tramways as are within the borough of Blackpool fail to comply with the provisions of section twenty-eight of the Tramways Act, 1870, or to maintain in good repair any of the rails of which the tramways for the time being consist, or the substructure on which they rest, and so as not to be a danger or annoyance to the ordinary traffic, the Corporation may, after giving to the Promoters forty-eight hours notice in that behalf (and without prejudice to any other remedy of the Corporation), execute and do all works necessary for such maintenance and repair, and for such restoration, as in the said section twenty-eight is mentioned, and may recover the costs, charges, and expenses of so doing from the Promoters with full costs of suit as a simple contract debt.

2. If at any time after the expiration of two years from the time when the said tramways shall have been opened for public traffic the Corporation shall be of opinion that the tramways, or any or either of them, or any road or roads, or any part of any road or roads required to be maintained and repaired by the Promoters be not efficiently maintained or repaired, the Corporation, after giving twenty-four hours notice in that behalf to the Promoters, and if the Promoters shall not within such time commence and duly proceed to the satisfaction of the Corporation with the necessary works, may at the cost and risk in all respects of the Promoters execute such works as may from time to time be expedient for putting such tramways and roads, or any or either of them, or any part or parts thereof respectively into efficient repair, and may further at any time at the like cost and risk in all respects if they think fit to do so, upon giving three calendar months previous notice in writing to the secretary of the Company, undertake the future maintenance and repair of such tramways

and roads, or the part of any roads, or any or either of them, or any part or parts thereof respectively.

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3. Each of the local authorities shall keep a separate account of all expenses incurred by them in maintaining and repairing such tramways, roads, and portions of roads as aforesaid, and such accounts, and the books wherein the same may be kept, shall be open to the inspection of the Promoters, their directors and officers, during the hours of business of the local authorities, and such local authorities shall severally furnish once each week to the secretary of the Promoters a statement in writing, with dates and items, of the sums (if any) which shall have been expended during the then preceding week by such local authority in and about such maintenance and repairs.

4. Nothing in this Order shall be deemed to prevent the Corporation exercising the powers contained in section forty-two of the Tramways Act, 1870, in case of the insolvency of the Company.

5. If the Promoters, having commenced to work the traffic, fail to work it on any of the tramways, or any part thereof, they shall be liable if such failure take place within the borough, to pay to the Corporation a penalty for every day on which they fail so to do, of not exceeding five pounds per day for the first three days, and of not exceeding ten pounds for every subsequent day; and if such default take place within the Commissioners' district or within the Local Board's district to pay to the Commissioners or to the Local Board, as the case may be, a penalty for every day on which they fail so to do, of not exceeding twenty shillings: Provided always, that the Promoters shall not be liable to any such penalty if the failure to work the tramways arises from any act of the Corporation or their officers within the borough, or of the Commissioners or their officers within the Commissioners' district, or of the Local Board or their officers within their district, or from circumstances over which the Promoters have no control.

Settlement of disputes.

32. If any dispute or difference, for the settlement of which no special provision is made by this Order, shall arise between the local authorities, or any of them, or any road authority, and the Promoters, respecting any act, matter, or thing to be done or not to be done, or any money other than a penalty to be paid under or in pursuance of this Order, such dispute or difference shall be settled in the manner prescribed by 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.

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

As to recovery of penalties.

34. The provisions of the Tramways Act, 1870, with respect to the recovery of penalties, shall apply to any penalty under this Order and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Order, and all penalties for the breach of any provision for the protection of any local authority shall be paid to such local authority.

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Traffic upon Tramways.

Traffic upon tramways.

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

Penalty on Promoters for not running required number of journeys daily.

36. The Promoters, at all times after the opening of the tramways or any part thereof for public traffic, shall and they are hereby required to run carriages, sufficient for passenger traffic, from one extremity thereof to the other, at least five times each way every day (Sundays, Good Friday, and Christmas Day always excepted), between nine o'clock in the morning and six o'clock in the evening; and any default or failure in this respect shall, if continued or wilfully repeated after twenty-four hours' notice in writing from the Corporation to the Promoters that the same has taken place, render the Promoters liable to a penalty, as herein-after mentioned.

If such default or failure as aforesaid takes place within the district of the Commissioners or of the Local Board, and such default or failure is continued or wilfully repeated after twenty-four hours' notice in writing from the Commissioners or the Local Board, as the case may require, to the Promoters that the same has taken place, such default or failure, so continued or repeated, shall render the Promoters liable to a penalty, as herein-after mentioned.

If the Promoters, after twenty-four hours after service of any such notice as aforesaid, continue or wilfully repeat any such default or failure as aforesaid, they shall be liable to pay to the Corporation a penalty for every day on which the same takes place of not exceeding five pounds per day for the first three days, and of not exceeding ten pounds for every subsequent day, and, if such default or failure takes place within the Commissioners' district or within the Local Board's district, to pay to the Commissioners or to the Local Board, as the case may be, a penalty for every day on which the same takes place of not exceeding twenty shillings: Provided always, that the Promoters shall not be liable to any such penalty if the failure to work the tramways arise from any act of the Corporation or their officers within the borough, or of the Commissioners or their officers within the Commissioners' district, or of the Local Board or their officers within their district, or from circumstances over which the Promoters have no control.

Local authorities may use the tramways for sanitary purposesduring certain hours.

37. The local authorities, at such times between the hours of twelve o'clock at night and six o'clock in the morning in the months of November to March, both inclusive, and between the hours of twelve o'clock at night and five o'clock in the morning in the months of April to October, both inclusive, as they respectively shall think fit, may use the tramways within their respective districts for sanitary purposes, and for the conveyance of scavenging stuff, road metal, and other materials required for their respective works, free of all tolls and charges whatsoever, and for this object may, if authorised to do so, without payment to the Promoters therefor, connect branch lines with the lines of the Promoters at such points as the local authorities respectively may from time to time deem expedient, and may, subject to the provisions of this Order, use steam or any mechanical power on the tramways.

Suspension of traffic by order of Corporation or Commissioners.

38. The Corporation within the borough, and the Commissioners within their district, shall have power, at any time, and from time to time, by notice in writing, to absolutely stop, delay, or suspend the working of the tramways in any of the streets or roads within the borough, or within the district of

Lytham, as the case may be, for the purposes of regulating or facilitating traffic during the time of any public meeting, procession, or demonstration, and, if the Corporation in the borough, or the Commissioners in their district, deem it necessary, during the time of repairs or execution of works in such streets or roads; and the Promoters shall not be entitled to claim any compensation or damages in respect thereof.

Suspension of traffic by order of Local Board.

39. The Local Board shall have power, at any time, and from time to time, by notice in writing, to absolutely stop, delay, or suspend the working of the tramways in any of the streets or roads within their district, for the execution of any works or repairs by the Local Board, such stoppage, delay, or suspension to continue only so long as may be reasonably necessary for the purposes aforesaid or either of them; and the Promoters shall not be entitled to claim any compensation or damages in respect thereof.

Promoters to clear away snow, &c. from tramways.

40. The local authorities, in their respective districts, may cleanse any road without reference to the tramways; but whatever cleansing, owing to snow, shingle, or any matters impeding the traffic, may be requisite for the proper working of the tramways, shall be executed by the Promoters at their own cost, who shall, in performing the same, remove the snow, shingle, or matter from off the road forthwith, and without first placing it on any other part of the road.

Tolls.

Tolls for passengers.

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

Passengers luggage.

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

Cheap fares for labouring classes.

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

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Tolls for animals, goods, &c.

44. The Promoters may demand and take in respect of any animals, goods, minerals, or parcels conveyed by them on the tramways, except as is by this Order specially provided, including the tolls and charges for the use of the tramways, and for waggons 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 A. to this Order annexed, subject to the regulations in that behalf therein contained.

Payment of tolls.

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

Periodical revision of tolls.

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

Miscellaneous.

Provisions as to arbitration.

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

Form and delivery of notices.

48. 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 (including lithograph) or partly in writing and partly in print, and if given by any local authority or any road authority or the Promoters 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 in the borough, as the case may be, or by being sent by post in a registered letter, addressed to their respective clerk or secretary at their principal office.

Agreement between Promoters and road authorities.

49. The Promoters and any road authority may, subject to the provisions of this Order, from time to time enter into any contracts and 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 the passage of the traffic over and along the same.

Running powers over tramways in St. Anne's district.

50. The owners, or respective owners, for the time being of the tramways by this Order authorised to be constructed in the borough and in the district of Lytham respectively shall, as shall also their respective lessees and licensees for the time being, at all times be entitled to run their carriages for all lawful purposes on, over, and along the tramways by this Order authorised to be constructed in the district of St. Anne's-on-the-Sea, on payment of such mileage toll per carriage to the owners for the time being of such last-mentioned tramways, and on such terms and subject to such conditions as may be agreed on between them, or, in case of difference, as shall be settled in manner provided by the thirty-third section of the Tramways Act, 1870, and as the Board of Trade shall approve.

Provisions for protection and benefit of local authorities set forth in Schedule B. to be in force.

51. The provisions for the protection and benefit of the local authorities set forth in Schedule B. to this Order annexed shall be of the same force and effect as if the same were contained in this Order, and the said provisions shall be read and construed together with this Order.

Confirming certain agreements in Schedules C. and D.

52. The agreement made between John Talbot Clifton, Esq., of the one part, and the Promoters of the other part, and the agreement made between William Ascroft and Benjamin Sykes, Esqs., of the one part, and the Promoters of the other part, and copies of which, except as to formal parts, are set forth severally in Schedules C. and D. to this Order annexed, are hereby confirmed and made binding upon the said John Talbot Clifton, William Ascroft, Benjamin Sykes, and the Promoters respectively, and shall be carried into execution: Provided always, that the expression "the map or plan hereunto annexed" in the said Schedule D. shall be construed to mean the map or plan annexed to the original of the agreement which is in part set forth in the said Schedule.

Authentication of byelaws.

53. The Board of Trade shall be and they are hereby authorised to approve of byelaws made under the authority of section forty-six of the Tramways Act, 1870, with respect to the undertaking, and no such byelaw shall have any force or effect unless the same shall have been so approved; and the production of a written or printed copy of any such byelaw, signed by a secretary or an assistant secretary of the Board of Trade, shall be primâ facie evidence of such byelaws in all courts of justice and in all legal proceedings whatsoever.

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

54. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing, signed by a secretary or an assistant secretary of the said Board.

Saving as to powers of borrowing on mortgage.

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

As to recovery of moneys from the Promoters.

56. All moneys payable by the Promoters to the local authorities, or any or either of them, under the provisions of this Order or the Schedule B. to this Order annexed, shall be payable on demand, and (save as otherwise provided), in default thereof, may be recovered by such local authority from the Promoters as a simple contract debt.

Reserving the powers, &c. of the local authorities.

57. Except as by this Order otherwise expressly provided, nothing herein contained shall be deemed to take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, or authorities of or belonging to the local authorities respectively, or any or either of them, or of any committee of any or either of them; and, except as aforesaid, the local authorities severally shall and may have, use, exercise, and enjoy the same as fully, freely, and effectually in all respects as they could or might have done if this Order had not been made and confirmed.

Special provisions of this Order to be in addition to provisions of the Tramways Act.

58. The special provisions in this Order and the Schedule B. annexed thereto contained for the protection of the local authorities shall not be deemed to supersede or dispense with the provisions of the Tramways Act, 1870, but those provisions respectively (except in so far as they may be varied by or be inconsistent with any of the special provisions herein contained) shall be and remain in full force and effect.

Saving for general Acts.

59. Notwithstanding anything in this Order contained, the Promoters and any 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 future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Order, and to any condition, regulation, or restriction

which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

SCHEDULE A.

Tolls and Charges for Animals, Goods, &c.

Animals.	*s.*	*d.*
	Per Mile.	
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

For 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
	Any distance.		
For every carriage, of whatever description		1	0

Small Parcels.	*s.*	*d.*
	Per Mile.	
For any parcel not exceeding in weight fourteen pounds	0	2
For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight	0	4
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight	0	6
For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight, the Promoters may demand and take any sum they think proper.		

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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, 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, beach, 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.

SCHEDULE B.

Provisions for the protection and benefit of the Local Authorities referred to in the foregoing Order.

Right of local authorities to purchase undertaking.

1. The local authorities shall (if they desire and are authorised to do so, and subject to the provisions herein-after contained) be at liberty to acquire (at the expiration of seven years or of fourteen years, or after fourteen years and within twenty-one years, from the passing of the Act confirming the foregoing Order) the undertaking of the Promoters; and the Promoters shall, in such event, if so required by the Corporation, the Commissioners, and the Local Board, by any notice or notices in writing addressed to the secretary of the Promoters, and left at their principal office in the borough within two calendar months before the expiration of such seven years, or of such fourteen years, or any time after the expiration of such fourteen years and before the expiration of such twenty-one years, sell and transfer so much of the undertaking as shall consist of tramways, buildings, and other permanent works within the borough to the Corporation, so much of the undertaking as shall consist of tramways, buildings, and other permanent works within the district of Lytham to the Commissioners, and so much of the undertaking as shall consist of tramways,

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buildings, and other permanent works within the district of St. Anne's-on-the-Sea to the Local Board, and shall in like manner transfer in the three several portions herein-after provided for the cars, horses, working plant, and other moveable effects of the Promoters to the Corporation, the Commissioners, and the Local Board respectively, upon the terms following; that is to say,—

The local authorities shall pay in the proportions ascertained as herein-after provided to the Promoters the moneys expended on and properly debitable to capital and the then liabilities of the Promoters properly incurred on capital account, with such an additional sum of money as will be sufficient to make up (with such capital (if any) as shall have been called up and paid, and shall be actually in the hands or under the control of the Promoters unspent) an amount which, when invested on securities paying interest at the rate of five pounds per cent. per annum, will bring in an income at the rate of six pounds per cent. per annum on so much of the Promoters capital as shall at the time of the giving of the said notice or notices have been actually called up and paid, after deducting therefrom such sum (if any) as may be reasonably and properly deducted for depreciation of the tramways or rolling stock and plant, or for or on account of any removal or discontinuance of the tramways or any part thereof:

The reasonable costs, charges, and expenses of and incidental to the transfer of the undertaking and works, and of and incidental to dividing the purchase-money among the shareholders of the Promoters, and of and incidental to the dissolution and winding up of the Promoters' company, shall, if the Promoters be compelled to transfer the undertaking and works within the said period of twenty-one years, be paid by the local authorities:

The purchase shall be completed on the expiration of two calendar months from the giving of the notice or notices by the local authorities to the Promoters as aforesaid; and in the event of it not being then completed the local authorities shall be entitled to the earnings, and shall pay the outgoings, of the tramways and the undertaking as from the day whereon the purchase should have been completed as aforesaid, and shall pay to the Promoters interest at the rate of five pounds per cent. per annum from such last-mentioned day to the day of actual completion on the amount of the purchase money:

After the receipt by the Promoters of the said notice or notices by the local authorities of their intention to purchase as aforesaid, the Promoters shall not (otherwise than in case of actual necessity, and then to the extent of two hundred and fifty pounds only) expend any moneys or incur any liabilities on capital account, except with the previous consent of the Corporation as to any matter of expenditure in the borough, of the Commissioners with respect to any matter of expenditure in their district, or of the Local Board with respect to any matter of expenditure in their district. The Promoters shall not, in any event, be compelled to sell or transfer the undertaking, or any part thereof, until the end of seven years from the passing of the Act confirming the said Order, or, in the

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event of the local authorities not acquiring the undertaking at the expiration of the said seven years, not until the end of fourteen years from the passing of such Act:

The Promoters shall keep three separate accounts of capital expended on permanent works, one account to be of capital expended within the borough, one other to be of capital expended within the district of the Commissioners, and the other to be of capital expended within the district of the Local Board:

All costs, charges, and expenses incurred in relation to the preparing for, applying for, and obtaining of the said Order, and the confirmation thereof by Act of Parliament, and of and incidental to the formation of the Promoters company, and of and incidental to the preparing for, the laying out, and construction of the tramways, shall be divided into three sums, according to the capital to be expended as aforesaid by the Promoters on so much of their undertaking as shall be within the borough, within the district of the Commissioners, and within the district of the Local Board respectively:

The cars, horses, and other working plant and moveable effects of the Promoters shall, as herein-before is provided in the event of such sale as aforesaid, be valued and divided into three lots, relatively in proportion to the expenditure in the borough, in the Commissioners' district, and in the Local Board's district respectively, of the Promoters on permanent works; and the relative proportions of such valuation, and of the said costs, charges, and expenses as are herein-before mentioned, shall be added to the several amounts of expended capital in the borough and in the said two districts, and the aggregate amount of expenditure thus arrived at in respect to the undertaking in the borough and in each of such districts shall be the basis on which shall be calculated the proportions of purchase-money herein-before provided to be paid to the Promoters, and shall be respectively provided and paid by the Corporation, the Commissioners, and the Local Board:

The Commissioners and the Local Board respectively shall, within two months after being required by the Corporation by notice in writing in that behalf, to be given during the first six calendar months of the seventh year or of the fourteenth year or at any time after the expiration of the fourteenth year and before the expiration of the first six months of the twenty-first year after the passing of the Act confirming the said Order, inform the Corporation in writing whether they do or do not desire to purchase so much of the undertaking as shall be in their districts respectively; and in the event of the Commissioners or the Local Board failing so to inform the Corporation in writing, or in case the Commissioners and the Local Board, or either of them, decline to purchase so much of the undertaking as shall be in their respective districts, the Corporation shall be entitled, and it shall be incumbent on them (if they desire to purchase so much of the undertaking as shall be within the borough), to also purchase and acquire so much of the undertaking as shall be within the district of the Commissioners and the district

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of the Local Board, or of such one of them, the Commissioners and the Local Board, as the case may be, who shall not so intimate in writing as aforesaid their desire to purchase, or who shall intimate their intention not to purchase, so much of the undertaking as shall be in their district. And thereupon the provisions herein-before in this schedule contained with respect to the sale of the undertaking to the local authorities shall be read and construed as if they conferred power on the Corporation to acquire, not only so much of the undertaking as shall be within the borough, but also so much thereof as shall be within the districts of the Commissioners and the Local Board, or the district of such one of them as shall not so intimate as aforesaid their desire to purchase the undertaking in their district, or who shall intimate their intention not to purchase the same: Provided always, that nothing herein contained or otherwise shall be read or construed to require the Promoters to sell, nor shall it be obligatory on them to sell, nor shall anything herein contained entitle the Corporation to purchase, so much of the undertaking as shall be within the borough, unless the Commissioners and the Local Board also purchase the portions thereof within their respective districts, or, in default of their doing so, the Corporation purchase such portions or the portion within the district of the local authority who shall not acquire the same:

Provided that if the Corporation, the Commissioners, and the Local Board, or the Corporation, and one of them (the Commissioners and the Local Board), or the Corporation alone, as the case may be, do not purchase before the expiration of twenty-one years from the passing of the Act confirming the said Order, but should desire to purchase after such period, they shall do so upon the terms prescribed by the forty-third section of the Tramways Act, 1870.

The Promoters shall not be entitled to charge as an expenditure on capital account, in the event of their being required to sell the undertaking as herein-before provided, any moneys which they may have expended on any part of their undertaking which they may have allowed to fall into decay within the meaning of the eleventh paragraph of the agreement between John Talbot Clifton and the Promoters set out in the Schedule D. to the foregoing Order annexed, and have not repaired.

As to accounts of Promoters and inspection of tramways, &c.

2. A copy of every half-yearly balance sheet of the accounts of the Promoters shall, within fourteen days after the same have been approved at an ordinary meeting of the Promoters, be delivered to the town clerk of the borough, to the clerk to the Commissioners, and to the clerk to the Local Board respectively, and the Promoters, on the request of the local authorities, or any or either of them, shall, at all reasonable times, and from time to time, produce to such person as such local authorities or local authority shall require all the books, accounts, and vouchers with reference to the tramways and undertaking, and permit such person to take copies of and extracts from the same books and accounts as he may think fit; and if the Promoters refuse or neglect to comply with any of the requirements of this section they shall be liable to a penalty not exceeding the sum of five pounds for every such refusal or wilful neglect, and to a further penalty not exceeding forty shillings for every day during which such refusal or neglect shall continue, and such

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penalty may be recovered as by section fifty-six of the Tramways Act, 1870, is provided.

If upon inspection of the said books and accounts the Corporation are of opinion that any item therein has been improperly debited to capital account, they may, by notice in writing to the Promoters, call upon them to correct the entry; and if they within seven days from the receipt of such notice decline or neglect so to do, a difference shall be deemed to have arisen between the Corporation and the Promoters, and the same shall be settled as herein-after in this schedule is provided for the settlement of differences.

The Corporation may from time to time appoint an inspector to inspect and examine the condition of the tramways and of the rolling stock, plant, property, and chattels of the Promoters, and for that purpose such inspector may, at all reasonable times, enter upon any portion of the undertaking.

As to tramway extensions and running powers.

3. If at any time hereafter any tramways or tramway extensions or additions are constructed or purchased within, or partly within, the district of any of the local authorities by the local authority of such district, or by any company (other than the Promoters) or person, the Promoters shall, if and when and as required by such local authority, or by any such company or person, permit all necessary and convenient junctions, crossings, and communications to be made and maintained between the tramways authorised by the foregoing Order and such tramway or tramways of such local authority, or of any such other company or person as aforesaid; and such local authority, or such company or person, as the case may be, so requiring such junctions, crossings, and communications to be made, and the Promoters, shall each respectively, if required by the other, grant to each other, and their respective assigns and lessees, all such reasonable running powers and traffic facilities over and on their respective tramways, upon such terms and conditions as to compensation and otherwise, as may be agreed on between them, or, in case of difference, as shall be settled in manner provided by the thirty-third section of the Tramways Act, 1870, and as the Board of Trade shall approve; and such local authority so requiring such junctions, crossings, and communications to be made shall and will use their best endeavours that in any provisional order or Act which may be obtained by them, or by any company or person, authorising such local authority or such company or person to construct any tramways or tramway extensions or additions within or partly within their district, there shall be inserted clauses providing for the making of such junctions, crossings, and communications, and for giving effect to the aforesaid provisions; and the said provisions shall not be binding upon the Promoters except in the event of such clauses being so inserted: Provided always, that nothing herein contained shall be taken to refer to branch lines constructed by a local authority for sanitary purposes or for the conveyance of scavenging stuff, road metal, or other materials under the provisions of the foregoing Order.

Promoters to give notice to local authorities before selling undertaking.

4. In the event of the Promoters desiring to exercise the powers of sale conferred by the forty-fourth section of the Tramways Act, 1870, they shall, in the event of such proposed sale being to any person or company, give two calendar

months notice in writing to the local authorities of their intention to exercise such power and of the terms of such proposed sale; and in the event of the local authorities or the Corporation, and one of them (the Commissioners and the Local Board), or the Corporation alone, as the case may be, being authorised to purchase the undertaking, and by written notice within such period of two months requiring the Promoters to sell the undertaking to them on the same terms, the Promoters shall sell the undertaking to the local authorities or to the Corporation, and one of them (the Commissioners and the Local Board), or to the Corporation alone, as the case may be, accordingly; and to such sale as aforesaid the provisions herein-before in this schedule firstly contained in relation to the sale of the undertaking after seven years or after fourteen and within twenty-one years after the passing of the Act confirming the foregoing Order shall, so far as can be, apply.

Promoters to pay costs of agreements.

5. The reasonable costs, charges, and expenses of the local authorities respectively of and incidental to the agreements which have been entered into between them severally and the Promoters respecting the foregoing Order, and of and incidental to the settling of the said Order (including parliamentary agents' charges) shall be borne and paid by the Promoters.

Security by Promoters.

6. As security to the Corporation for the due fulfilment by the Promoters of the obligations to which, under the provisions of the foregoing Order, they are or shall be liable with respect to the construction of the tramways (other than the tramways in Market Street) in the borough, and to provide for the payment of the moneys to the Corporation made payable by the foregoing Order in the event of the Promoters not complying with the provisions of the foregoing Order with respect to the completion of the tramways and the opening of the same for public traffic, the Promoters shall (in addition to complying with the provisions of section twelve of the Tramways Act, 1870, and the rules made in pursuance thereof, as to the deposit to be made in relation to the application for the said Order), within twelve calendar months after the passing of the Act confirming the said Order, invest, to the satisfaction of the Corporation, in the joint names of the Promoters or of some person to be named by them and the town clerk of the borough for the time being (herein-after referred to as "the trustees"), the sum of five hundred pounds, or (with the approval of the Corporation) assign to the trustees such other security (of not less value) as the Corporation may consider sufficient; and the said sum (or any such security to be substituted in lieu thereof) shall be held by the trustees until the tramways shown on the deposited plans (other than the tramway in Market Street aforesaid, and those proposed to be constructed in or along the approach road to the Lytham Railway station, and Tramway Portions 4oo to 4rr, both inclusive, and any of the intermediate Tramway Portions 4pp to 4qq, all inclusive, or any of them, or any part of any of them) shall have been constructed in accordance with the provisions of the said Order, and opened for traffic within the time prescribed by the said Order, or, if the time has been prolonged as by the said Order provided, within such prolonged time, whereupon such sums of money or such security as aforesaid, as the case may be, shall be repaid, or re-assigned,

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or made over to the Promoters, or as they may direct; but in the event of the Promoters not so constructing and opening for traffic the tramways (other than the tramway in Market Street aforesaid, and those in or along the said approach road to the Lytham Railway station, and Tramway Portions 4oo to 4rr, both inclusive, and any of the intermediate Tramway Portions 4pp to 4qq, all inclusive, or any of them, or any part of any of them) within the time prescribed by the said Order, or, if the time has been prolonged as by the said Order provided, within such prolonged time, the said sum or such security as aforesaid, as the case may be, shall be forfeited to the Corporation, and shall be taken in satisfaction of the said sum of five hundred pounds payable by the Promoters under section seven of the said Order. So long as the said sum or the said security as aforesaid shall remain unforfeited, and in the hands of the trustees, the interest arising therefrom, or other the income thereof, shall belong and be paid to the Promoters. The provisions herein-before contained in relation to the security to be given by the Promoters to the Corporation, the investment trusts and repayment or re-assignment and forfeiture of the same, and the interest or other income arising therefrom, shall extend and apply, mutatis mutandis, to the Promoters and the Local Board, and with respect to the tramways to be constructed in the district of the Local Board (other than Tramways Nos. 5 and 6), save that the sum so to be invested or the security so to be assigned as security to the Local Board shall be the sum of one hundred pounds; and the said sum or security, if forfeited to the Local Board, shall be in satisfaction of the said sum of one hundred pounds payable to the Local Board under section seven of the said Order.

Reserving to Commissioners power to construct a certain sewer.

7. If, at any future time, the Commissioners should deem it necessary to construct a sewer along the road on which the tramways are to be constructed in their district between the points A. and B. marked on the plan which has been signed by the surveyor to the Commissioners and by the Promoters' engineers and has been deposited with the clerk of the Commissioners, they shall be entitled to do so upon giving fourteen days previous notice, in writing, of their intention to construct such sewer, to the Promoters; and in the event of its being necessary, in the construction of such sewer, to temporarily interfere with or stop the traffic of the tramways between such points, such traffic shall be stopped during such time as shall be necessary, and the Commissioners shall not be liable to compensate the Promoters in respect of any loss which they may sustain by reason thereof. Nor shall the Commissioners be responsible to the Promoters for any damage the Promoters may sustain by reason of their having to repair or relay their lines from time to time, in consequence of the ground subsiding after the said sewer shall have been completed and the ground above the same filled in; but, in the construction of such sewer and the filling in of the ground above and around the same, the Commissioners shall proceed with all reasonable care and despatch. The Promoters shall be entitled to construct, maintain, and work temporary tramways in order to carry on their traffic during the time that any of the tramways, or any portion thereof, shall be interfered with under this or any other provision of the foregoing Order or otherwise.

Settlement of disputes.

8. If any dispute or difference, for the settlement of which no special provision is made in this Schedule, shall arise between the local authorities, or any or either of them, and the Promoters, respecting any act, matter, or thing to be done or not to be done, or any money other than a penalty to be paid under or in pursuance of the provisions in this Schedule, such dispute or difference shall be settled in the manner prescribed by section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

SCHEDULE C.

SETTING FORTH

A copy (omitting formal parts) of an agreement, dated the 17th day of December 1879, made between John Talbot Clifton, of Lytham Hall, in the county of Lancaster, Esquire, of the one part, and the Promoters (under their description of the Blackpool, St. Anne's, and Lytham Tramways Company, Limited, and who are therein-after and herein-after called "the Company"), of the other part.

"Whereas the Company have been formed for the purpose, among other "things, of constructing, maintaining, and working tramways within the "borough of Blackpool, and the districts of St. Anne's-on-the-Sea and "Lytham, in the said county of Lancaster, and for obtaining Parliamentary "powers to enable them to do so: And whereas a certain new road, situate "as to part thereof in the said district of Lytham, and as to other part in the "said district of St. Anne's-on-the-Sea, and known or intended to be known "as 'Clifton Drive,' and on and along which certain of the said tramways are "to be constructed, has been made by the said John Talbot Clifton: And "whereas the Company have applied to the said John Talbot Clifton for his "consent to the construction, maintenance, and working of the said tramways "along the said new road, and the said John Talbot Clifton has agreed, so far "as he has power to do so, to give the same consent, and to enter into these "presents in manner herein-after appearing, upon the Company also entering "into these presents in manner herein-after expressed: Now these presents "witness that, in consideration of the premises, the said John Talbot Clifton "for himself, his heirs, executors, administrators, and assigns, agrees with the "said Company, their successors and assigns, and the said Company, for themselves, their successors and assigns, agree with the said John Talbot Clifton, "his heirs, executors, administrators, and assigns, in manner following, that is "to say:—

"1. The said John Talbot Clifton doth hereby grant, so far as he lawfully "can or may, to the Company, but subject as herein-after contained, his "consent to the construction, maintenance, and working by the Company of "the said proposed tramways, with all passing-places and works appurtenant "thereto, on, over, and along the said new road, according to the route shown "on the map or plan hereunto annexed, wherein the said tramways are shown

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" by a red line, the said new road being coloured brown, and as also shown " on the Company's deposited plans.

" 2. The said John Talbot Clifton consents to the Company straightening " and improving the approaches (according to plans and sections to be first " submitted to and approved of by him) to and on each side of the bridge over " the Preston and Wyre Railway, and which bridge is shown on the plan " hereto by having the letter A. marked on or by it, so as to make the gradients " of the said approaches less steep than they now are.

" 3. The Company shall be entitled to take such sand as they shall require " for the purposes of the works referred to in the last preceding Article hereof, " when and as they shall require the same, from the sandhills on the lands of " the said John Talbot Clifton, without being liable to make any payment or " compensation therefor, and shall also, in like manner, be entitled, without " being liable to make any payment therefor, to take from the lands of the " said John Talbot Clifton, situate respectively in Lytham and St. Anne's-" on-the-Sea aforesaid, and convert to their own use, from time to time as " they may require the same, such gravel as they shall require for the " purposes of making concrete and other materials for and for use in so much " of the works of constructing the said proposed tramways as are conceded by " this agreement; but the said John Talbot Clifton shall be entitled to direct " from which of his said lands the Company shall take such sand and gravel " respectively.

" 4. The Company shall also be entitled to take up and retain for their own " use, without being liable to make any payment therefor, such of the materials " of the said new road as it will be necessary to take up and remove in and " about the construction on, over, and along such roads of the said tramways.

" 5. Part 2 of the Tramways Act, 1870, shall (save so far as the same may " be inconsistent with these presents) so read as though the same formed part " of this agreement and was incorporated therewith, and for the purposes " thereof the said John Talbot Clifton, his heirs or assigns, shall, so long as the " said Clifton Drive shall remain his or their property, and shall not have been " adopted by the local authorities or authority, be considered to be the road " authority therein named.

" 6. The gauge of the said tramways on such new road shall be similar to " the gauge of the tramways proposed to be constructed by the Company as " aforesaid in the said borough.

" 7. The said tramways, so far as they shall be constructed on, over, and " along the said new road, shall be constructed to the satisfaction of the said " John Talbot Clifton, his heirs or assigns.

" 8. The said John Talbot Clifton, his heirs or assigns, shall and will make " and construct a certain intended new road, the site of which is shown on the " said plan hereto, and which lies between the points marked B. and C. on such " plan, of equal width and of similar construction to the said Clifton Drive, of " which it will be a continuation, and of which it is to form a part, in such " time as that the Company will be able to construct thereon their said tram-" ways without delay, after they shall have obtained the necessary Parlia-" mentary powers enabling them to do so. And in the construction of this

" Agreement such intended new road between the said points B. and C. shall " be considered as if it was already constructed and formed part of the new " road referred to in the recitals and in the first Article hereof. The cost of the " construction of such intended new road shall be borne and paid by the said " John Talbot Clifton, except that the Company shall contribute the cost of " constructing so much of the same road as will lie between the rails of their " said tramways, and will extend to a distance of eighteen inches on each side " of such rails.

" 9. The said John Talbot Clifton shall, during such time as he shall remain " the owner of Clifton Drive aforesaid, have the right to use the said tramway " free of tolls and charges in respect of such use any time between the hours " of twelve o'clock at night and six o'clock in the morning in the months of " November to March, both inclusive, and between twelve o'clock at night and " five o'clock in the morning in the months of April to October, both inclusive, " for the purpose of conveying by carriages thereon building, road, and other " materials and things belonging to him; but this shall not be construed to " give the said John Talbot Clifton power to authorise other persons to so use " the said tramways.

" 10. The Company shall not, without the previous consent of the said John " Talbot Clifton, sell, dispose of, or assign their interest under these presents; " but this provision shall not operate or be construed to prevent the Corpora- " tion of Blackpool, the Improvement Commissioners of the district of Lytham, " and the Local Board of St. Anne's-on-the-Sea, or the said Corporation, and " one of them, the said Commissioners and the said Local Board, or the said " Corporation alone, as the case may be, from acquiring the Parliamentary " powers, if and when obtained by the Company, enabling them to construct " and maintain the said tramways in the said borough of Blackpool and the " said districts of Lytham and St. Anne's-on-the-Sea, or from acquiring and " purchasing the undertaking of the Company, under the provisions to be " inserted in that behalf in the Provisional Order to be sought by the " Company.

" 11. If the tramway constructed under this agreement, so far as it shall be " upon Clifton Drive aforesaid (and before the same drive shall be adopted by " the local authority, and be repairable by them), shall be allowed to fall into " decay, and shall not be repaired by the Company after three calendar months' " notice in writing from the said John Talbot Clifton, the said John Talbot " Clifton shall be at liberty, at the cost of the Company, to remove the rails " and other works of the Company, and restore the road; but if any dispute " shall arise between the said John Talbot Clifton and the Company as to " whether such part of the tramway shall be in decay, or shall have been " properly and sufficiently repaired by the Company, such dispute shall be " referred to the decision of an engineer, to be appointed by the Board of " Trade, on the application of either party, and his decision shall be final, and " binding on both parties; and in the event of such dispute as aforesaid, the " said John Talbot Clifton shall not attempt to remove the said tramways

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" until the arbitrator shall have given his decision, and then only in the event " of such decision being in his favour, and allowing him to do so.

" This Agreement shall be void if the said tramways are not sanctioned by " Parliament within two years from this date."

SCHEDULE D.

SETTING FORTH.

A copy (omitting formal parts) of an Agreement, dated the seventeenth day of December one thousand eight hundred and seventy-nine, and made between William Ascroft, of Blackpool, in the county of Lancaster, gentleman, and Benjamin Sykes, of the same place, engineer, of the one part, and the Promoters (under their description of " The Blackpool, St. Anne's, and Lytham Tramways Company, Limited," and who are therein-after and herein-after called " the Company "), of the other part.

" Whereas the said Company has been formed for the purpose, among other " things, of constructing, maintaining, and working tramways within the " borough of Blackpool and the districts of Lytham and St. Anne's-on-the-Sea, " and for obtaining Parliamentary powers to enable them to do so: And " whereas the said William Ascroft and Benjamin Sykes are the owners of " certain lands situate within the said borough, and are now constructing on " such lands a new road, which is intended to be called or known as Tyldesley " Road, and which new road leads, or will lead, when the same shall have " been completed, from the Lytham new road to Foxhall Road, in the said " borough: And whereas certain of the tramways of the Company are pro- " posed to be constructed along such intended new road, and the Company " have applied to the said William Ascroft and Benjamin Sykes for their " consent to the tramways being so constructed along such new road; and " the said William Ascroft and Benjamin Sykes have agreed to give such " consent, and to enter into these presents in manner herein-after appearing, " on the Company also entering into these presents in manner herein-after " expressed: Now these presents witness, that for the consideration herein " appearing, and of the premises, the said William Ascroft and Benjamin " Sykes do hereby, for themselves, their and each and every of their heirs, " executors, administrators, and assigns, agree with the Company, their " successors and assigns, and the Company, for themselves, their successors " and assigns, do hereby agree with the said William Ascroft and Benjamin " Sykes, their and each of their heirs, executors, administrators, and assigns, " in manner following; that is to say,—

" 1. The said William Ascroft and Benjamin Sykes hereby consent to the " Company applying for and obtaining Parliamentary powers to enable them " to construct, and maintain, and work, and to their constructing, maintaining, " and working, their said proposed tramways on, over, and along the said " intended new road.

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"2. The gauge and mode of construction of the said tramways, as the same " shall be constructed along the said intended new road, shall be similar to the " gauge and mode of construction of the other portions of the Company's " intended tramways in the said borough.

"3. So much of the said new road as will lie between the rails of the said " tramways, and shall extend for a distance of eighteen inches beyond the rails " on each side of such tramways, shall, from and after the said tramways shall " have been constructed, be maintained and kept in repair by and at the cost " of the said intended Company, who shall pay to the said William Ascroft " and Benjamin Sykes, if required by them so to do, the cost incurred by the " said William Ascroft and Benjamin Sykes, at the time the said Company " shall carry out their works, in ballasting and macadamising the said road to " the extent of the width of the tramway and eighteen inches on each side, " and the said ballast and macadam shall thereupon become the property of " the Company.

"4. Nothing herein contained shall make it obligatory on the part of the said " intended Company to construct the said tramway over or along the said " intended road.

"5. If at any time before the said intended road shall have been adopted by " the Corporation of the said borough, and shall have become repairable by " them, the tramways constructed under this Agreement, and the portion of " the said road hereby covenanted to be repaired by the Company, shall be " allowed to fall into decay or to become out of repair, and shall not be re- " paired or made good by the Company after two months notice from the said " William Ascroft and Benjamin Sykes, the said William Ascroft and Benjamin " Sykes shall be at liberty, at the cost of the Company, to remove the rails " and other works of the Company and restore the road.

"This Agreement shall be void if the tramways are not constructed on the " said Tyldesley Road within two years from the signing of this Agreement."

BRADFORD CORPORATION TRAMWAYS.

Bradford.

Order authorising the Mayor, Aldermen, and Burgesses of the borough of Bradford to construct Tramways in the said borough.

Short title.

1. This Order may be cited as "The Bradford Corporation Tramways Order, 1880."

Incorporation.

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.

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Interpretation.

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

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

The expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Bradford in the West Riding of the county of York, acting by the Council;

The expression "the borough" shall mean the said borough of Bradford; and

The term "person" shall include a corporation.

Promoters.

The Promoters.

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

Lands by agreement.

5. The Promoters may, by agreement, from time to time purchase and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes; provided that they shall not at any time hold more than five acres of land 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 at the Office of the Board of Trade for the purposes of this Order, as the same have before the making of this Order been amended, 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.—One mile four furlongs and sixty-four links or thereabouts in length, commencing in the township and parish of Bradford in the West Riding of the county of York, and in the borough of Bradford, at the southern end of the street known as North Parade, at or near the junction thereof with Darley Street, passing thence along North Parade, Manningham Lane, and the Bradford and Keighley Road, and terminating at the borough boundary in such last-mentioned road, in the township of Manningham, in the said parish and borough.

Tramway No. 1A.—One chain seventy-five links in length or thereabouts, commencing in the said township, parish, and borough of Bradford, at the southern end of the street known as North Parade, at or near the junction thereof with Darley Street, and passing thence along the said street known as North Parade, and terminating by a junction with Tramway No. 1 in the last-named street, at a point one hundred and fifteen feet, measured in a northerly direction, from the commencement of the last-named tramway.

Tramway No. 1B.—One furlong five chains and ninety links or thereabouts in length, commencing in the said township, parish, and borough of

Bradford, by a junction with Tramway No. 1A, in the street known as North Parade, at a point in such street seventy-five feet, measured in a northerly direction, from the aforesaid commencement of the said Tramway No. 1A, proceeding thence along Upper Piccadilly and Manor Row, and terminating by a junction with Tramway No. 1 in Manningham Lane, opposite to the south side of the west end of Manor Street, in the said last-named township, parish, and borough.

Tramway No. 1C.—Eighty-three links in length or thereabouts, commencing in the said township, parish, and borough of Bradford, by a junction with Tramway No. 1B at the west end of the street known as Upper Piccadilly, at a point seventy feet or thereabouts, measured in a north-easterly direction from the aforesaid commencement of the said Tramway No. 1B, passing thence along North Parade, and terminating by a junction with Tramway No. 1 in North Parade, at a point one hundred and thirty-five feet, measured in a northerly direction, from the aforesaid commencement of the last-named tramway in the said last-named township, parish, and borough.

Tramway No. 1D.—A passing-place, two chains and fifty links in length or thereabouts, commencing and terminating in Manningham Lane, in the said township, parish, and borough of Bradford, by junctions with Tramway No. 1, at points respectively five feet south of the south side of the street known as Snow Hill and sixteen feet north of the north side of Fountain Street.

Tramway No. 1E.—Five furlongs nine chains and fifty links in length, commencing in the said township, parish, and borough of Bradford by a junction with Tramway No. 1 in Manningham Lane, opposite to the south side of the east end of Eldon Place, and passing thence in a northerly direction along Manningham Lane, and terminating by a junction with Tramway No. 1 at or near the principal entrance to Lister Park, in the township of Manningham, and in the parish and borough aforesaid.

Tramway No. 1F.—Ninety links in length or thereabouts, in Manningham Lane, in the said township of Manningham, in the parish and borough aforesaid, commencing by a junction with Tramway No. 1E in the said lane, opposite the south side of Clifton Street, and terminating by a junction with Tramway No. 1 in the said lane, opposite the south side of Mornington Villas.

Tramway No. 1G.—Ninety links in length or thereabouts, in Manningham Lane, in the said township of Manningham and parish and borough aforesaid, commencing by a junction with Tramway No. 1 in the said lane at a point twenty feet north of the north side of Clifton Villas, and terminating by a junction with Tramway No. 1E in the said lane at a point eighty feet north of the north side of Clifton Villas.

Tramway No. 1H.—Ninety links in length or thereabouts, in Manningham Lane, in the said township of Manningham and in the parish and borough aforesaid, commencing by a junction with Tramway No. 1E in the said lane at a point sixty-five feet south of the south side of Parkfield Road, and terminating by a junction with Tramway No. 1 in the said lane at a point five feet south of the south side of Parkfield Road.

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Tramway No. 1I.—Ninety links in length or thereabouts, in Manningham Lane, in the said township of Manningham, in the said parish and borough, commencing by a junction with Tramway No. 1E in the said lane at a point one hundred and ninety-two feet south of the principal entrance to Lister Park, and terminating by a junction with Tramway No. 1 in the said lane at a point one hundred and thirty-two feet south of the said entrance to Lister Park, in the said last-named township, parish, and borough.

Tramway No. 1J.—A passing-place, two chains fifty links in length, in the Bradford and Keighley Road, commencing and terminating by junctions with Tramway No. 1 in the said road at points respectively one hundred feet and two hundred and sixty-five feet, measured in a northerly direction, from the southern entrance in the said road to the premises known as the Clockhouse, all in the said township of Manningham, in the said parish and borough.

Tramway No. 1K.—One chain eighty-five links or thereabouts in length in the Bradford and Keighley Road, commencing in the said township of Manningham, in the said parish and borough of Bradford, by a junction with Tramway No. 1 in the said road at a point of one hundred and thirty feet south of the borough boundary in such road, and terminating at or near the said borough boundary in the said last-named township, parish, and borough.

Tramway No. 1L.—Three furlongs three chains and seventy-three links in length or thereabouts, commencing in the said township of Manningham, in the parish and borough aforesaid, by a junction with Tramway No. 1, in Manningham Lane, opposite the principal entrance to Lister Park, and proceeding thence along Oak Lane, Saint Mary's Road, and North Park Road, and terminating in the last-named road at a point opposite to the centre of Victor Road, in the said last-named township, parish, and borough.

Tramway No. 1M.—One chain fifty links in length or thereabouts, in the said township of Manningham and parish and borough of Bradford, commencing by a junction with Tramway No. 1L in North Park Road, at a point one hundred feet south of Victor Road, proceeding along the same road and terminating therein opposite the centre of Victor Road.

Tramway No. 1N.—Two furlongs one chain and forty-one links in length or thereabouts, in the township of Manningham and parish and borough of Bradford, commencing by a junction with Tramway No. 1L in North Park Road, at a point opposite the west side of the north end of Saint Mary's Road, and proceeding thence along North Park Road and Oak Lane, and terminating by a junction with Tramway No. 1L in the said lane at or near the principal entrance to Lister Park.

Tramway No. 1O.—Three chains and forty-one links in length, in the township of Manningham and parish and borough of Bradford, commencing by a junction with Tramway No. 1L in Saint Mary's Road, at a point opposite the south side of Selborne Terrace, proceeding thence along Selborne Terrace and North Park Road, and terminating in the last-named road by a junction with Tramway No. 1N, opposite the south side of the east end of Selborne Terrace.

The whole of the above-named tramways consist of a single line respectively, save as herein-after mentioned; that is to say,

The first portion of Tramway No. 1 and the whole of Tramway No. 1A form a double line from the aforesaid commencement of both such tramways to the point where Tramway No. 1A terminates as aforesaid. The length of such double line is one chain and seventy-five links.

Another portion of Tramway No. 1 and the whole of Tramway No. 1D form a double line between the points where Tramway No. 1D commences and terminates as aforesaid. The length of such double line is two chains and fifty links.

Another portion of Tramway No. 1 and the whole of Tramway No. 1E form a double line between the points where Tramway No. 1E commences and terminates as aforesaid. The length of such double line is five furlongs nine chains and fifty links.

Another portion of Tramway No. 1 and the whole of Tramway No. 1J form a double line between the points where Tramway No. 1J commences and terminates as aforesaid. The length of such double line is two chains and fifty links.

The last portion of Tramway No. 1 and the whole of Tramway No. 1K form a double line between the points where Tramway No. 1K commences and where both such tramways terminate. The length of such double line is one chain and eighty-five links.

A portion of Tramway No. 1L and the whole of Tramway No. 1M form a double line between the points where the Tramway No. 1M commences and where both such tramways terminate. The length of such double line is one chain and fifty links.

The total length of all the said tramways, No. 1 to No. 10, both inclusive, is two miles three furlongs nine chains and fifty-two links, of which the total length of double line is six furlongs nine chains and sixty links, and of single line one mile five furlongs nine chains and ninety-two links.

Tramway No. 2.—One mile four furlongs one chain and fifty links in length or thereabouts, commencing in the said township, parish, and borough of Bradford, at or near the public erection known as Peel Statue, in Leeds Road, and proceeding thence in an easterly direction along Leeds Road, and terminating at the borough boundary at or near Bradford Moor, in such last-mentioned road, in the said last-named parish, township, and borough.

Tramway No. 2A, one chain in length or thereabouts, commencing in the said last-named township, parish, and borough, at or near the said public erection known as Peel Statue, in Leeds Road, and proceeding along the same road and terminating in the same township, parish, and borough by a junction with Tramway No. 2 in the said last-mentioned road, at a point sixty-six feet or thereabouts, measured in an easterly direction, from the aforesaid commencement of the said Tramway No. 2.

Tramway No. 2B, two chains and fifty links in length, a passing-place in Leeds Road aforesaid, commencing and terminating by junctions with Tramway No. 2 in the same road, at points respectively ninety-six feet west and twenty-five feet east of Harris Street.

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Tramway No. 2C, two chains and fifty links in length, a passing-place in Leeds Road aforesaid, commencing and terminating by junctions with Tramway No. 2 in the same road, at points respectively one hundred and sixteen feet west and five feet east of Buck Street.

Tramway No. 2D, two chains and fifty links in length, a passing-place in Leeds Road aforesaid, commencing and terminating by junctions with Tramway No. 2, in the same road, at points respectively one hundred and sixteen feet west and five feet east of Marske Street.

Tramway No. 2E.—Two chains and fifty links in length, a passing-place in Leeds Road aforesaid, commencing and terminating by junctions with Tramway No. 2, in the same road, at points respectively seventeen feet and one hundred and eighty-two feet east of Birksland Street.

Tramway No. 2F.—Two chains and fifty links in length, a passing-place in Leeds Road aforesaid, commencing and terminating by junctions with Tramway No. 2, in the same road, at points respectively fifteen feet west and one hundred and fourteen feet east of Walnut Street.

Tramway No. 2G.—Two chains and fifty links in length, a passing-place in Leeds Road aforesaid, commencing and terminating by junctions with Tramway No. 2, in the same road, at points respectively ten feet and one hundred and seventy-five feet east of Dudley Hill and Killinghall Road.

Tramway No. 2H.—One chain and fifty links in length, in Leeds Road aforesaid, commencing by a junction with Tramway No. 2, in the same road, at a point opposite the centre of Lee Row, and terminating at the borough boundary, in Leeds Road aforesaid, in the same township, parish, and borough.

The whole of the above-named tramways, No. 2 to No. 2H, both inclusive, consist of a single line respectively, save as herein-after mentioned; that is to say,

The first portion of Tramway No. 2, and the whole of Tramway No. 2A, form a double line from the aforesaid commencement of both such tramways to the point where Tramway No. 2A terminates as aforesaid. The length of such double line is one chain.

Another portion of Tramway No. 2, and the whole of Tramway No. 2B, form a double line between the points where the Tramway No. 2B commences and terminates as aforesaid. The length of such double line is two chains and fifty links.

Another portion of Tramway No. 2, and the whole of Tramway No. 2C, form a double line between the points where the Tramway No. 2C commences and terminates as aforesaid. The length of such double line is two chains and fifty links.

Another portion of Tramway No. 2, and the whole of Tramway No. 2D, form a double line between the points where the Tramway No. 2D commences and terminates as aforesaid. The length of such double line is two chains and fifty links.

Another portion of Tramway No. 2, and the whole of Tramway No. 2E, form a double line between the points where the Tramway No. 2E commences and terminates as aforesaid. The length of such double line is two chains and fifty links.

Another portion of Tramway No. 2, and the whole of Tramway No. 2F, form a double line between the points where the Tramway No. 2F commences and terminates as aforesaid. The length of such double line is two chains and fifty links.

Another portion of Tramway No. 2, and the whole of Tramway No. 2G, form a double line between the points where the Tramway No. 2G commences and terminates as aforesaid. The length of such double line is two chains and fifty links.

The last portion of Tramway No. 2, and the whole of Tramway No. 2H, form a double line between the points where the Tramway No. 2H commences, and both of such tramways terminate as aforesaid. The length of such double line is one chain and fifty links.

The total length of all the said tramways, No. 2 to No. 2H, both inclusive, is one mile four furlongs one chain and fifty links, of which the total length of double line is one furlong seven chains and fifty links, and of single line one mile two furlongs and four chains.

Tramway No. 3.—One mile five furlongs and eight chains in length, commencing in the said township, parish, and borough of Bradford, at Bridge Street, opposite the Mechanics Institute, at a point forty-eight feet north-west of Market Street, and proceeding in a north-westerly direction along Bridge Street, across Tyrrel Street to Sunbridge Road, and thence in a north-westerly direction along Sunbridge Road to City Road, thence in a westerly direction along City Road and Thornton Road to Four Lane Ends, and terminating in Thornton Road aforesaid at a point ninety feet west of Cemetery Road, in the said township of Manningham and in the said parish and borough.

Tramway No. 3A.—Seven furlongs and fifty-five links in length, commencing in the said township, parish, and borough of Bradford, at Bridge Street, opposite the Mechanics Institute, at a point forty-eight feet north-west of Market Street, and proceeding in a north-westerly direction along Bridge Street, across Tyrrel Street to Sunbridge Road, and thence in a north-westerly direction along Sunbridge Road to City Road, and thence in a westerly direction along City Road to Thornton Road, and terminating by a junction with Tramway No. 3, at Thornton Road, at a point opposite to the entrance to the City Road Goods Station of the Great Northern Railway, in the said township of Manningham, and in the said parish and borough; Provided always, that the portion of Tramway No. 3 which lies between a point thirty yards to the west of Saxon Street and the termination of the Tramway No. 3A opposite the City Road Station of the Great Northern Railway shall not be constructed, and Tramway No. 3 shall be so constructed as to join Tramway No. 3A at a point thirty yards to the west of Saxon Street, so that the portion of Tramway No. 3A between that point and its termination will also form part of Tramway No. 3.

Tramway No. 3B.—Ninety links in length, in Bridge Street, in the said township, parish, and borough of Bradford, commencing by a junction with Tramway No. 3A, in the same street, at a point ninety feet north-

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west of Market Street, and terminating by a junction with Tramway No. 3, at a point one hundred and forty feet north-west of Market Street, in the said last-named township, parish, and borough.

Tramway No. 3C.—Ninety links in length, in Sunbridge Road, in the said last-named township, parish, and borough, commencing by a junction with Tramway No. 3, in the same road, at a point sixty-three feet south-east of Wigan Street, and terminating by a junction with Tramway No. 3A, in the same road, at a point three feet south-east of Wigan Street, in the last-named township, parish and borough.

Tramway No. 3D.—Ninety links in length, in Sunbridge Road aforesaid, in the said last-named township, parish, and borough, commencing by a junction with Tramway No. 3A, in the same road, at a point five feet north-west of Paradise Street, and terminating by a junction with Tramway No. 3, in Sunbridge Road, at a point sixty-five feet north-west of Paradise Street, in the said last-named township, parish, and borough.

Tramway No. 3E.—Two chains and fifty links in length, a passing-place in Thornton Road aforesaid, commencing and terminating by junctions with Tramway No. 3, in the same road, at points respectively one hundred and seventy feet and five feet east of the centre of Brownroyd Street, all in the said township of Manningham, and in the parish and borough aforesaid.

Tramway No. 3F.—Two chains and fifty links in length or thereabouts, a passing-place in Thornton Road aforesaid, commencing and terminating by junctions with Tramway No. 3, in the same road, at points respectively twenty feet east and ninety-four feet west of Oswald Street, all in the said last-named township, parish, and borough.

Tramway No. 3G.—Two chains and fifty links in length, a passing-place in Thornton Road aforesaid, commencing and terminating by junctions with Tramway No. 3, in the said road, at points respectively twenty-five feet and one hundred and ninety feet west of Hoxton Street, all in the said last-named township, parish, and borough.

Tramway No. 3H.—One chain and seventy-five links in length, in Thornton Road, in the said township of Manningham and in the said parish and borough, commencing by a junction with Tramway No. 3, at a point opposite to the centre of Cemetery Road, in Thornton Road aforesaid, and extending in a south-westerly direction along Thornton Road, and terminating at a point in such last-mentioned road ninety feet west of Cemetery Road, in the said last-named township, parish, and borough.

The whole of the above-named tramways, No. 3 to No. 3H, both inclusive, consist of a single line respectively, save as herein-after mentioned; that is to say,

The first portion of Tramway No. 3, and the whole of Tramway No. 3A, form a double line from the aforesaid commencement of both such tramways to the point where Tramway No. 3A terminates as aforesaid. The length of such double line is seven furlongs and fifty-five links.

Another portion of Tramway No. 3, and the whole of Tramway No. 3E, form a double line between the points where the Tramway No. 3E commences

and terminates as aforesaid. The length of such double line is two chains and fifty links.

Another portion of Tramway No. 3, and the whole of Tramway No. 3F, form a double line between the points where Tramway No. 3F commences and terminates as aforesaid. The length of such double line is two chains and fifty links.

Another portion of Tramway No. 3, and the whole of Tramway No. 3G, form a double line between the points where the Tramway No. 3G commences and terminates as aforesaid. The length of such double line is two chains and fifty links.

The last part of Tramway No. 3, and the whole of Tramway No. 3H, form a double line between the points where the Tramway No. 3H commences and where both such tramways terminate as aforesaid. The length of such double line is one chain and seventy-five links.

The total length of all the said tramways, No. 3 to No. 3H, both inclusive, is one mile six furlongs and seventy links, of which the total length of double line is seven furlongs nine chains and eighty links, and of single line six furlongs and ninety links.

Tramway No. 4.—One furlong three chains and sixty-three links in length, commencing in the said township, parish, and borough of Bradford, by a junction with the end of the Tramway No. 3, in Bridge Street aforesaid, and continuing thence along Bridge Street in a south-easterly direction to Leeds Road, thence along Leeds Road in an easterly direction, and terminating by a junction with the end of Tramway No. 2A, near Peel Statue, in Leeds Road aforesaid, in the said last-named township, parish, and borough.

Tramway No. 4A.—Ninety-five links in length, commencing in the said township, parish, and borough of Bradford, by a junction with the end of the Tramway No. 3A, in Bridge Street aforesaid, continuing thence along Bridge Street in a south-easterly direction, and terminating by a junction with the Tramway No. 4, at a point sixty-three feet distant from the commencement of the said Tramway No. 4 in Bridge Street aforesaid, in the said last-named township, parish, and borough.

Tramway No. 4 B.—One chain and fifty links in length, commencing in the said township, parish, and borough, by a junction with the end of the Tramway No. 2, near Peel Statue, in Leeds Road aforesaid, and extending thence in a south-westerly direction along Leeds Road, and terminating by a junction with the Tramway No. 4, at a point ninety-nine feet distant from the commencement of the said Tramway No. 4, in Leeds Road aforesaid, in the said last-named township, parish, and borough.

The whole of the above-named tramways, No. 4 to No. 4B, both inclusive, consist of a single line respectively save as herein-after mentioned; that is to say,

The first part of Tramway No. 4 and the whole of Tramway No. 4A form a double line from the aforesaid commencement of both such tramways to the point where Tramway No. 4A terminates as aforesaid. The length of such double line is ninety-five links.

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The last part of Tramway No. 4 and the whole of Tramway No. 4B form a double line between the points where Tramway No. 4B commences as aforesaid, and where both such tramways terminate as aforesaid. The length of such double line is one chain and fifty links.

The total length of all the said tramways, No. 4 to No. 4B, both inclusive, is one furlong three chains and sixty-three links, of which the total length of double line is two chains and forty-five links and of single line one furlong one chain and eighteen links.

The total length of the several tramways herein-before mentioned is five miles seven furlongs five chains and thirty-five links, of which the total length of double line is two miles nine chains and thirty-five links and of single line three miles six furlongs and six chains.

Gauge of tramways and width of carriages.

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

Provisions as to construction of tramways.

8. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall before they proceed to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement.

As to rails of tramways.

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

Penalty for not maintaining rails and road in good condition.

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

In any case in which it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough that the Promoters have made such default as aforesaid the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted

in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade certify under the hand of a Secretary or an Assistant Secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are herein-before imposed in respect of offences.

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

11. 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.

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

12. 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, carriage-houses, sheds, or works of the Promoters or their lessees or licensees: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if any owner or occupier of 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.

Temporary tramways may be made when necessary.

13. 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 construct in the same or any adjacent road, and maintain so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Application of road materials excavated in construction of works.

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

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

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 a Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

Motive Power.

Carriages may be moved by animal, steam,

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

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or mechanical power.

after the opening of the same for public traffic, and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a Secretary or an Assistant Secretary of the said Board, by steam power or any mechanical power:

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

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

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

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

Byelaws.

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

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

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

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

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

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

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

As to recovery of penalties.

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

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

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

Orders and byelaws to be signed, &c.

21. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by a Secretary or an Assistant Secretary of the Board of Trade, and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order; and the production of a written or printed copy of any such order or byelaw, purporting to be signed as aforesaid, shall be primâ facie evidence of such order or byelaw in all courts of justice and in all legal proceedings.

Traffic upon Tramways.

Traffic upon tramways.

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

Lessees not bound to carry animals, goods, &c.

23. 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.

Provisions as to carriage of animals, good &c.

24. 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.

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25. Only passengers and passengers luggage not exceeding fifty-six pounds in weight, and no animals, goods, minerals, or parcels, shall be conveyed on the tramways between the hours of eight in the morning and eight in the evening, without the previous consent of the Corporation.

Corporation may use tramways for sanitary purposes.

26. The Corporation may, at such times and in such manner as they think fit (but subject to the byelaws for the time being in force with respect to the tramways), use the tramways for sanitary purposes, and for the conveyance of scavenging stuffs, 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.

27. 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 for any distance traversed in the same direction at one time the sum of threepence inside and twopence outside for each single journey of such passenger, whether with or without change of carriage:

For all animals, goods, minerals, and parcels conveyed upon the tramways, any tolls or charges not exceeding for any distance in the same direction the tolls and charges specified in the Schedule B. 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 made for the use of the tramways, carriages, waggons, or trucks, and for motive power, and for every other expense incidental to such conveyance.

Passengers luggage.

28. Every passenger travelling upon the tramways may take with him his personal luggage, not exceeding twenty-eight pounds in weight, so carried as not to interfere with the space allowed for passengers, without any charge being made for the carriage thereof.

Cheap fares for labouring classes.

29. The lessees shall at all times during the continuance of the demise of the tramways run at least two carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening, 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. Every lease to be granted by the Promoters shall imply a condition of re-entry if the lessees, at any time after the expiration of twenty-one days notice requiring them to run such carriages at such times and at such tolls or charges as herein-before mentioned, make default in complying with such notice, unless such default be occasioned by unavoidable accident.

Payment of tolls.

30. 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 and take such tolls and charges may by notice to be annexed to the list of tolls and charges appoint.

Periodical revision of tolls.

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

Opening of Tramways to the Public.

As to user of tramways and tolls thereon when open to be used by the public.

32. 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 and subject to such conditions and restrictions as to motive power and otherwise as the Promoters may, subject to the provisions of this Order and the approval of the Board of Trade, think fit, and such user may be either concurrently with the lessees or otherwise; and so soon as the Promoters have passed such resolution, and the same has been approved by the Board of Trade by writing signed by a Secretary or an Assistant Secretary of the Board of Trade, any person may use the tramways, or any part thereof, in accordance with the terms of such resolution, 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.

Tolls if tramways open to be used by the public.

33. 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 any person 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, any tolls or charges not exceeding one half of the tolls and charges by

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this Order authorised to be demanded and taken by such person for such passenger;

For any animals, goods, minerals, and parcels conveyed in or upon the carriages of such person, any tolls or charges not exceeding one half of the tolls and charges specified in the Schedule B. to this Order 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, 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 carriages, &c. free of charge.

34. Any person so using the tramways or any part thereof declared to be open to be used by the public, and the officers and servants of such person, shall permit any 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 upon the tramways or such part thereof.

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

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

Section 36. (In default of payment of tolls, licensees 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.

Carriage or horses unfit for use may be removed.

36. The Corporation may cause to be removed from the tramways any carriage or horse which is certified by any officer appointed by the Corporation to be unfit for use upon the tramways: Provided that every certificate made by the said officer to the Corporation shall be in writing, and shall state fully the particulars in which, in the opinion of the said officer, the carriage or horse

(as the case may be) is unfit for use; and notice of every such certificate, setting forth the particulars contained in the said certificate, shall be served upon the lessee or other person owning or using such carriage or horse, prior to any action being taken thereon by the Corporation: Provided further, that if any dispute arise between the Corporation and such person as to the fitness or unfitness of any such carriage or horse, the same shall be settled by the justices.

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

37. Any lessees or licensees on the one hand, and any person on the other hand, may, with the consent of the Board of Trade, from time to time, but subject to the provisions of this Order, enter into agreements with respect to the receiving from or forwarding to any such person any passengers, animals, goods, minerals, or parcels, and the fixing, collecting, and apportionment of tolls, charges, rents, or other receipts arising from the tramways, upon such terms and conditions as may be agreed upon between such lessee or licensee and such person, subject, nevertheless, to the control and supervision of the Promoters.

Provisions as to arbitration.

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

Form and delivery of notices.

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

(1.) Every notice shall be in writing or print, or partly in writing and partly in print, and if given by the Promoters or by any local authority or any road authority shall be signed by their 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 at the Town Hall in the borough, as the case may be, or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office, or to the town clerk at the Town Hall.

The Corporation may borrow 50,000*l*. to be repaid in 30 years.

40. 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, in addition to any sum or sums of money they are already authorised to borrow, any sum or sums of money not exceeding fifty thousand pounds, and the time for which such sum of 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 local rate the moneys coming to them out of the rents reserved under any lease made under the authority of this Order, and the tolls, charges, and sums authorised to be taken or received by them under the provisions of this Order.

Saving for general Acts.

41. Notwithstanding anything in this Order contained, the Promoters and any person using the tramways shall be subject and liable to the provisions

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

SCHEDULE A.

Break power of engines.

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

As to fittings of engines, &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

As to carriages.

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

Inspection of engines and carriages.

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

As to speed.

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

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

SCHEDULE B.

Tolls and Charges for the Conveyance of Animals, Goods, &c.

Animals.

	Any Distance. s.	d.
For every horse, mule, or other beast of draught or burden	0	6
For every ox, cow, bull, or head of cattle	0	6
For every calf, pig, sheep, or other small animal	0	3

Goods.

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

Single Articles of Great Weight.

For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall not exceed four tons, per ton	0	8
For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, shall exceed four tons, such sum as the person conveying the same may think fit.		

Parcels.

For any parcel not exceeding seven pounds in weight	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight	0	5

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	Any Distance. s.	d.
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight	0	7
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight	0	9
For any parcel exceeding fifty-six pounds in weight, such sum as the person entitled to demand and take the same may think fit.		

Regulations as to Tolls.

For a fraction of a ton tolls or 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.

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.

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CARLISLE AND DISTRICT TRAMWAYS.

Order authorising the construction of Tramways in the City of Carlisle and the Neighbourhood thereof, in the County of Cumberland.

Short title.

1. This Order may be cited as "The Carlisle and District Tramways Order, 1880."

Incorporation of Acts.

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

Interpretation.

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

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

The expression "the City" shall mean the City of Carlisle.

The expression "the Corporation" shall mean the Mayor, Aldermen, and Citizens of the City acting by the Council.

The expression "the Town Clerk" shall mean the Town Clerk for the time being of the City.

The term "person" shall include a corporation.

Promoters.

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Promoters.

4. James Cartmell Ridley and Nathaniel Dunn, both of Queen Street, Newcastle-on-Tyne, and the 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."

Lands by agreement.

5. The Promoters may by agreement from time to time purchase and acquire such lands as they may require for the purposes of the undertaking, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes: Provided that they shall not at any time hold for such purposes more than five acres of land:

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 "deposited sections"), except as herein-after expressly provided, 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 use and work the same:—

The tramways authorised by this Order are—

Tramway No. 1.—Commencing at a point distant half a chain, or thereabouts, northwards from the northern end of the bridge carrying the road leading from Stanwix to Carlisle over the River Eden, and proceeding thence into and along Eden Bridge, Rickergate, Scotch Street, English Street, Botchergate, and London Road, and terminating in the said London Road at a point three chains, or thereabouts, northwest of the northern end of the bridge carrying the London Road over the River Petteril.

Tramway No. 1 shall be laid as a single line except at the following places, where it shall be laid as a double line of tramway; (that is to say,)

(*a.*) For a distance of $1\frac{1}{2}$ chains or thereabouts from the aforesaid point of commencement.

(*b.*) In Rickergate between points distant respectively half a chain and $2\frac{1}{2}$ chains or thereabouts south of the south end of Eden Bridge.

(*c.*) In English Street between points distant respectively a quarter of a chain and $2\frac{1}{4}$ chains or thereabouts north of a point in the centre of English Street opposite the north-west corner of the Cumberland Union Bank.

(*d.*) In English Street and Botchergate between points distant respectively 1 chain and 3 chains or thereabouts south-east of the entrance to the Nisi Prius Court.

(*e.*) In Botchergate from opposite the northern side of Union Street for 2 chains north-westward.

(*f.*) In London Road from opposite the southern side of Brook Street for 2 chains south-eastward.

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(*g.*) In London Road for a distance of 1½ chains north-westward from the aforesaid point of termination.

The total length of Tramway No. 1 is 1 mile 4 furlongs 1·50 chains, consisting of 1 mile 3 furlongs 8·50 chains of single line and 1 furlong 3 chains of double line.

Provided that the portion of Tramway No. 1 which lies between the commencement and termination of Tramway No. 4 shall not be constructed until Scotch Street has been widened so as to leave a space of not less than nine feet six inches between the kerb of the footpath on either side of the street and the nearest rail of the Tramway, and when Scotch Street has been so widened such portion of Tramway No. 1 may be constructed.

TRAMWAY No. 2.—Commencing by a junction with Tramway No. 1 at a point in the open space or roadway leading from English Street to Botchergate at a point in that open space distant one chain or thereabouts south-eastwards from the entrance to the Nisi Prius Court, and proceeding thence into and along the Crescent, Warwick Road (Henry Street, Bolton Place, Cavendish Place, Meadow Terrace, Howard Terrace, Lismore Terrace, and Brunton Place), and terminating in Warwick Road aforesaid at the point of junction of that road with the road leading to Botcherby along Wellington Place.

Tramway No. 2 shall be laid as a single line except in the following places, where it shall be laid as a double line of tramway; (that is to say,)

(*a.*) In the Crescent between points distant respectively 1½ chains and 3½ chains from the aforesaid point of commencement.

(*b.*) In Warwick Road between points distant respectively 2 chains and 4 chains eastward of Spencer Street.

(*c.*) In Warwick Road from the east end of Lismore Terrace for a distance of 2 chains eastward.

(*d.*) In Warwick Road between points distant respectively 2 chains and 4 chains west of the west end of Brunton Place.

(*e.*) In Warwick Road from the west end of Petteril Bridge for a distance of 2½ chains westward.

(*f.*) In Warwick Road between points distant respectively 1 chain and 3 chains west of the road leading to Botcherby.

The total length of Tramway No. 2 is 1 mile 1 furlong 6·5 chains, consisting of 1 mile 4·5 chains of single line and 1 furlong 2 chains of double line.

TRAMWAY No. 3.—Commencing in English Street by a junction with Tramway No. 1 at a point distant 1¼ chains or thereabouts north-west of the south-west corner of the City and District Bank, and proceeding thence into and along English Street, Castle Street, Annetwell Street, Irish Gate Brow, Caldew Bridge, Bridge Street, Church Street, Hawick Street, York Street, Kendal Street, Shaddongate, Junction Street, Charlotte Street, Nelson Bridge, Victoria Viaduct, and terminating in English Street by a junction with Tramway No. 1 opposite the south side of Devonshire Street.

Tramway No. 3 shall be laid as a single line, except at the following places, where it shall be laid as a double line of tramway; (that is to say,)

(*a.*) In Castle Street between points distant respectively one quarter of a chain and 2¼ chains from the junction of Castle Street and Annetwell Street.

(*b.*) In Church Street, from the west end of Bridge Street for 2 chains westward.

(*c.*) In York Street and Kendal Street, from a point distant 1 chain or thereabouts southwards, from the junction of York Street with Hawick Street, to a point in Kendal Street, distant 1 chain or thereabouts south-east from its junction with York Street.

(*d.*) In Junction Street and Charlotte Street, from the junction of Milbourne Street, Junction Street, and Charlotte Street, to a point in Charlotte Street, distant 2 chains or thereabouts eastwards of the said junction.

(*e.*) On Victoria Viaduct, from its junction with James Street, for a distance of 2 chains or thereabouts westward.

The total length of Tramway No. 3 is 1 mile 3 furlongs 7·2 chains, consisting of 1 mile 2 furlongs 7·2 chains of single line and 1 furlong of double line.

Provided always that Tramway No. 3 shall be so laid in the narrow part of English Street and Castle Street, between the points marked A and B on the deposited plans, that a space of not less than nine feet shall intervene between the edge of the kerb on the south-west side of the street and the nearest rail of the tramway, and that Tramway No. 3 shall not be laid in Annetwell Street until the roadway has been widened, so that there shall in no part of the street be a less width than twenty-two feet between the kerbs, and that Tramway No. 3 shall be constructed opposite the premises number thirty, Bridge Street, now in the occupation of the Carlisle South End Co-operative Industrial Society, Limited, so that the centre line of the tramway shall be not less than eleven feet from the kerb of the pavement on the side of the street on which such premises are situated.

Tramway No. 4.—Commencing in Scotch Street by a junction with Tramway No. 1, at a point distant about half a chain south of East Tower Street, and passing thence into and along West Tower Street, Peter Street, and Corporation Road, and terminating on Eden Bridge by a junction with Tramway No. 1 at a point distant a quarter of a chain or thereabouts, north of the south end of the said bridge.

Tramway No. 4 shall be laid as a single line throughout.

The total length of Tramway No. 4 is 1 furlong 6·6 chains.

Provided that Tramway No. 4 shall be laid opposite the premises now belonging to Mr. Thomas Nanson, in West Tower Street, so as to leave a space of eleven feet six inches between the centre line of the tramway and the kerb of the footpath opposite the said premises; and provided

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also, that when Scotch Street has been widened in manner aforesaid, and the portion of Tramway No. 1 which lies between the commencement and termination of Tramway No. 4 has been constructed as herein-before provided, Tramway No. 4 may, if previously laid, be taken up, and if taken up shall not be relaid, and the road shall be restored at the expense of the Promoters.

Tramway No. 5.—Commencing in Botchergate by a junction with Tramway No. 1, at or near a point three-quarters of a chain or thereabouts south-east of the south-west corner of the Crescent, and terminating by a junction with Tramway No. 2 in the Crescent, near its junction with Botchergate.

Tramway No. 5 shall be laid as a single line throughout.

The total length of Tramway No. 5 is 1·6 chains.

The above-described tramways will pass from, in, through, or into, or be situate in the several parishes, townships, or places following; (that is to say,) the Parish of Stanwix, the Parish of St. Mary, Carlisle, including the Townships of Rickergate, St. Mary Within, and Caldewgate, and the Parish of St. Cuthbert, Carlisle, including the Townships of St. Cuthbert Within (otherwise English Street), St. Cuthbert Without (otherwise Botchergate), and Botcherby, all in the County of Cumberland, or some or one of them.

For protection of certain railways and bridges.

7. Whereas Tramway No. 1 will be laid upon the roadway of a certain bridge or viaduct over certain lines of railway belonging to the North-eastern Railway Company (herein-after called the North-eastern Company), and upon the roadway of the approaches thereto, and Tramway No. 3 will be laid upon the roadway of certain bridges or viaducts over certain lines of railway belonging jointly to the London and North-western Railway Company and the Caledonian Railway Company (herein-after called "the two Companies"), and upon the roadway of the approaches to the said bridges or viaducts, and the said Tramway No. 3 will also be laid upon the roadway of certain of the said bridges or viaducts over lines of railway belonging to the Caledonian Railway Company (herein-after called the "Caledonian Company"), and upon the roadway of the approaches thereto, the Promoters shall not lay more than one tramway on any part of the said bridges or viaducts maintainable by the North-eastern Company, or the two Companies, or the Caledonian Company, nor shall they make any crossing place, siding, or junction thereon, nor shall they alter or interfere with the structure of any of the said bridges or viaducts; and the Promoters, before commencing any operations on such bridges or viaducts respectively, shall submit plans and sections of their intended works to the Engineer for the time being of the North-eastern Company as respects any bridge or viaduct over the lines of railway belonging to the North-eastern Company, and to the respective engineers for the time being of the two Companies as respects any bridge or viaduct over the lines of railway belonging to the two Companies, and to the engineer for the time being of the Caledonian Company as respects any bridge or viaduct over the lines of railway belonging to the Caledonian Company, and shall obtain the approval of such plans and sections by such engineers respectively, and the said works shall be constructed in conformity with the said approved plans and sections

under the superintendence and to the reasonable satisfaction of such engineers respectively, and shall thereafter be maintained and repaired under the superintendence of such respective engineers; and if any difference shall arise between the Promoters on the one hand, and the North-eastern Company, or the two Companies, or the Caledonian Company, as the case may be, on the other hand, with respect to the said plans and sections, or with respect to the said works, or as to whether any work is such as ought reasonably to satisfy such engineers respectively, or as to the maintenance and repair of such works and of the portions of roads and streets on the bridges and viaducts, and the approaches thereto, herein-after mentioned, and if the parties fail to agree with respect to the appointment of an arbitrator for determining such difference, the same shall be determined by an engineer or other fit person to be nominated as referee by the Board of Trade on the application of either party, and the costs of the reference shall be borne and paid as such referee shall direct: Provided always, that nothing contained in this Order, or which may be done in pursuance hereof, shall prevent the North-eastern Company, or the two Companies, or the Caledonian Company, as the case may be, from maintaining and repairing, and, if they think fit, widening, altering, or reconstructing the said bridges or viaducts, and widening their respective lines beneath the same, without interference on the part of the Promoters, and without incurring any liability to the Promoters or to any person or persons whatsoever for any loss, injury, damage, expense, or interruption of traffic which may arise from such maintenance, repair, alteration, or reconstruction: Provided also, that in case steam or any mechanical power shall be used on the said tramway, and the North-eastern Company, or the two Companies, or the Caledonian Company, as the case may be, shall thereupon, or at any time or times thereafter, find it desirable or necessary, by reason of such user, to strengthen the fabric of the said bridges or viaducts, for the purpose of more safely bearing the additional weight which will thereby be imposed thereon, they may execute such works as they may deem necessary for strengthening the said bridges and viaducts accordingly, and may recover the expense of executing such works from the Promoters: Provided always, that all such operations shall be executed by the North-eastern Company, or the two Companies, or the Caledonian Company, as the case may be, in such manner as to cause as little interruption or inconvenience as practicable to the traffic on the said tramway, and that the North-eastern Company, or the two Companies, or the Caledonian Company, as the case may be, shall give fourteen days notice in writing to the Promoters before commencing any of such operations, and that the same, so far as interfering with the said tramway, shall be conducted under the superintendence and to the reasonable satisfaction of the engineer of the Promoters, or in the event of difference under the superintendence and to the satisfaction of an engineer to be appointed by the Board of Trade, on the application of the North-eastern Company, or the two Companies, or of the Caledonian Company, as the case may be, or of the Promoters: Provided further, that the Promoters shall maintain and repair in all time coming so much of the roads and streets on the said bridges or viaducts, and of the approaches thereto, upon which the said tramway will be laid as lies between the rails of the said tramway and as extends eighteen inches beyond the rails of and on each side of the said tramway.

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For protection of the justices of the peace for the county of Cumberland.

8. In constructing any of the tramways upon any bridge or any part of the road at either end thereof under the jurisdiction of the justices of the peace for the county of Cumberland, 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 or 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 said 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 said 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 said 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.

Gauge of tramways.

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

Provisions as to construction of tramways.

10. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein; and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or any part of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade, and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence, and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act.

Mode of formation of tramways.

11. Each of the tramways shall consist of single pairs of rails, such as the Board of Trade shall approve, and shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road, and in all other respects according to Winby and Levick's patented system of continuous girder tramway, or such other system as the Board of Trade may sanction and the Corporation may approve of, and the portion of roadway which is required by the Tramways Act, 1870, to be maintained by the Pro-

moters shall, in the city, be paved with Winstone setts or cubes, or such other paving as the Corporation shall approve.

Improvements to be adopted.

12. The Board of Trade may from time to time, upon the application of the local authority or road authority of any district in which the tramways, or any of the tramways are or is situated, require the Promoters to adopt and apply such improvements in the tramways within such district, including the rails thereof, and the carriages, rolling stock, break power, and plant of the Promoters, or used on or in connexion with the tramways, as experience may from time to time suggest, having regard to the greater security or convenience of the public and persons using the tramways 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 such improvements.

Traffic on roads not to be impeded.

13. During the construction of any works by this Order authorised in any road in any district, the Promoters shall make such arrangements in relation to the execution of such works as may in the opinion of the local authority or the road authority of such district be proper for preventing the traffic along such road from being unnecessarily impeded.

Extending application of section 26 of 33 & 34 Vict. c. 78.

14. So much of section twenty-six of the Tramways Act, 1870, as provides that the Promoters shall not do certain things therein mentioned except under the superintendence and to the reasonable satisfaction of the road authority, unless that authority refuses or neglects to give such superintendence at the time specified in the notice, or discontinues the same during the works, shall extend and apply also to the works mentioned in the twenty-seventh and twenty-eighth sections of the said Act (except as to maintenance and repairs), and to all other works of every description of the Promoters affecting any road, sewer, or other works or property of or under the control or jurisdiction of the Corporation.

Penalty for not maintaining rails and road in good condition.

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

In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made any such default as aforesaid, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-

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three of the Tramways Act, 1870; and if the Board of Trade certify, under the hand of a Secretary or an Assistant Secretary of the said Board, that the default mentioned in such representation has been proved to the satisfaction of the said Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are herein-before imposed with respect to offences.

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

16. Where in any road in which a double line of tramway is laid there is less width between the outside of the footpath on either side of the 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.

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

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

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

18. 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 for the efficient working of the tramways or any of them, or for providing access to any stables, carriage-houses, sheds, or works of the Promoters, subject to the approval of the road authority: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of 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.

Temporary tramways may be made when necessary.

19. 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 tramways 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 the 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 temporary tramways under the authority of this section, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Application of road materials excavated in construction of Promoters works.

20. Any paving, metalling, or material (except cobble stones, which are to remain the property of the road authority) excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters, so far as may be necessary, in or towards the reinstating of such road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway 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 all such cobble stones and also 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 notice in writing to the road authority that such cobble stones or the surplus of such paving, metalling, or material are ready for removal, such cobble stones or surplus are not removed by the said surveyor, or by some other person or persons named by him for that purpose, such cobble stones and 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.

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

Power for Corporation to undertake renewal of roads.

22. The Corporation shall be entitled to take upon themselves the paving or renewal of such portion of any road which they are authorised to maintain and repair whereon any of the tramways is laid as under this Order the Promoters are, or but for this section would be, bound to pave, renew, repair, or maintain for the whole or any part of the length of the tramway upon any such road: Provided that the Corporation shall by notice in writing to the Promoters, within one month after being required so to do by the Promoters by notice in writing, state that the Corporation intend to take upon themselves such paving or renewal; but such notice as aforesaid shall not be given by the Promoters unless or until they are in a position to proceed with the construction of the tramways and intend so to do forthwith, after the Corporation have given notice of their election; and in case the Corporation shall give notice as aforesaid that they elect to pave or renew any such portion as aforesaid of any road, they shall pave or renew the same at the same time as or forthwith after the tramway is laid upon such road.

After renewal of roads the same to be

23. After the completion of any tramway in any such road as aforesaid, and of the paving or renewal by the Corporation of such portions of any such road,

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maintained and renewed by the Corporation.

in pursuance of the provisions of the last preceding section, on which the same is laid, as the Promoters are, or but for this or the last preceding section would be, bound to pave, renew, maintain, or repair, all such portions of such road shall at all times thereafter, as occasion may require, be paved, renewed, maintained, and repaired by the Corporation.

The materials to be used in such paving, renewal, maintenance, or repair by the Corporation shall be in the discretion of the Corporation, and the Promoters shall not interfere in any way in the paving, renewal, maintenance, and repair of such portions of any of such roads as in pursuance of such provisions as aforesaid the Corporation are or shall become liable to pave, renew, maintain, or repair, and shall not be bound to pave, renew, maintain, or repair the same, or be liable in any way for any neglect or default in or about such paving, renewal, maintenance, or repair.

Promoters to pay to Corporation cost of renewal of roads.

24. The Promoters shall pay to the Corporation all the expenses of paving, renewal, maintenance, or repair of such portions of the said roads as shall be paved, renewed, maintained, or repaired by the Corporation, and as, but for the preceding sections, the Promoters would have under this Order been bound to pave, renew, maintain, or repair, and the amount of such expenses to be paid from time to time by the Promoters under this section shall be ascertained in such manner as may from time to time be agreed upon between the Corporation and the Promoters, or as, failing such agreement, in any case may be ascertained and certified from time to time by the engineer or surveyor for the time being of the Corporation; and such amounts shall be paid by the Promoters on demand, and the certificates and payments shall be so made that the Corporation shall not in any way be required to furnish any money for such part of the works in hand as the Promoters may be liable to pay for.

Security for repayment of expenses of repairs of roads.

25. In order to secure the payment by the Promoters of the amounts to be paid by them to the Corporation under the last preceding section, the Promoters shall, on or forthwith after each of the usual quarter days after the completion of or construction of any of the tramways, deposit with the Corporation the amount which the engineer or surveyor for the time being of the Corporation may certify to be in his judgment the amount which will be required to be paid by the Promoters under the said section for the repairs to be executed during the ensuing quarter, and the Corporation shall be at liberty to apply the moneys so deposited or any part thereof in or towards payment of any amount payable by the Promoters as aforesaid in respect of work executed during such quarter, and at the end of each quarter the amount, if any, not so applied, or so much thereof as may not be required, shall be carried forward as or towards the deposit for the next quarter, and any excess shall be paid to the Promoters, and if any sum be so carried forward as aforesaid, the Promoters shall for such quarter only deposit such an amount (if any) as will be required to make up the sum to be deposited as aforesaid.

Certain expenses of Corporation to be paid by Promoters.

26. The Promoters shall on demand repay to the Corporation all charges and expenses incurred by them for the laying out, supervision, and inspection of and work done or to be done by the Promoters in connexion with the tramways or in consequence of the tramways being laid in the city, and the Corporation are

hereby authorised to order such supervision and inspection of such work as they may deem proper.

Corporation to have access to sewers and to repair damages caused by works at cost of the Promoters.

27. The Corporation and their officers and servants shall at all times have free access to and communication with all existing and future sewers and drains (whether public or private) under the control of or maintained or repaired by the Corporation, and the man-holes, ventilating shafts, and other works connected therewith, and the consent or concurrence of the Promoters shall not be necessary to empower them to construct any new or additional public or private sewers or drains, and any man-holes, ventilating shafts, or other works connected therewith, and any lateral or private drains to communicate therewith; and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act, 1870, shall be applicable to the case of any such works as aforesaid, as though the same were a pipe for the supply of gas or water laid before the construction of the tramways: Provided always, that if at any time after the passing of the Act confirming this Order, any of such sewers or drains (whether public or private), or any other works of or belonging to or under the control of the Corporation, shall be or become injured or damaged by reason or in consequence of any act, deed, matter, or thing of or by the Promoters, or their servants, it shall be lawful for the Corporation immediately thereupon, or at any time thereafter, at the cost, expense, and risk of the Promoters, to do what the Corporation deem necessary in order to the thorough and efficient repair and reinstatement of such sewer, drain, or other work as aforesaid, and if the Promoters shall not on demand pay the Corporation the cost and expense incurred by the Corporation as aforesaid, the Corporation may recover the same from the Promoters by all and the same means as any simple contract debt may be recovered.

Promoters to be solely responsible for maintaining the tramways free from damage or accident.

28. The sole responsibility of maintaining the tramways free from damage or accident shall rest with the Promoters, and they shall have no claim whatever for any damage or interruption of traffic which may arise from any works executed or to be executed by the road authority, or from the use of any implements or materials used in the maintenance thereof, or by reason of any accident which may happen to any bridge or road under the control of the road authority, except where such damage or interruption of traffic results from wilful negligence or improper conduct in the execution of such works, or in the use of such implements and materials.

As to cleansing of tramways.

29. The road authority of every road in which any of the tramways is laid may cleanse the same without reference to the tramways; but whatever cleansing, owing to snow or other matters impeding the traffic, is requisite for the proper working of the tramways shall be executed by and at the risk of the Promoters, who shall remove the snow or other matter from off the tramway forthwith, and not place it on any other part of the road.

Providing for extensions of the Tramways.

30. In case the Promoters shall within five years after the opening of the tramways for public traffic apply for a further provisional Order or Orders to construct any extensions of the tramways (such further provisional Order or Orders to contain the same or like clauses and provisions as are contained in this Order), the consent of the Corporation shall be deemed to have been given

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to such application; and if at any time after the expiration of the said period of five years the Corporation shall be desirous of having any further tramways constructed within the city, they shall before proceeding to apply for or giving their consent to any other person or persons to apply for and obtain a provisional Order for the construction thereof give notice in writing of such their desire to the Promoters, who shall thereupon have the option (to be signified in writing to the Corporation within six weeks of receiving such notice) of applying for and obtaining a provisional Order for the construction and working by them of such further tramways, upon such terms and conditions as shall be mutually agreed upon between the Promoters and the Corporation.

As to interchange of facilities in respect of any tramways to be hereafter constructed.

31. If at any time after the passing of the Act confirming this Order any tramways or tramway extensions or additions are constructed or purchased within, or partly within the city or district, by the Corporation or any company or person (other than the Promoters), the Promoters shall if and when and as required by the Corporation or such other company or person permit all such necessary and convenient junctions and communications as may be authorised to be made and maintained between the tramways of the Promoters and the tramways of the Corporation, or such other company or person as aforesaid; and the Corporation, or such other company or person as aforesaid if authorised so to do, and the Promoters shall each respectively, if required by the other, grant to each other, and their respective assigns and lessees, all such reasonable running powers and traffic facilities over and on their respective tramways as may be sanctioned by the Board of Trade, and upon such terms and conditions as to compensation and otherwise as may be agreed on between them, or in case of difference shall be settled in manner provided by the thirty-third section of the Tramways Act, 1870.

Motive Power.

Carriages may be moved by animal and with consent of Corporation by steam or mechanical power.

32. The carriages used on the tramways may, subject to the provisions of this Order, be moved by animal power, and the carriages used on the portion of Tramway No. 1 from its junction with Tramway No. 5 to the end of Tramway No. 1 in London Road and on Tramways No. 2 and No. 5 may, subject to the provisions of this Order, with the consent of the Corporation during a period of seven years after the opening of the same for public traffic, and with the consent of the Board of Trade and of the Corporation during such further periods of seven years as the said Board may from time to time specify in any Order to be signed by a Secretary or an Assistant Secretary of the said Board, be moved by steam power or any mechanical power: Provided always, that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the Schedule A. to this Order annexed, and to any regulations which may be added thereto or substituted therefor respectively by any Order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam or any mechanical power on the tramways.

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

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

Byelaws.

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

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

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

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

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

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

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

As to recovery of penalties.

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

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non-observance of any byelaw made by the Board of Trade under the authority of this Order.

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

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

Orders and byelaws to be signed, &c.

37. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by a Secretary or an Assistant Secretary of the Board of Trade, and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order.

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

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

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

Before using steam or any mechanical power on the tramways, or any part thereof, and thereafter from time to time, the Promoters or such person and every such road authority may enter into or renew, with or without modification, any contract, agreement, or arrangement with respect to the user by the Promoters or such person, of the paving and keeping in repair of the whole or any part of the roadway of any road within the district of

such road authority upon which such tramways, or such part of such tramways, are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road which they may think fit, and the Board of Trade may approve.

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

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

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

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

39. Where steam or any mechanical power shall be used by the Promoters or any person on the tramways, or any part thereof, no contract, agreement, or arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid with respect to the user by the Promoters or such person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of any road authority upon which such tramways, or such part of such tramways, are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, shall continue in force for any period exceeding two years at any one

time after the commencement of the use of steam or mechanical power as aforesaid, or the making of such contract, agreement, or arrangement: Provided always, that any such contract, agreement, or arrangement may from time to time be renewed with or without modification, or a new contract, agreement, or arrangement may be made instead thereof.

Traffic upon Tramways.

Traffic upon tramways.

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

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

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

Regulating number of carriages to run daily.

42. The Promoters at all times after the opening of the tramways for public traffic shall and they are hereby required (unless and until the Corporation shall give their consent to an alteration of this regulation) to run carriages on each respective route, and from one extremity thereof to the other, once each way every half hour at least, between the hours of eight a.m. and eight p.m. (Sundays, Christmas Day, and Good Friday excepted), and any default or failure in this respect (unless arising from circumstances beyond the control of the Promoters) on any day after twenty-four hours notice from the Corporation that the same has occurred, shall be deemed to be and shall be a discontinuance to work the tramways on such day within the meaning of the forty-first section of the Tramways Act, 1870.

Penalty for default of Promoters in working tramways.

43. If the Promoters discontinue working the traffic as required by the last preceding section upon any of the tramways for the space of an entire day (except Sunday, Christmas Day, or Good Friday), they shall be liable to pay the Corporation a penalty of ten pounds a day for every day, save and except the days herein-before named, on which they discontinue working such traffic, and such penalty may be recovered by the Corporation as by section fifty-six of the Tramways Act, 1870, is provided: Provided always, that the Promoters shall not be liable to any such penalty if the discontinuance to work the tramways shall arise from any act of the Corporation or their officers, or from accident, or any other circumstances over which the Promoters have no control.

Tolls.

Tolls for passengers.

44. 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 two miles any sum not exceeding twopence.

Passengers luggage.

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

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

Cheap fares for labouring classes.

46. The Promoters, at all times after the opening of the tramways or any part or parts thereof for public traffic, shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than five in the evening respectively, as the Promoters think most convenient for artizans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny), and the Promoters shall be liable to a penalty not exceeding one pound for every day, except as aforesaid, on which they do not run such number of carriages as aforesaid, in accordance with the provisions of this section: Provided always, that the Promoters shall not be liable to any such penalty if the failure to run such number of carriages as aforesaid shall arise from circumstances over which the Promoters have no control: 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: Provided also, that if at any time hereafter, and from time to time, the Corporation shall pass a resolution that in their opinion no adequate necessity exists for running such number of carriages at such hours and such fares as aforesaid along all or any of the tramways, it shall be lawful for the Promoters to discontinue such running for a period of one year from the passing of the said resolution, such resolution to be renewable, nevertheless, should the Corporation think fit.

Tolls for animals, goods, &c.

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

Payment of tolls.

48. 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 a notice to be annexed to the list of tolls and charges appoint.

Periodical revision of tolls.

49. If at any time after three years from the opening for public traffic of the tramways, or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, or by the Promoters, that under the circumstances

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then existing, all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways, or on such portion of the tramways, should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board, in accordance with the provisions of the Tramways Act, 1870, and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing, altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways, or on such portion of the tramways, in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

Miscellaneous.

Protection of Corporation tolls.

50. The Promoters shall make provision for facilitating the due collection by the Corporation, or their lessees, of any tolls which may be payable to them in respect of any goods, articles, or merchandise carried on the tramways, such provision in the case of goods, articles, or merchandise carried in carriages together with passengers to be made by the carriages stopping at the ancient city boundary for collection of the said tolls when required, and in the case of goods, articles, or merchandise carried otherwise, and all other traffic, by the Promoters keeping an account of the same and of the tolls payable in respect thereof, which shall be open to the inspection of the Corporation, their officers or lessees, and paying over the said tolls to the Corporation or their lessees periodically, or in such other manner in either case as shall be mutually arranged.

Powers to Corporation to suspend tramway traffic.

51. The Corporation shall have power at any time and from time to time, by notice in writing, to absolutely stop, delay, or suspend the working of the tramways in any of the roads within the city, as well for police purposes, regulating traffic, and facilitating traffic on any public occasion as for the execution of any works by the Corporation or any gas or water company or individual, or for any other purpose which the Corporation, in the exercise of their powers for the good government of the city or the safety of the public deem necessary, such stoppage, delay, or suspension to continue only so long as may be reasonably necessary for the purposes aforesaid or any of them, and the Promoters shall not be entitled to claim any compensation or damages in respect thereof.

Carriages or horses unfit for use may be removed.

52. The Corporation may cause to be removed from the tramways any carriage or horse which shall be certified by an officer to be appointed by the Corporation to be unfit for use upon the tramways: Provided that every certificate made by the said officer to the Corporation shall be in writing, and shall state fully the particulars in which, in the opinion of the said officer, the carriage or horse (as the case may be) is unfit for use, and notice of every such

certificate, setting forth the particulars contained in the said certificate, shall be served upon the Promoters or upon the person owning or using such carriage or horse, prior to any action being taken thereon by the Corporation: Provided further, that if any dispute arise between the Corporation and the Promoters or such person as to the fitness or unfitness of any such carriage or horse the same shall be settled by two justices.

Costs of Corporation, road, and local authorities.

53. The Promoters shall, within three months after the passing of the Act confirming this Order, pay all costs, charges, and expenses incurred or which may be incurred by the Corporation or any other local or road authority in connexion with or incident to any arrangement between the Promoters and the Corporation or such other authority in relation to this Order, and of and attending the making and completion of such arrangement and in connexion with or incident to the making of this Order and the passing of the Act confirming the same.

Promoters not to sell under sect. 44 of Tramways Act, 1870, without first giving Corporation option of purchase.

54. In the event of the Promoters desiring to exercise the power of sale conferred by the forty-fourth section of the Tramways Act, 1870, they shall, in the event of such proposed sale being to any person or company other than a company constituted within two years after the passing of the Act confirming this Order for the purpose of constructing and working the tramways hereby authorised, give two calendar months notice in writing to the Corporation of their intention to exercise such power and of the terms of such proposed sale, and in the event of the Corporation, by written notice within such period of two months, requiring the Promoters to sell to them upon the same terms, the Promoters shall sell to the Corporation accordingly.

Provisions as to arbitration.

55. Where under the provisions of the Tramway Act, 1870, and this Order any matters 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.

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

(1.) Every notice shall be in writing or print, or partly in writing and partly in print, and if given by 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.

57. 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 situate within the district of such road authority, and the rails, plates,

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sleepers, and works connected therewith, and the facilitating of the traffic over the same.

Saving rights of the Corporation.

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

Provisions as to fulfilment by Promoters of their obligations to Corporation.

59. As security to the Corporation for the due fulfilment by the Promoters of the obligations to which under the provisions of this Order they are liable, the Promoters shall, in addition to complying with the provisions of section twelve of the Tramways Act, 1870, and the rules made by the Board of Trade under the said Act as to the deposit to be made by the Promoters in respect of the application for this Order within twelve months after the passing of the Act confirming this Order, invest to the satisfaction of the Town Clerk, in the joint names of themselves and the Town Clerk and his successors in such office (in this Order referred to as "the trustees"), the sum of five hundred pounds, or at the option of the Corporation enter into a bond with the Corporation for that amount, with two or more sufficient sureties to the satisfaction of the Town Clerk, conditioned as hereafter mentioned, and the moneys so invested shall be held by the trustees on trust, or the condition of the said bond shall be to pay and make good to the Corporation any claim which may arise at their instance against the Promoters; and if any difference shall arise between the Corporation and the Promoters in relation to any such claim, the matter in difference shall be settled in the manner provided by section thirty-three of the Tramways Act, 1870: Provided always, that at the expiration of six calendar months from the completion and opening for traffic of the tramways, and the payment to the Corporation of all such claims as aforesaid, the Promoters shall be entitled to the repayment of the moneys so invested and to the interest or dividend thereon, or to have the said bond delivered up to them to be cancelled.

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

60. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing, signed by a Secretary or an Assistant Secretary of the said Board.

Saving as to powers of borrowing on mortgage.

61. Nothing in this Order or in the Tramways Act, 1870, contained shall prevent the Promoters borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Promoters in the event of a compulsory sale of the undertaking, or any part thereof, to the local authority under section forty-three

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

Saving for general Acts.

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

SCHEDULE A.

Break power of engines.

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

As to fittings of engines, &c.

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

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

With a suitable fender to push aside obstructions.

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

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

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

As to carriages.

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

Inspection of engines and carriages.

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

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As to speed.

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

SCHEDULE B.

TOLLS AND CHARGES FOR ANIMALS, GOODS, &c.

		Per mile. s.	d.
Animals.			
For every horse, mule, or other beast of draught or burden	at per head	0	3
For every ox, cow, bull, or head of cattle - - - -		0	3
For every calf, pig, sheep, or other small animal - - -		0	2
Goods and Minerals.			
For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fireclay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways - - - - - -	per ton	0	3
For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slags, and stone, stones for building, pitching, and paving, tiles, slate, and clay (except fireclay), and for wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs	per ton	0	4
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings - - -	per ton	0	6
For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things -	per ton	0	6
For every carriage of whatever description - - -	each	1	0
Small Parcels.		Any distance. s.	d.
For every parcel not exceeding seven pounds in weight -	each	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - - -	each	0	5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - - -	each	0	7
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - - - -	each	0	9

For any parcel exceeding fifty-six pounds in weight, such sums as the Promoters may think fit.

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

For the Carriage of Single Parcels of Great Weight.

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

Regulations as to Tolls.

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

For a fraction of a ton the Promoters may demand and take tolls and charges according to the number of 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.

FOLKESTONE, SANDGATE, AND HYTHE TRAMWAYS.

Folkestone, &c.

Order authorising the Construction of Tramways from Folkestone, through Sandgate to Seabrook, in the County of Kent.

Short title.

1. This Order may be cited as "The Folkestone, Sandgate, and Seabrook Tramways Order, 1880."

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 in this Order—

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

The term "person" shall include a corporation.

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4. Henry Davey, of Number four, Bishopsgate Street Within, in the city of London, and Edward Ellis Allen, of Number one hundred and eleven, Cheyne Walk, Chelsea, and the 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."

Lands by agreement.

5. The Promoters may by agreement from time to time purchase and acquire such lands as they may require for the purposes of the undertaking, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold for such purposes more than five acres of land.

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, except as is herein-after provided, the tramways herein-after described, with all proper rails, plates, offices, weighbridges, 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—

A tramway No. 1 (double line, two chains in length), commencing in the Sandgate Road at the north-east end of Albion Terrace, passing in a south-westerly direction along and terminating in the said road at the south-west corner of the said terrace;

A tramway No. 2 (single line, two furlongs two chains in length), commencing by a junction with tramway No. 1 at its point of termination, passing along the Sandgate Road and terminating in that road at a point about two chains east of the boundary of the township of Folkestone, such boundary being nearly opposite the south-east corner of the West Cliff Hotel;

A tramway No. 3 (double line, two chains in length), wholly in the Sandgate Road, commencing by a junction with tramway No. 2 at its point of termination, and terminating at the said boundary of the township of Folkestone;

A tramway No. 4 (single line, 2 furlongs 2·9 chains in length), wholly in the Sandgate Road, commencing by a junction with tramway No. 3 at its point of termination, and terminating at the south-west corner of the garden of the house known as the vicarage adjoining Trinity Church;

A tramway No. 5 (double line, two chains in length), wholly in the Sandgate Road, commencing by a junction with tramway No. 4 at its termination, and terminating at a point two chains west of the south-west corner of the garden of the said vicarage;

A tramway No. 6 (single line, 2 furlongs 0·2 chain in length), wholly in the Sandgate Road, commencing by a junction with tramway No. 5 at its termination, and terminating at a point opposite the road leading to Ingles Farm;.

Tramways Nos. 1, 2, 3, 4, 5, and 6 will be situate wholly in the township and parish of Folkestone.

A tramway No. 7 (double line, two chains in length), wholly in the Sandgate Road, commencing by a junction with tramway No. 6 at its point of termination, and terminating two chains west of the road leading to Ingles Farm;

A tramway No. 8 (single line, 1 furlong 2·8 chains in length), wholly in the Sandgate Road, commencing by a junction with tramway No. 7 at its point of termination, and terminating at a point two chains east of Coolinge Road;

A tramway No. 9 (single line, two chains in length), wholly in the Sandgate Road, commencing by a junction with tramway No. 8 at its termination, and terminating opposite Coolinge Road;

A tramway No. 10 (double line, two chains in length), wholly in the Sandgate Road or Darnley Road, or one of them, commencing by a junction with Tramway No. 9 at its point of termination, and terminating two chains west of Coolinge Road;

A tramway No. 11 (single line, 1 furlong 7·6 chains in length), wholly in the Darnley Road, commencing by a junction with tramway No. 10 at its point of termination, and terminating at a point about two chains east of the north-west corner of the palings surrounding the gardens in front of the National Schools;

Provided that tramways Nos. 7, 8, 9, 10, and 11 shall not be laid until the Sandgate and Darnley Roads between the points of commencement of tramway No. 7 and the termination of tramway No. 11 have been widened, so as to allow a space of not less than 22 feet 6 inches between the foot-paths on either side of the roads, and until the gradients between the same points have been altered, as shown upon the deposited plans, to a uniform gradient of 1 in 18;

A tramway No. 12 (double line, two chains in length), wholly in Broadway Sandgate, commencing by a junction with tramway No. 11 at its point of termination, and terminating at a point opposite the north-west corner of the palings surrounding the gardens in front of the National School;

The said tramways Nos. 7, 8, 9, 10, 11, and 12 will be wholly situate in the parish of Folkestone.

A tramway No. 13 (single line, 1 furlong 6·8 chains in length), commencing by a junction with tramway No. 12 at its point of termination, passing along Broadway Sandgate, and terminating opposite the road leading to the Undercliff, which said tramway No. 13 will pass in or through the township and parish of Folkestone and parish of Cheriton;

A tramway No. 14 (double line, two chains in length), wholly in the Broadway Sandgate, commencing by a junction with tramway No. 13 at its point of termination, and terminating at a point two chains west of the said road leading to the Undercliff;

A tramway No. 15 (single line, 3 furlongs 1·5 chains in length), commencing in the Broadway Sandgate by a junction with tramway No. 14 at its point of termination, passing westward along that street, and terminating in the Esplanade at a point two chains east of Camp Road;

Provided that tramway No. 15 shall be laid throughout its whole length so that the centre of the tramway shall coincide with the centre of the road;

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A tramway No. 16 (double line, two chains in length), wholly in the Esplanade, commencing by a junction with tramway No. 15 at its termination, and terminating opposite Camp Road;

A tramway No. 17 (single line, two furlongs seven chains in length), commencing in the Esplanade by a junction with tramway No. 16 at its termination, and passing westward along the road leading to Hythe, and terminating at a point about twelve chains west of the entrance to Littlebourne Lodge;

A tramway No. 18 (double line, two chains in length), wholly situate in the road leading from Sandgate to Hythe, commencing by a junction with tramway No. 17 at its termination, and terminating about fourteen chains west of the entrance to Littlebourne Lodge;

A tramway No. 19 (single line, two furlongs eight chains in length), wholly situate in the road leading from Sandgate to Hythe, commencing by a junction with tramway No. 18 at its termination, and terminating about one chain west of the centre of the bridge over the stream called Seabrook;

A tramway No. 20 (double line, two chains in length), wholly in the road leading from Sandgate to Hythe, commencing by a junction with tramway No. 19 at its termination, and terminating about three chains west of the centre of the bridge over the stream called Seabrook;

The tramways Nos. 14, 15, 16, 17, 18, 19, and 20 will be wholly situate in the parish of Cheriton.

Gauge of tramways.

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

Provisions as to construction of tramways.

8. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall, at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein; and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act.

Mode of formation of tramways.

9. The rails of the tramways shall be in continuous castings, five feet in length and ten inches in width at the base, resting upon four and a half inches cement concrete on six inches of lime concrete, and the groove shall not exceed three quarters of an inch in width and three quarters of an inch in depth, or

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

As to laying with asphalte and paving roads.

10. So much of the road whereon the tramways are laid as lies between the rails of the tramways from the commencement of tramway No. 12 to the end of tramway No. 18 shall be laid with asphalte, and so much of the road whereon the tramways, except from the commencement of tramway No. 12 to the end of tramway No. 18, are laid as lies between the rails of the tramway shall be paved with pitchers, and the Promoters shall at all times maintain and keep in good condition and repair the asphalte and the pitchers so laid and paved as aforesaid.

Penalty for not maintaining rails and road in good condition.

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

In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made any such default as aforesaid, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade certify under the hand of a secretary or an assistant secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are herein-before imposed with respect to offences.

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

12. 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

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passing-place or passing-places the traffic shall, when necessary, be diverted from one tramway to the other.

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

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

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

14. 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-houses, sheds, or works of the Promoters, subject to the approval of the road authority: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of 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.

Temporary tramways may be made when necessary.

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

If any difference 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 temporary tramways under the authority of this section, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

As to entrances to sewers.

16. When any tramway or passing-place is constructed or required to be constructed over any manhole or entrance into any sewer of the local authority, or so close to any such manhole or entrance as to make the use thereof dangerous or inconvenient in the opinion of the local authority or their surveyor for the time being, the Promoters shall, if required by the local authority, construct another manhole or entrance in lieu thereof in such a position and according to such plans as may be approved of by the local authority.

As to cleansing of roads and tramways.

17. The road authority of every road in which any tramways are laid may cleanse such road without reference to the tramways, but whatever cleansing, owing to snow or other matters impeding the traffic, is requisite for the proper working of the tramways shall be executed by and at the risk of the Promoters, who shall remove the snow or other matter from off the road forthwith, and not place it on any other part of the road.

Application of road materials excavated in construction of Promoters works.

18. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters so far as may be necessary in or towards the reinstating of such road, and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway 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 notice in writing to the road authority, that the surplus of such paving, metalling, or material is ready for removal, such surplus 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.

As to commencement and completion of works.

19. The Promoters shall substantially commence the works within eight calendar months from the date of the passing of the Act confirming this Order, and shall complete and open the tramways for public traffic within twelve calendar months from the date of the passing of the said Act confirming this Order; provided that, upon request in writing made to the Promoters by the road authority, such works shall not be carried on during the months of August and September, or the first fourteen days of the month of October in the year one thousand eight hundred and eighty, or during the last fourteen days of the month of June, or during the month of July in the year one thousand eight hundred and eighty-one.

Promoters to be responsible for maintenance of tramways.

20. The sole responsibility of maintaining the tramways free from damage or accident shall rest with the Promoters, and they shall have no claim whatever for any damage or interruption of traffic which may arise from any works executed or to be executed by the road authority, or from the use of any implements or materials used in the maintenance thereof, or by reason of any accident which may happen to any road under the control of the road authority, except where such damage or interruption of traffic results from wilful negligence or improper conduct in the execution of such works or in the use of such implements or materials.

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

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

Traffic upon Tramways.

Traffic upon tramways.

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

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

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

Unfit carriages not to be used.

24. No carriage shall be used by the Promoters upon the tramways if such carriage has been certified by any officer of the road authority to be unfit for use.

Lights on carriages after sunset.

25. In case the Promoters, between sunset and sunrise, use on the tramways two or more carriages connected together they shall be bound to fix and maintain one white light at least in front of the first of such carriages, and one red light at least at the rear of the last of such carriages.

As to number of carriages to be run on tramways.

26. The Promoters at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run at least two carriages each way every half hour in the day during the months of April to October inclusive, between the hours of nine in the morning and ten at night, and between the same hours every hour in the day during the months of November to March inclusive (Sundays, Christmas Day, and Good Friday excepted). The Promoters shall be liable to a penalty not exceeding one pound for every day (except as aforesaid) on which they do not run such carriages at such times as aforesaid in accordance with the provisions of this section.

Tolls.

Tolls for passengers.

27. 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 two miles any sum not exceeding twopence.

Passengers luggage.

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

Cheap fares for labouring classes.

29. The Promoters, at all times after the opening of the tramways or any part or parts thereof for public traffic, shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Promoters think most convenient for artizans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny), and the Promoters shall be liable to a penalty not exceeding one pound for every day, except as aforesaid, on which they do not run such number of carriages as aforesaid in accordance with the provisions of this section: Provided always, that the Promoters shall not be liable to any

such penalty if the failure to run such number of carriages as aforesaid arises from circumstances over which the Promoters have no control: 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.

30. The Promoters may demand and take in respect of any animals, goods, minerals, or parcels conveyed by them on the tramways, except as is by this Order specially provided, including the tolls and charges for the use of the tramways and for waggons 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 therein contained.

Payment of tolls.

31. 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.

As to tolls on tramway extensions or connexions.

32. In case the Promoters with the permission of the Corporation of the Borough of Hythe, and of the Secretary of State for War, construct on lands adjacent to the Royal Military Canal, any tramway having a junction or connexion with any of the tramways by this Order authorised, such first-mentioned tramway shall, when the same has been completed, be deemed to form part of the undertaking of the Promoters by this Order authorised, and it shall be lawful for the Promoters, when the same is open for public traffic, to demand and receive such tolls and charges in respect of each and every description of traffic upon such tramway as they would be entitled to demand and receive if the same had originally formed part of the tramways by this Order authorised.

Periodical revision of tolls.

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

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Miscellaneous.

Provisions as to arbitration.

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

Costs of supervision, &c. by road authority.

35. The Promoters shall, on demand, repay to the local or road authority all reasonable charges and expenses incurred by them for the supervision and inspection of any work done by the Promoters in connexion with the tramways, and the local or road authority are hereby authorised to order such supervision and inspection of the works as they may deem proper.

Form and delivery of notices.

36. 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.

37. 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.

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

38. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing, signed by a secretary or an assistant secretary of the said Board.

Saving as to powers of borrowing on mortgage.

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

Folkestone, &c. Saving for general Acts.

40. Notwithstanding anything in this Order contained, the Promoters and any person using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, 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 -	per head	0	6
For every ox, cow, bull, or head of cattle - -	„	0	6
For every calf, pig, sheep, or other small animal - -	„	0	3

Goods and Minerals.

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

Small Parcels.

		Any Distance. s.	d.
For every parcel not exceeding seven pounds in weight - -	each	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - - -	each	0	5

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	Any Distance. s.	d.
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - - each	0	7
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - - - each	0	9

For any parcel exceeding fifty-six pounds in weight, such sum as the Promoters may think fit:

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

For the Carriage of Single Parcels of Great Weight.

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

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

Regulations as to Tolls.

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

For a fraction of a ton the Promoters may demand and take tolls and charges according to the number of 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.

NORTH STAFFORDSHIRE TRAMWAYS.

Order authorising the construction of Tramways in the borough of Hanley, the borough of Burslem, the district of the Local Board of Health of Tunstall, the district of the Rural Sanitary Authority of Wolstanton, and in the borough of Longton, in the parishes of Stoke-upon-Trent, Burslem, and Wolstanton, in the county of Stafford.

Short title.

1. This Order may be cited as "The North Staffordshire Tramways Order, 1880."

Incorporation of Acts.

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

Interpretation.

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

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

The term "person" shall include a corporation.

Promoters.

The Promoters.

4. The North Staffordshire Tramways Company, Limited, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may, by agreement, from time to time purchase and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold for such purposes more than five acres of land.

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, engine-houses, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are—

Tramway No. 1.—In the parish of Stoke-upon-Trent, commencing in Church Street, Longton, at a point opposite the eastern pier of the entrance of Bank House, proceeding thence along Church Street, Market Place,

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Market Street, Union Square, and High Street, and terminating in that street at the boundary of the Borough of Longton.

Tramway No. 1 shall be a single line, except—

(A.) In Church Street for a distance of two-and-a-quarter chains from its commencement;

(B.) In Market Street from Chancery Lane for a distance of one-and-a-half chains eastward thereof, and one-and-a-half chains westward of Anchor Road

(C.) In Union Square for two chains eastward from Commerce Street;

(D.) In High Street for a distance of one-and-a-half chains eastward from Lower Hill Street, and for a distance of one-and-a-half chains westward of Gate Street, and for a distance of two-and-a-half chains from the termination of the tramway.

The total length of Tramway No. 1 is six furlongs eight chains and thirty-three links, of which five furlongs five chains and fifty-eight links is single line and one furlong two chains and seventy-five links double line.

Tramway No. 2.—In the parish of Stoke-upon-Trent, commencing in Church Sreet, Longton, fifty-three links westward of the "Crown and Anchor" Hotel, proceeding thence along Market Place, Stafford Street, Flint Street, and Trentham Road, and terminating at the boundary of the Borough of Longton.

Tramway No. 2 shall be single line, except—

(A.) In Stafford Street for a distance of two chains southward from Heathcote Road;

(B.) In Flint Street for a distance of two chains southward from Commerce Street;

(C.) In Trentham Road for a distance of two-and-a-half chains from the termination of the tramway.

The total length of Tramway No. 2 is four furlongs two chains and forty links, of which three furlongs five chains and ninety links is single line and six chains and fifty links double line.

Tramway No. 3.—Commencing in the parish of Stoke-upon-Trent, in Stoke Road, at the junction of the Boroughs of Stoke-upon-Trent and Hanley, proceeding thence along Stoke Road, Howard Place, Snow Hill, Broad Street, Marsh Street, Great York Street, and Vale Place, in the Borough of Hanley; Waterloo Road, Swan Square, Chapel Square, Market Place, Newcastle Street, Davenport Street, Brown Hills, in the Borough of Burslem; High Street, Newfields, Sandyford, in the township of Tunstall; and terminating in the parish of Wolstanton, in High Street, Goldenhill, opposite the church.

Tramway No. 3 shall be single line, except—

(A.) In Stoke Road, Hanley, for a distance of one-and-a-half chains northward from Queen Anne Street, for a distance of two chains northwards of Cemetery Road;

(B.) In Howard Place, Hanley, for a distance of one-and-a-half chains southwards from Snow Hill;

(C.) In Broad Street, Hanley, for a distance of two chains southwards from Piccadilly;

(D.) In Marsh Street, Hanley, for a distance of one-and-a-half chains northward from Weaver Street;

(E.) In Waterloo Road, Burslem, for a distance of two-and-a-half chains northwards from Christ's Church, Cobridge, and for a distance of one-and-a-half chains northwards from Hill Street;

(F.) In Market Place, Burslem, for a distance of two chains westwards from Chapel Square;

(G.) In Newcastle Street, Burslem, for a distance of one-and-a-half chains westwards from Joseph Street;

(H.) In Davenport Street, Burslem, for a distance of two chains northwards from Newcastle Street;

(K.) In Brownhills, Burslem, for a distance of one-and-a-half chains northwards from Davenport Street;

(L.) In High Street, Tunstall, for a distance of two-and-a-half chains northwards from a point opposite the south-east corner of the Market Hall;

(M.) In Newfields, Tunstall, for a distance of one-and-a-half chains from a point opposite the south-east corner of Newfields Pottery;

(N.) In High Street, Goldenhill, for a distance of two-and-a-half chains from the termination of the tramway in that street.

The total length of Tramway No. 3 is six miles nine chains and fifty links, of which five miles six furlongs and three-and-a-half chains is single line and two furlongs and six chains is double line.

Tramway No. 4, in the parish of Stoke-upon-Trent, commencing by a junction with Tramway No. 3 in Broad Street, Hanley, proceeding thence along Piccadilly, Stafford Street, Hope Street, and Vale Place, all in the Borough of Hanley, and terminating in Vale Place at the junction of the Boroughs of Hanley and Burslem;

Tramway No. 4 shall be a single line, except in Piccadilly, for a distance of two chains southwards from Stafford Street.

The total length of Tramway No. 4 is four furlongs nine chains and forty links, of which four furlongs seven chains and forty links is single line and two chains is double line.

Tramway No. 5, in the parish of Stoke-upon-Trent, commencing by a junction with Tramway No. 4 in Stafford Street, Hanley, aforesaid, proceeding thence along Foundry Street, and terminating in that street at its junction with Trinity Street;

Tramway No. 5 shall be a single line throughout its entire length, which is seven chains and sixty-four links;

All the before-mentioned tramways will be made, and pass from, in, through, or into the following parishes, townships, or extra-parochial places, or some or one of them, that is to say, the parish of Stoke-upon-Trent, the parish of Burslem, and the parish of Wolstanton, all in the county of Stafford.

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Gauge of tramways.

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

Provisions as to construction of tramway.

8. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall, at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein; and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act.

As to rails of tramways.

9. The rails of the tramways shall be such as the Board of Trade may approve; and the Board of Trade may from time to time, upon the application of the road authority of any district in which the tramways or any portion thereof are or is situate, require the Promoters to adopt and apply such improvements in the tramways within such district, including the rails thereof, as experience may from time to time suggest, having regard to the greatest 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, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues; and such penalty may be recovered as by section fifty-six of the said Act is provided.

In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made any such default as aforesaid, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade shall certify under the hand of a secre-

tary or an assistant secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are herein-before imposed in respect of offences.

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

11. 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.

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

12. If any road authority hereafter alter the level of any road along or across which any of the tramways is laid or authorised to be laid, the Promoters 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.

13. 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-houses, sheds, or works of the Promoters, subject to the approval of the road authority: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if any owner or occupier of 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.

Temporary tramways may be made when necessary.

14. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways 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 temporary tramways under the authority of this section, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

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Application of road materials excavated in construction of Promoters works.

15. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters, so far as may be necessary, in or towards the reinstating of such road, and the maintenance, for six months after completion of any of the tramways within the district of such road authority, of so much of the roadway 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 notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus 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.

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

Motive Power.

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

17. The carriages used on the tramways may, subject to the provisions of this Order, be moved by animal power, and the carriages used on the portion of Tramway No. 3 from its commencement in the parish of Stoke-upon-Trent in Stoke Road at the junction of the boroughs of Stoke-upon-Trent and Hanley to its junction with Tramway No. 4 in Broad Street, and on the portion of Tramway No. 4 from its junction with Tramway No. 3 in Broad Street as aforesaid to the entrance to Miles Bank Works in Stafford Street, may, subject to the provisions of this Order, during a period of seven years after the opening of the same for public traffic, and, with the consent of the Board of Trade, during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a Secretary or an Assistant Secretary of the said Board, be moved by steam power or any mechanical power.

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

of the powers by this Order conferred with respect to the use of steam or any mechanical power on such tramways.

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

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

Byelaws.

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

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

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

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

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

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

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

As to recovery of penalties.

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

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

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

Orders and byelaws to be signed, &c.

22. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by a Secretary or an Assistant Secretary of the Board of Trade, and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order.

As to contracts with local authorities where steam or mechanical power is to be used.

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

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

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

In case any difference arises between any such road authority and the Promoters or such person as to the determination of any such contract, agree-

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

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

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

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

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

Traffic upon Tramways.

Traffic upon tramways.

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

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Tolls.

Tolls for passengers.

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

Passengers luggage.

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

Cheap fares for labouring classes.

28. The Promoters, at all times after the opening of the tramways or any part or parts thereof for public traffic, shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than half-past five in the evening respectively, as the Promoters think most convenient for artisans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the Promoters, nevertheless, not being required to take any toll or charge less than one penny), and the Promoters shall be liable to a penalty not exceeding one pound for every day, except as aforesaid, on which they do not run such number of carriages as aforesaid, in accordance with the provisions of this section: Provided always, that the Promoters shall not be liable to any such penalty if the failure to run such number of carriages arises from circumstances over which the Promoters have no control: Provided also, that in case of any complaint made to the Board of Trade as to the hours appointed by the Promoters for the running of such carriages, the said Board shall have power to fix and regulate the same from time to time.

Tolls for animals, goods, &c.

29. 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 B. to this Order annexed, subject to the regulations in that behalf therein contained.

Payment of tolls.

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

Periodical revision of tolls.

31. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade

by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, or by the Promoters, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870; and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

Miscellaneous.

Provisions as to arbitration.

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

Form and delivery of notices.

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

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

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

Agreements between Promoters and road authorities.

34. 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.

Costs of local and road authorities.

35. The Promoters shall pay all costs, charges, and expenses incurred previous to the passing of the Act confirming this Order by any local or road authority in relation to this Order.

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

36. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment

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has been signified in writing signed by a Secretary or an Assistant Secretary of the said Board.

Saving as to powers of borrowing on mortgage.

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

Saving for general Acts.

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

SCHEDULE A.

Break-power of engines.

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

As to fittings, engines, &c.

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

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

With a suitable fender to push aside obstructions;

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

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

As to carriages.

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

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

Inspection of engines and carriages.

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

As to speed.

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

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

SCHEDULE B.

Tolls and Charges for Animals, Goods, &c.

Animals.

For every horse, mule, or other beast of draught or burden, sixpence per head per mile.

For every ox, cow, bull, or head of cattle, sixpence per head per mile.

For every calf, pig, sheep, or other small animal, threepence per head per mile.

Goods and Minerals.

For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fireclay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, threepence per ton per mile.

For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fireclay), and for wrought iron not otherwise specially classed herein, and for heavy iron castings, including railway chairs, fourpence per ton per mile.

For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, sixpence per ton per mile.

For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, sixpence per ton per mile.

For every carriage of whatever description, one shilling per mile.

Small Parcels.

For every parcel not exceeding seven pounds in weight, threepence for any distance;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight, fivepence for any distance;

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For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight, sevenpence for any distance;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence for any distance;

For any parcel exceeding fifty-six pounds in weight, such sums as the Promoters may think fit:

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

For the Carriage of Single Parcels of Great Weight.

For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weights of which, including the carriage, exceed four tons but do not exceed eight tons, such sum as the Promoters may think fit, not exceeding two shillings per ton per mile.

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

Regulations as to Tolls.

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

For a fraction of a ton the Promoters may demand and take tolls and charges according to the number of 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.

Rothesay.

ROTHESAY TRAMWAYS.

Order authorising the construction of Tramways in the Royal burgh and parish of Rothesay, and in the parish of North Bute, all in the county of Bute.

Short title.

1. This Order may be cited as "The Rothesay Tramways Order, 1880."

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect

to the entry upon lands by the Promoters of the undertaking), and of the Tramways Act, 1870, are hereby incorporated with this Order, except where the same are expressly varied by this Order.

Interpretation.

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

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

The term "person" shall include a corporation.

Promoters.

The Promoters.

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

Lands by agreement.

5. The Promoters may, by agreement, from time to time purchase and acquire, for the purposes of the undertaking, such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold for such purposes more than five acres of land.

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order, as the same have been amended before the making of this Order, the tramways herein-after described, with all proper rails, points, junctions, plates, offices, weigh-bridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are,—

(1.) A Tramway (No. 1) seven furlongs 0·60 chains or thereabouts in length (single line, except where the second lines Nos. 2, 3, and 4 will be made as herein-after mentioned), commencing in Guildford Square, Rothesay, at a point ten yards or thereabouts north-westwards from the north-west corner of Albert Place, passing thence through Guildford Square, thence along Victoria Street, Argyle Street, and Argyle Place, and into and along the Ardbeg Road, and terminating in the last-mentioned road at a point sixty-three yards or thereabouts south-eastward from the south-east corner of Rock Villa:

(2.) A Tramway or second line (No. 2) five chains in length, wholly in Victoria Street (forming a double line with that portion of Tramway No. 1 which will lie between the points of commencement and termination as herein-after described of Tramway No. 2), commencing and terminating by junctions with Tramway No. 1, the point of commencement being five chains or thereabouts, and the point of

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termination being ten chains or thereabouts, westward from the commencement, as above described, of Tramway No. 1:

(3.) A Tramway (No. 3) five chains in length (forming a double line with that portion of Tramway No. 1 which will lie between the points of commencement and termination as herein-after described of the said Tramway No. 3), commencing in Argyle Street by a junction with Tramway No. 1 at a point fifty-three yards or thereabouts south-eastwards from the south-east corner of Mackinlay Street, passing thence along Argyle Street and into and along Argyle Place, and terminating in Argyle Place by a junction with Tramway No. 1 at a point forty-five yards or thereabouts northward from the north-east corner of Mackinlay Street aforesaid:

(4.) A Tramway (No. 4) five chains in length, wholly in Ardbeg Road aforesaid (forming a double line with that portion of Tramway No. 1 which will lie between the points of commencement and termination as herein-after described of Tramway No. 4), commencing and terminating by junctions with Tramway No. 1, the point of commencement being about six and a half chains, and the point of termination being about one and a half chains, southward from the termination as above described of the said Tramway No. 1:

(5.) A Tramway (No. 5) 4·54 chains or thereabouts in length (single line), wholly in the Ardbeg Road, commencing by a junction with Tramway No. 1 at its point of termination as above described, and terminating at a point thirty-five yards or thereabouts north-eastward from the north-east corner of Rock Villa aforesaid:

(6.) A Tramway (No. 6) three furlongs 3·54 chains or thereabouts in length (single line, except where the second line No. 7 will be made as herein-after mentioned), wholly in the Ardbeg Road, commencing by a junction with Tramway No. 5 at its termination as above described, and terminating at a point eighty-five yards or thereabouts south-eastward from the junction of Ardmory Road with Ardbeg Road aforesaid:

(7.) A Tramway (No. 7) five chains or thereabouts in length (forming a double line with that portion of Tramway No. 6 which will be between the points of commencement and termination as herein-after described of the said Tramway No. 7), wholly in the Ardbeg Road, commencing and terminating by junctions with Tramway No. 6, the point of commencement being ten yards or thereabouts, and the point of termination being one hundred and fourteen yards or thereabouts, northward from the north-east corner of Greenhill Brae.

All the tramways above described will be wholly situate in the Royal burgh and parish of Rothesay in the county of Bute.

(8.) A Tramway (No. 8) one mile and 1·83 chains or thereabouts in length (single line, except where the second lines Nos. 9, 10, 11, 12, 13, and 14 will be made as herein-after mentioned), commencing in the Ardbeg Road, in the Royal burgh and parish of Rothesay aforesaid, by a junc-

tion with Tramway No. 6 at its termination as above described, passing thence along the Ardbeg Road and Port Bannatyne or Kamesburgh Road, in the parish of North Bute in the county of Bute, and terminating in the last-mentioned road at a point about seven and one half chains (measuring north-westwardly along the said road) from the southern end of the road leading to the Old Quay at Port Bannatyne, otherwise Kamesburgh:

(9.) A Tramway (No. 9) five chains in length, wholly in the Ardbeg Road, in the said Royal burgh and parish of Rothesay (forming a double line with that portion of Tramway No. 8 which will lie between the points of commencement and termination as herein-after described of the said Tramway No. 9), commencing and terminating by junctions with Tramway No. 8, the point of commencement being eighty yards or thereabouts, and the point of termination being one hundred and ninety yards or thereabouts, north westward from the junction of Ardmory Road with the Ardbeg Road:

(10.) A Tramway (No. 10) five chains in length, wholly in the Port Bannatyne or Kamesburgh Road (forming a double line with that portion of Tramway No. 8 which will lie between the points of commencement and termination as herein-after described of the said Tramway No. 10), commencing and terminating by junctions with Tramway No. 8, the point of commencement being thirty-five yards or thereabouts, and the point of termination one hundred and forty-five yards or thereabouts, north-westward from the centre of the bridge carrying the said Port Bannatyne or Kamesburgh Road over the Pointhouse Burn:

(11.) A Tramway (No. 11) five chains in length, wholly in the Port Bannatyne or Kamesburgh Road (forming a double line with that portion of Tramway No. 8 which will lie between the points of commencement and termination as herein-after described of the said Tramway No. 11), commencing and terminating by junctions with Tramway No. 8, the point of commencement being two hundred yards or thereabouts, and the point of termination being ninety yards or thereabouts, measuring along the said road eastwards and then south-eastwards from the milestone therein indicating two miles from Rothesay:

(12.) A Tramway (No. 12) five chains in length, wholly in the Port Bannatyne or Kamesburgh Road (forming a double line with that portion of Tramway No. 8 which will lie between the points of commencement and termination as herein-after described of Tramway No. 12), commencing and terminating by junctions with Tramway No. 8, the point of commencement being one hundred and forty-two yards or thereabouts, and the point of termination being two hundred and fifty-two yards or thereabouts, measured in a north-westwardly direction along the said road from the said milestone indicating two miles from Rothesay:

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(13.) A Tramway (No. 13) 3·18 chains in length, wholly in the Port Bannatyne or Kamesburgh Road (forming a double line with that portion of Tramway No. 8 which will lie between the points of commencement and termination as herein-after described of Tramway No. 13), commencing and terminating by junctions with Tramway No. 8, the point of commencement being twenty yards or thereabouts, and the point of termination being ninety yards or thereabouts, south-westward from the entrance gate in the said road to the Free Church Manse at Port Bannatyne, otherwise Kamesburgh:

(14.) A Tramway (No. 14) 3·18 chains in length, wholly in the Port Bannatyne or Kamesburgh Road (forming a double line with that portion of Tramway No. 8 which will lie between the points of commencement and termination as herein-after described of Tramway No. 14), commencing and terminating by junctions with Tramway No. 8, the point of commencement being five yards or thereabouts, and the point of termination being seventy-five yards or thereabouts, south-westward from the south end of the road leading to the Old Quay at Port Bannatyne, otherwise Kamesburgh.

The Tramways Nos. 10, 11, 12, 13, and 14 will be wholly in the parish of North Bute in the county of Bute.

Gauge of tramways.

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

Provisions as to construction of tramways.

8. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act.

Mode of formation of tramways.

9. The rails of the tramways shall be such as the Board of Trade may approve, and the Board of Trade may from time to time, upon the application of the road authority of any district in which the tramways or any portion thereof are or is situate, require the Promoters to adopt and apply such improvements in the tramways, 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, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject on complaint made to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made any such default as aforesaid, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade certify under the hand of a Secretary or an Assistant Secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are hereinbefore imposed in respect of offences.

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

11. 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.

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

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

Additional passing-places and sidings may be made where necessary.

13. 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, carriage-houses, sheds, or works of the Promoters, subject to the approval of the road authority: Provided that in the construction of any such works no rail shall be so laid that a less space

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than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if any owner or occupier of 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.

Temporary tramways may be made when necessary.

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

If any difference 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 temporary tramways, under the authority of this section, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Application of road materials excavated in construction of Promoters works.

15. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters, so far as may be necessary, in or towards the reinstating of such road, and the maintenance, for six months 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 notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus 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 their 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.

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

17. The Promoters shall, on demand, repay to every local or road authority all charges and expenses incurred by them for the laying out, supervision, and inspection of any work done or to be done by the Promoters in connexion with the tramways, or in consequence of the tramways being laid, and the local or road authorities, as the case may be, are hereby authorised to order such supervision and inspection of the works as they may deem proper.

Certain expenses of the local or road authorities to be paid by the Promoters.

Traffic upon Tramways.

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

Traffic upon tramways.

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

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

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

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

21. The Promoters shall be bound to run three cars each way every day during the year (except Sundays, on which day they shall not be entitled to run any cars without the consent of the local and road authorities in writing), and they shall be liable in the event of their making default to run three cars each way on any day except Sunday to pay a penalty not exceeding five pounds for such default: Provided always, that the Promoters shall not be liable to any such penalty if the discontinuance to work the tramways arises from any act of the local or road authorities, or their officers, or from accident, or any other circumstance over which the Promoters have no control.

Penalty for default of Promoters in working tramways, but tramways not to be worked on Sundays except with consent of local and road authorities.

Tolls.

22. 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 demand and take for any less distance than two miles any tolls or charges not exceeding twopence.

Tolls for passengers.

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

Passengers luggage.

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Cheap fares for labouring classes.

24. The Promoters, at all times after the opening of the tramways or any part or parts thereof for public traffic, shall and they are hereby required to run at least one car each way every morning in the week and every evening in the week (Sunday, Christmas Day, and Good Friday always excepted), at such hours in the morning and in the evening respectively as the local authority think most convenient for artizans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile, the Promoters, nevertheless, not being required to take any toll or charge less than one penny: Provided that in case of any complaint made to the Board of Trade of the hours appointed for the running of such car, the said Board shall have power to fix and regulate the same from time to time.

Tolls for animals, goods, &c.

25. The Promoters may demand and take in respect of any animals, goods, minerals, or parcels conveyed by them on the tramways, except as is by this Order specially provided, including the tolls and charges for the use of the tramways, and for waggons 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 therein contained.

Payment of tolls.

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

Periodical revision of tolls.

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

Miscellaneous.

Form and delivery of notices.

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

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

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

Agreement between Promoters and road authorities.

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

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

30. The Promoters or any person using the tramways under the authority of this Order on the one hand, and any other person on the other hand, may, with the consent of the Board of Trade, from time to time, but subject to the provisions of this Order, enter into agreements with respect to the receiving from or forwarding to any such other person any passengers, animals, goods, minerals, or parcels, and the fixing, collecting, and apportionment of tolls, charges, rents, or other receipts arising in respect of such traffic, upon such terms and conditions as may be agreed upon between the Promoters or such person and such other person.

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

31. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing, signed by a Secretary or an Assistant Secretary of the said Board.

Saving as to powers of borrowing on mortgage.

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

Saving for general Acts.

33. Notwithstanding anything in this Order contained, the Promoters and any person using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the pas-

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sengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls and charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

SCHEDULE.

TOLLS AND CHARGES FOR ANIMALS, GOODS, &c.

	Per Mile. s.	d.
Animals.		
For every horse, mule, or other beast of draught or burden, per head	0	6
For every ox, cow, bull, or head of cattle	0	6
For every calf, pig, sheep, or other small animal	0	3
Goods and Minerals.		
For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure and undressed materials for the repair of public roads or highways, per ton	0	3
For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slags, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, per ton	0	4
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton	0	6
For cotton and other wools, drugs and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton	0	6
For every carriage of whatever description, each	1	0

	Any Distance. s.	d.
Small Parcels.		
For any parcel not exceeding seven pounds in weight, each	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight, each	0	5

	Any Distance. s. d.
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight, each	0 7
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, each	0 9

For any parcel exceeding fifty-six pounds in weight such sums as the Promoters may think fit:

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

For the Carriage of Single Articles of Great Weight.

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

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

Regulation as to Tolls.

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

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

With respect to all articles, 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.

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Walsall.

WALSALL AND DISTRICT TRAMWAYS.

Order authorising the construction of Tramways in the borough of Walsall, in the county of Stafford.

Short title.

1. This Order may be cited for all purposes as "The Walsall and District Tramways Order, 1880."

Incorporation of Acts.

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

Interpretation.

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

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

The expression "the corporation" shall mean the mayor, aldermen, and burgesses of the borough of Walsall, in the county of Stafford, acting by the council:

The expression "the borough" shall mean the said borough of Walsall:

The term "person" shall include a corporation.

Promoters.

The Promoters.

4. Frederick Charles Winby, of No. 1, College Street, Nottingham, his executors, administrators, or assigns, shall be the Promoters for the purposes of this Order, and are herein referred to as "the Promoters."

Lands by agreement.

5. The Promoters may, by agreement, from time to time purchase and acquire for the purpose of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold for such purposes more than five acres of land.

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. 1, partly in double and partly in single line, commencing at The Pleck, in the Wednesbury Road, at the junction of that road with

the Darlaston Road, continuing in an easterly direction along Wednesbury Road to New Mills, and thence continuing in a generally north-easterly direction along the Wednesbury Road, Bradford Street, the Bridge, part of Bridge Street, and Lichfield Street, and terminating at the point where the borough boundary crosses Lichfield Street near the Mellish Road, the double and single portions of which tramway are as follows:

No. 1A.—A double line in Wednesbury Road, commencing at the commencement of Tramway No. 1, and terminating in Wednesbury Road at a point two chains from its commencement:

No. 1B.—A single line in Wednesbury Road, commencing at the termination of the last portion, and terminating at a point three chains south-west of the foot of the south-westerly approach to the bridge in course of construction over the South Staffordshire Railway:

No. 1C.—A double line in Wednesbury Road, commencing at the termination of the last portion, and terminating at the foot of the south-westerly approach to the said bridge:

No. 1D.—A single line in Wednesbury Road, commencing at the termination of the last portion, and terminating at a point a chain and a half south-west of the junction of Stank Lane with Wednesbury Road:

No. 1E.—A double line in Wednesbury Road, commencing at the termination of the last portion, and terminating at a point a chain and a half north of the last-mentioned junction:

No. 1F.—A single line in Wednesbury Road, commencing at the termination of the last portion, and terminating at a point a chain and a half south of the junction of Corporation Street with Wednesbury Road:

No. 1G.—A double line in Wednesbury Road, commencing at the termination of the last portion, and terminating at a point a chain and a half north of the last-mentioned junction:

No. 1H.—A single line in Wednesbury Road, commencing at the termination of the last portion, and terminating at a point two chains south of the junction of Vicarage Place with Bradford Street:

No. 1J.—A double line in Wednesbury Road and Bradford Street, commencing at the termination of the last portion, and terminating in Bradford Street at a point one chain north of the last-mentioned junction:

No. 1K.—A single line in Bradford Street and on the Bridge, commencing at the termination of the last portion, and terminating at the paved crossing from the George Hotel to Park Street:

No. 1L.—A double line on the Bridge, commencing at the termination of the last portion, and terminating at a point two chains north of the said crossing:

No. 1M.—A single line on the Bridge and in Bridge Street and Lichfield Street, commencing at the termination of the last portion, and terminating at a point a chain and a half south of the junction of Hatherton Street with Lichfield Street:

No. 1N.—A double line in Lichfield Street, commencing at the termination of the last portion, and terminating at a point a chain and a half north of the last-mentioned junction:

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No. 1O.—A single line in Lichfield Street, commencing at the termination of the last portion, and terminating at a point a chain and a half south of the junction of Denmark Road with Lichfield Street:

No. 1P.—A double line in Lichfield Street, commencing at the termination of the last portion, and terminating at a point a chain and a half north of the last-mentioned junction:

No. 1Q.—A single line in Lichfield Street, commencing at the termination of the last portion, and terminating at a point two chains south of the termination of Tramway No. 1:

No. 1R.—A double line in Lichfield Street, commencing at the termination of the last portion, and terminating at the termination of Tramway No. 1:

The length of Tramway No. 1 is 1 mile 7 furlongs and 2·40 chains, the total length of the double portions being 2 furlongs 4 chains, and the total length of the single portions being 1 mile 4 furlongs and 8·40 chains.

Tramway No. 2, partly in double and partly in single line, commencing by a junction with Tramway No. 1 at a point on the Bridge half a chain north of the paved crossing from the George Hotel to Park Street, and continuing from such point generally in a westerly direction along the Bridge and Park Street to Townsend Bank, and thence in a north-westerly direction along Townsend Bank, Stafford Street, Bloxwich Road, and High Street, Bloxwich, and terminating in High Street, Bloxwich, at the junction of that street with Station Street; the double and single portions of which tramway are as follows:—

No. 2A.—A single line on the Bridge and in Park Street, commencing at the commencement of Tramway No. 2, and terminating at a point three chains south of the Town Machine:

No. 2B.—A double line in Park Street and Stafford Street, commencing at the termination of the last portion, and terminating at the Town Machine:

No. 2C.—A single line in Stafford Street, commencing at the termination of the last portion, and terminating at a point a chain and a half south of the junction of Blue Lane West with Stafford Street:

No. 2D.—A double line in Stafford Street, commencing at the termination of the last portion, and terminating at a point a chain and a half north of the last-mentioned junction:

No. 2E.—A single line in Stafford Street, commencing at the termination of the last portion, and terminating at a point a chain and a half south of the junction of Hospital Street with Stafford Street:

No. 2F.—A double line in Stafford Street and Bloxwich Road, commencing at the termination of the last portion, and terminating at a point a chain and a half north of the last-mentioned junction:

No. 2G.—A single line in Bloxwich Road, commencing at the termination of the last portion, and terminating at the north end of the bridge crossing the Wolverhampton and Walsall Railway:

No. 2H.—A double line in Bloxwich Road, commencing at the termination of the last portion, and terminating at a point three chains north of the north end of the last-mentioned bridge:

No. 2L.—A single line in Bloxwich Road, commencing at the termination of the last portion, and terminating at a point six chains north of the centre of a bridge called Pratt's Bridge, over the canal:

No. 2J.—A double line in Bloxwich Road, commencing at the termination of the last portion, and terminating at a point three chains north of such last-mentioned point:

Nos. 2K, 2L, and 2M.—A single line in Bloxwich Road, commencing at the termination of the last portion, and terminating at a point a chain and a half south of the junction of Leamore and Harden Lane with the said Bloxwich Road:

No. 2N.—A double line in Bloxwich Road, commencing at the termination of the last portion, and terminating at a point a chain and a half north of the last-mentioned junction:

Nos. 2O, 2P, and 2Q.—A single line in Bloxwich Road, commencing at the termination of the last portion, and terminating at a point two chains and three-quarters south of the junction of Holly Lane with the said High Street, Bloxwich:

The length of Tramway No. 2 is 2 miles and 8·50 chains, the total length of the double portions being 1 furlong and 8 chains, and the total length of the single portions being 1 mile and 7·50 chains.

Tramway No. 3, a single line (two chains in length), commencing in Bradford Street by a junction with Tramway No. 1 at a point a chain and a half south of the paved crossing from the George Hotel to Park Street, and continuing along Bradford Street, the Bridge, and Park Street, and terminating in Park Street by a junction with Tramway No. 2 at a point on that tramway eight chains and a half south of the commencement of the portion No. 2B.

Protecting bridges over Birmingham canals.

7. Whensoever any tramway by this Order authorised shall be constructed upon any bridge carrying a road over a canal of the Company of Proprietors of the Birmingham Canal Navigations (herein-after called "the Canal Company") the following provisions shall apply:

a. The Promoters shall give fourteen days notice in writing to the Canal Company of the intention to commence any works which affect or in anywise interfere with the structural works of any such bridge, and shall at the same time send sufficient specifications or other information to show the nature of such works; and such works shall be constructed to the reasonable satisfaction of the Canal Company, and so as not in any way to interfere with the traffic to, from, or upon the canal or the towing-paths or towing-path thereof:

b. No locomotive engine having flange wheels or other wheels suitable only to run on the rails of the tramways shall at any time be driven over such bridge without the previous consent in writing of the Canal Company under their common seal, but such consent shall not be arbitrarily withheld:

c. Any additional expense in the maintenance of such bridge, or of the roadway on or over the same, or of the approaches thereto, occasioned by

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the construction, use, or maintenance of the tramways shall be borne by the Promoters.

Saving rights of Birmingham Canal Company to open roads, &c.

8. Nothing in this Order shall take away or abridge any power vested in the Canal Company to open or break up any road along or across which any of the tramways is laid, or any power vested in the Canal Company for the purpose of erecting, constructing, raising, lowering, repairing, altering, rebuilding, or removing any bridge or any approach thereto or otherwise; and the exercise of such power shall be subject to the following provisions; (that is to say,)

a. The Canal Company shall cause as little detriment or inconvenience to the Promoters as circumstances admit;

b. Any alteration of the tramways upon such bridge and the works connected therewith that may be necessary shall be made by and at the expense of the Promoters, who shall also at the like expense replace and make good the same;

c. Before the Canal Company shall commence any work whereby the traffic on the tramway will be interrupted they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the Promoters notice of the intention of the Canal Company to commence such work, specifying the time at which they will begin to do so, such notice to be given three days at least before the commencement of the work;

d. The Canal Company shall not be liable to pay to the Promoters any compensation for injury done to the tramways or any works connected therewith by the execution by the Canal Company of any such work as aforesaid, or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers so vested in them as aforesaid;

e. Whenever, for the purpose of enabling them to execute such work, the Canal Company shall so require, the Promoters shall either stop the traffic on the tramways to which the notice shall refer where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of such work there: Provided that such work shall always be completed by the Canal Company with all reasonable expedition;

f. The Canal Company shall not execute such work, so far as it immediately affects the tramways, except under the superintendence of the Promoters, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of such work or discontinue the superintendence during the progress of such work;

g. Any additional expense imposed upon the Canal Company by reason of the existence of the tramways or any of the works connected therewith shall be borne by the Promoters.

Difference between the Promoters and Birmingham Canal Company.

9. If any difference arise between the Promoters and the Canal Company with respect to any interference or control exercised or claimed to be exercised by the Promoters or on their behalf, or by the Canal Company or on their behalf, by virtue of this Order, in relation to any of the tramways or works connected therewith, or in relation to any work or proceeding of the Canal Company, or with respect to the propriety of or the mode of execution of any

work relating to any of the tramways, or with respect to the amount of any compensation to be made by or to the Promoters, or on the question whether any work relating to any of the tramways is such as ought reasonably to satisfy the Canal Company, or with respect to the consent of the Canal Company to the use of locomotive engines on any such bridge as aforesaid being arbitrarily withheld, or with respect to any other subject or thing regulated by or comprised in this Order, the matter in difference shall (unless the parties agree upon some other reference) be settled by an engineer or other fit person nominated as referee by the Board of Trade, on the application of the Promoters or of the Canal Company; and the expenses of the reference shall be borne and paid as the referee directs.

Rights of the Canal Company under their Acts not to be interfered with.

10. Except as is expressly mentioned in this Order, nothing in this Order contained shall extend to prejudice, diminish, alter, or take away any of the rights, privileges, powers, or authorities vested in the Canal Company in and by all or any of the several Acts of Parliament now in force relating to their canals.

Rights of the CanalCompany under the Act of 1870 and this Order not to be interfered with.

11. Notwithstanding the special provisions herein-before contained for their protection and benefit, the Canal Company shall be entitled to the protection and benefit of every provision for the protection and benefit of canal companies or proprietors of canals contained in the Tramways Act, 1870, and in this Order, or either of them.

For protection of the Midland Railway Company.

12. In constructing and maintaining the tramway where it crosses the bridge carrying the Bloxwich Road over the Wolverhampton and Walsall Railway of the Midland Railway Company the Promoters shall be subject to the following conditions:

The said tramway crossing the said bridge shall be constructed and maintained along the centre of the roadway;

The Promoters shall not in any way alter or interfere with the structure of the said bridge or of the approaches thereto, and they shall so construct and maintain the said tramway over the said bridge and the approaches as not injuriously to affect the same;

In the event of any injury being caused to the said bridge and approaches by the construction, maintenance, repairing, user, or removal of the said tramway, the Midland 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 indemnify the Midland Railway Company against all sums, costs, and expenses which they may pay or be put to in repairing and maintaining so much of the road over 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 the Midland Railway Company may recover from the Promoters all such sums, costs, and expenses, with full costs and charges, by all and the same means as any simple contract debt may be recovered.

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

13. For the protection of the London and North-western Railway Company the Promoters shall observe, perform, and comply with the following provisions; namely,—

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1. In constructing the Tramway No. 1 (portion D) where it will pass along the roadway of the bridge carrying the Wednesbury Road at New Mills over the South Staffordshire Railway of the London and North-western Railway Company (in this section referred to as the Company), the Tramway No. 2 (portion 2A) where it will pass along the roadway of the bridge over that railway at Park Street, and the said Tramway No. 2 (portion 2K) where it will pass along the roadway of the bridge over the Cannock branch of the same railway at Bloxwich Road, the Promoters shall not alter or interfere with the structure of those respective bridges or of the approaches thereto (the expressions "bridges" and "approaches," wherever occurring in this section, meaning the said bridges and approaches as the same respectively now are or as they may be hereafter widened or otherwise altered), and they shall so construct and maintain the said tramways as not to injuriously affect the stability of the said bridges and approaches; and in the event of any injury being occasioned to the said respective bridges or approaches or to any part or parts thereof by the construction of the said tramways on or over the same (and whether occurring during or after construction or in effecting their maintenance), or in or by the working or the user thereof, the Company may, at the expense of the Promoters, restore the said bridges and approaches or such of them or such 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 the Company against all sums, costs, and expenses which they may pay or be put to in maintaining and repairing so much of the roads over the said respective bridges and approaches as the Promoters are liable to maintain and repair under section twenty-eight of the Tramways Act, 1870; and the Company may recover from the Promoters all such sums, costs, and expenses as are in this subsection mentioned, as also any their expenditure in restoring the said bridges and approaches aforesaid, with full costs, by all and the same means as any simple contract debt may be recovered:

2. The said Tramway No. 2 (portion 2A) shall for the length of Park Street be constructed and maintained in the centre of the street as a single line only, without any additional crossings, passing-places, sidings, junctions, or other works:

3. The Promoters shall, after they shall have commenced the construction of the said Tramway No. 2 (portion 2A) in Park Street, proceed with and complete the same along the length of that street with all due despatch, and so that the passage of traffic to and from the Walsall station of the Company be not impeded or obstructed:

4. Whenever and so often as the Company shall require to widen, lengthen, strengthen, alter, or repair the said respective bridges and approaches, and to widen or alter their said railways where the same respectively will pass under the said bridges, and they shall find it necessary for effecting such purposes that the working and user of the said respective Tramways

No. 1 (portion 1D), No. 2 (portions 2A and 2K), over the said bridges and approaches shall be wholly or partly stopped or delayed, and shall give to the Promoters one clear day's notice in writing requiring such stoppage or delay, the working and user of the said respective tramways shall be stopped or delayed accordingly, but only for so long as the Company may find to be absolutely necessary for effecting such purposes, and without their being liable for any compensation claims, demands, damages, costs, or expenses for or in respect of such stoppage or delay, or in any way relating thereto:

5. Nothing contained in this Order shall prejudice, lessen, take away, or interfere with the lands, property, rights, powers, and privileges of the Company otherwise than is herein expressly provided.

For protection of the justices of the peace for the county of Stafford.

14. In the construction of the tramways upon any bridge or any part of the road at either end thereof under the jurisdiction of the justices of the peace for the county of Stafford 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 or 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 said 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 reccup to and indemnify the said justices against all sums, costs, and expenses which they may 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 said 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.

Gauge of tramways.

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

Mode of construction.

16. Each line of tramway shall consist of a single pair of grooved rails, and shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road, without loose or moveable points (except with the consent of the Corporation), and in such other manner as regards construction, rails, sleepers, fastenings, width of groove, foundations, and in all other respects, as the Corporation, with the consent of the Board of Trade, may approve; and in laying down the tramways the Promoters shall restore the level of the roads and streets in all cases where the same are altered or disturbed.

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Provisions as to construction of tramways.

17. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein; and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act.

As to improvements in tramways.

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

Paving and repair of roads.

19. In constructing the tramways, the Promoters shall pave with sets of a paving material (other than wood), and of a quality and size, not less than five inches in depth, to be from time to time prescribed by the Corporation, so much of the roads in which the tramways are to be laid down as is between the rails, and for a distance of one foot six inches measured from the outside of each rail in the direction of the kerb, and shall at all times maintain and keep in good condition and repair such part of the roads so paved to the reasonable satisfaction of the Corporation or their surveyor: Provided always, that the Corporation and the Promoters may at any time by agreement vary, alter, or repeal the obligation herein contained:

If at any time any such part of the roads in which the tramways are to be laid down as is herein-before ordered to be maintained and kept in good condition and repair by the Promoters shall, in the judgment of the Corporation, be not maintained and kept in such good condition and repair, and shall so remain out of good condition and repair for the space of seven days after notice given by the Corporation to the Promoters, then it shall be lawful for the Corporation to repair and amend the same, and to recover the cost incurred by them in so doing from the Promoters in a court of summary jurisdiction under the Summary Jurisdiction Acts in the same way as if such cost had been a penalty incurred by the Promoters; and it shall be lawful for the Corporation to stop the traffic along the tramways where the said road shall be out of good condition and repair until such road shall have been put into good condition and repair.

Penalty for not maintaining rails and road in good condition.

20. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the

rails of which any of the tramways for the time being consist and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, as amended by this Order, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues; and such penalty may be recovered as by section fifty-six of the said Act is provided.

In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made any such default as aforesaid, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade certify under the hand of a secretary or an assistant secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are herein-before imposed with respect to offences.

Superintendence and approval of Corporation extended.

21. So much of section twenty-six of the Tramways Act, 1870, as provides that the Promoters shall not do certain things therein mentioned except under the superintendence and to the reasonable satisfaction of the road authority, unless that authority refuse and neglect to give such superintendence at the time specified in the notice or discontinue the same during the works, and that the Promoters shall pay all reasonable expenses to which the road authority is put on account of such superintendence, shall extend and apply also to the works in the twenty-seventh and twenty-eighth sections of the said Act mentioned, and to all other works of every description affecting any road, sewer, or other works or property of or under the control or jurisdiction of the Corporation.

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

22. 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.

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

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

Additional crossings, &c. may be made

24. The Promoters may from time to time hereafter make all such crossings, passing-places, sidings, junctions, and other works, in addition to those par-

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where necessary.

ticularly 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, carriage-houses, sheds, or works of the Promoters, subject to the approval of the road authority: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if any owner or occupier of 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: Provided that the Promoters shall, when required by the road authority by notice in writing, take up and remove any crossing, passing-place, siding, or junction, and substitute therefor another crossing, passing-place, siding, or junction upon a site indicated in such notice; but the Promoters shall not be required to comply with any such requisition unless the substituted site shall be in such a position as to enable the Promoters properly to work the tramways, and so that more than nine feet six inches shall intervene between the outside of the footpath and the nearest rail of the crossing, passing-place, siding, or junction proposed to be laid in such substituted site, unless in the latter case the road authority shall procure the consent of two-thirds of the owners and occupiers of the houses, shops, and warehouses abutting upon that part of the road where such distance does not intervene.

Temporary tramways may be made when necessary.

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

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

Application of road materials excavated in construction of Promoters works.

26. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority (but only if and so far as the road authority may deem them satisfactory and proper) 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 such road authority 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, and at such place or places within the borough (at a not greater distance than half a mile) as such surveyor may appoint: Provided, that if within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus 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.

Breaking up streets by Corporation.

27. Nothing in this Order contained shall obstruct, hinder, prejudice, or prevent the Corporation from breaking up any street or road for the purpose of laying down, cleansing, or repairing sewers, drains, pipes, or for any other purpose for which they are authorised to break up any street within the borough, and for that purpose of stopping the traffic along the tramways respectively; and any extra cost incurred by the Corporation in so doing and in restoring the surface of any street and any of the tramways by reason of such tramways being laid down shall be borne by the Promoters, and paid by them to the Corporation, and in default of such payment shall be recoverable in a court of summary jurisdiction under the Summary Jurisdiction Acts in the same way as if such cost had been a penalty incurred by the Promoters.

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

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

Motive Power.

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

29. The carriages used on the tramways may, subject to the provisions of this Order, be moved by animal power, and with the consent in writing of the Corporation during a period of seven years after the opening of the same for public traffic, and with such consent and the approval of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board, by steam power or any mechanical power:

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

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this Order conferred with respect to the use of steam or any mechanical power on the tramways.

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

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

Byelaws.

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

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

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

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

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

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

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

As to recovery of penalties.

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

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non-observance of any byelaw made by the Board of Trade under the authority of this Order.

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

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

Orders and byelaws to be signed, &c.

34. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board of Trade, and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order.

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

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

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

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

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

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

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

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

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

Traffic upon Tramways.

Traffic upon tramways.

37. The tramways may be used for the purpose of conveying passengers, and with the consent of the Corporation for the purpose of conveying animals, goods, minerals, and parcels.

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

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

Carriages.

39. The carriages to be used on the tramways shall, subject to the provisions of the Tramways Act, 1870, and this Order, be of such width and construction, and the wheels of the carriages shall be of such construction, form, and dimensions, as may from time to time be approved by the Corporation in writing, certified under the hand of their town clerk; and it shall not be lawful for the Promoters to use on any of the tramways any carriage or wheel in contravention of the foregoing provisions.

Corporation may suspend tramway traffic.

40. The Corporation may from time to time, by notice in writing to the Promoters, for the purpose of regulating and facilitating the traffic on market and fair days, for police or watch purposes, for the execution of any works by the Corporation or any water company, or for any other purpose which the Corporation, having regard to the good government of the borough or the safety of the public, deem necessary, stop, delay, and suspend the working of the tramways or any of them, but so that such stoppage, delay, or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid or any of them, and the Promoters shall not be entitled to claim any compensation for damages in respect thereof.

As to running of carriages.

41. The Promoters at all times after the opening for public traffic of Tramway No. 1 and Tramway No. 2 shall and they are hereby required to run carriages at least twelve times each way along the said tramways at suitable intervals between six o'clock in the morning and ten o'clock at night on each working day, but the Corporation may from time to time, and for such time as they may think fit, authorise the Promoters to run carriages along the said tramways a less number of times; and in all cases one carriage only shall be run at a time, unless with the consent of the Corporation: 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 carriages along Tramway No. 1 and Tramway No. 2, the said Board shall have power to fix and regulate the same from time to time.

Tolls.

Tolls for passengers.

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

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Passengers luggage.

43. 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.

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

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

Payment of tolls.

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

Periodical revision of tolls.

47. If at any time after three years from the opening for public traffic of any of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of such tramways are or is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, or by the Promoters, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870; and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of

Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

Miscellaneous.

Provisions as to arbitration.

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

Form and delivery of notices.

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

(1.) Every notice shall be in writing or print, or partly in writing and partly in print, and if given by 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.

50. 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.

Promoters to do as little damage as possible.

51. In the exercise of the powers conferred on the Promoters by this Order they shall do as little damage as may be, and shall make compensation to the Corporation for all damage sustained by the Corporation by reason or in consequence of the exercise of those powers or any of them.

Costs of Corporation.

52. All costs and expenses incurred by the Corporation in connexion with or incident to the arrangement between the Promoters and the Corporation in relation to this Order, and in relation to the obtaining of this Order and the passing of the Act confirming the same, but not exceeding in the whole twenty-five pounds, shall be paid by the Promoters within three months after the passing of the Act confirming this Order.

Byelaws.

53. The powers of the Corporation under the Tramways Act, 1870, with respect to the making of regulations and byelaws as to the matters and for the purposes therein mentioned, and to repeal or alter such byelaws and make new byelaws, shall extend and apply to the following matters and purposes; namely,—

(1.) Prohibiting the stopping of carriages to take up and set down passengers or for any other purpose, and the entry or leaving of any carriage in

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any place which the Corporation, having regard to the protection, safety, or convenience of the public, may from time to time deem necessary;

(2.) Empowering the Corporation to cause to be removed from the tramways any carriage or horse which shall be certified by an officer appointed by the Corporation to be unfit for use on the tramways; and

(3.) Prescribing, from time to time, the break power to be applied to the carriages used on the tramways, and whether carriages shall be used on the tramways singly and not in connexion with or attached to any other carriage or otherwise;

Authentication of byelaws.

54. The Board of Trade shall be and they are hereby authorised to approve of byelaws made under the authority of section forty-six of the Tramways Act, 1870, and of this Order, with respect to the undertaking authorised by this Order, and no such byelaw made after the passing of the Act confirming this Order shall have any force or effect unless the same shall have been so approved; and the production of a written or printed copy of any such byelaw, signed by a secretary or an assistant secretary of the Board of Trade, shall be primâ facie evidence of such byelaw in all courts of justice and in all legal proceedings.

Power of Corporation to purchase.

55. If at any time after the expiration of twelve and before the expiration of twenty-one years from the passing of the Act confirming this Order the Corporation are authorised to acquire the undertaking, the Promoters shall, if required by the Corporation by notice in writing addressed to the Promoters, sell and convey the undertaking to the Corporation; and the amount of purchase money to be paid by the Corporation to the Promoters shall, in case of difference, be settled and determined by an engineer or other fit person, nominated as referee by the Board of Trade, on the application of either party, and the expense of the reference shall be borne and paid as the referee shall direct; and the Corporation may pay the purchase money, and all expenses incurred by them in relation to such purchase, out of the local rate, and shall have the like powers to borrow on the same security, as if such purchase money and expenses were expenses incurred by them in applying for and obtaining a Provisional Order under the Tramways Act, 1870, and in carrying into effect the purposes of such Provisional Order. The powers hereinbefore conferred shall be in addition to the powers of purchase conferred by the last-mentioned Act.

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

56. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing, signed by a secretary or an assistant secretary of the said Board.

Saving as to powers of borrowing on mortgage.

57. Nothing in this Order or in the Tramways Act, 1870, contained shall prevent the Promoters borrowing money on the security of mortgages of the undertaking, or shall make the consent or the approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money

which may be paid to the Promoters in the event of a compulsory sale of the undertaking, or any part thereof, to the local authority under section forty-three of the Tramways Act, 1870, or under this Order, and that every mortgage deed granted by the Promoters shall be endorsed with notice that such mortgage will not be a charge upon the undertaking, or any part thereof, in the event of the undertaking or such part being purchased by the local authority under section forty-three of the Tramways Act, 1870, or under this Order.

Saving for general Acts.

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

SCHEDULE A.

Break power of engines.

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

As to fittings of engines, &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

As to carriages.

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

Inspection engines and carriages.

The Board of Trade shall on the application of the local authority, and may on complaint made by any person, from time to time inspect any engine or

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carriage used on the tramways and the machinery therein, and may whenever they think fit prohibit the use on the tramways of any such engine or carriage which in their opinion may not be safe for use on the tramways.

As to speed.

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

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

SCHEDULE B.

Tolls and Charges for Animals, Goods, &c.

Animals.

	Per Mile. s.	d.
For every horse, mule, or other beast of draught or burden - -	0	3
For every ox, cow, bull, or head of cattle - - - -	0	3
For every calf, pig, sheep, or small animal - - - -	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 com post, 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 but not exceeding fourteen pounds in weight - - - - - - - - -	0	5
For any parcel exceeding fourteen but not exceeding twenty-eight pounds in weight - - - - - - - -	0	7

Any Distance.	s.	d.
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.

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, 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.

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WALTON-ON-THE-HILL TRAMWAYS.

Order authorising the Local Board for the district of Walton-on-the-Hill, in the county of Lancaster, to construct tramways in the said district.

Short title.

1. This Order may be cited as "The Walton-on-the-Hill Tramways Order, 1880."

Incorporation of Acts.

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

Interpretation.

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

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

The expression "the Local Board" shall mean the Local Board for the district of Walton-on-the-Hill, in the county of Lancaster;

The expression "the district" shall mean the district of the Local Board; and

The term "person" shall include a corporation.

Promoters.

The Promoters.

4. The Local Board shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may, by agreement, from time to time purchase and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes; provided that they shall not at any time hold for such purposes more than two acres of land 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, weighbridges, stables, carriage houses, warehouses, works, and conveniences connected therewith or for the purposes thereof.

The tramways authorised by this Order are—

Tramway No. 1, partly in double and partly in single line, commencing in Walton Road, otherwise called Rice Lane, by a junction with the existing tram-

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ways of the Liverpool United Tramways and Omnibus Company, at the boundary of the townships of Kirkdale and Walton-on-the-Hill, thence passing along the following streets, Walton Road, and the Liverpool and Ormskirk and Preston Road, otherwise known in different parts as Rice Lane and Walton Vale, to its termination at a point 4·05 chains or thereabouts south-west of the Black Bull Inn, by a junction with Tramways No. 2 and No. 3, herein-after described.

The double and single portions of the said tramway No. 1 are as follows:

1A.—A double line 5 furlongs 2·40 chains in length, commencing at the commencement of Tramway No. 1, and thence passing along and terminating in Rice Lane at a point 0·85 chains north of the centre of Breeze Hill;

1B.—A single line, 2·27 chains in length, commencing at the termination of the last portion, and terminating in Rice Lane at a point 3·12 chains north of the centre of Breeze Hill;

1C.—A double line, 5 furlongs 1·03 chains in length, commencing at the termination of the last portion, and terminating in Rice Lane opposite the north side of the south entrance to Walton Park;

1D.—A single line, 7·35 chains in length, commencing at the termination of the last portion, and terminating in Rice Lane at a point four chains south of the centre of the bridge over the Lancashire and Yorkshire Railway at Preston Road station;

1E.—A double line, 4 furlongs 0·95 chains in length, commencing at the termination of the last portion, thence running into and along that portion of the Liverpool Ormskirk and Preston Road known as Walton Vale, and terminating at the termination of Tramway No. 1.

The length of Tramway No. 1 is 1 mile 7 furlongs and 4 chains, the total length of the double portions being 1 mile 6 furlongs 4·38 chains, and the total length of the single portions being 9·62 chains.

Tramway No. 2, a double line 4 furlongs 6·90 chains in length, commencing in that part of the Liverpool Ormskirk and Preston Road called Walton Vale, by a junction with Tramway No. 1 at the termination thereof, thence passing into and along that part of the same road called Warbreck Moor to its termination at the boundary between the townships of Walton-on-the-Hill and Netherton.

Tramway No. 3, a double line 5 furlongs 2·80 chains in length, commencing in that part of the Liverpool Ormskirk and Preston Road called Walton Vale, by a junction with Tramway No. 1 at the termination thereof, thence passing into, along, and terminating in Longmoor Lane at the boundary between the townships of Walton-on-the-Hill and Fazakerley.

As to purchase of portion of tramways of Liverpool United Tramways and Omnibus Company.

7. The Liverpool United Tramways and Omnibus Company shall, within one year from the passing of the Act confirming this Order, sell to the Promoters, and the Promoters shall purchase, such part of the tramways of the said Company as have been previously to the passing of the Act confirming this Order constructed within the district, at such price as may be agreed upon between the said Company and the Promoters, or, in default of agreement, as may be determined by arbitration in manner pro-

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vided by the Railway Companies Arbitration Act, 1859, and any Act amending the same, with respect to the settlement of differences by two or more railway companies; and the provisions of the said Acts shall apply, mutatis mutandis, to such arbitration as if the said Company and the Promoters were railway companies, and as if the said tramways were railways; and from and after such sale such part of the said tramways so purchased shall be deemed to form part of the tramways authorised by this Order, and all the provisions of this Order shall apply thereto as if the same had been authorised by this Order.

Promoters to make junctions with tramways of Liverpool United Tramways and Omnibus Company.

8. The Promoters shall make, subject to the provisions of this Order, a junction connecting the tramways authorised by this Order with the tramways of the Liverpool United Tramways and Omnibus Company, as the same have been previously to the passing of the Act confirming this Order constructed within the district, in accordance with such plan and in such manner as may be approved by the Board of Trade in writing under the hand of a secretary or an assistant secretary of the said Board.

For the protection of the London and North-western Railway Company, the Lancashire and Yorkshire Railway Company, and the Cheshire Lines Committee.

9. For the protection of the London and North-western Railway Company, the Lancashire and Yorkshire Railway Company, and the Cheshire Lines Committee, the following provisions shall apply and have effect:

In constructing the tramways across the bridge of the London and North-western Railway Company over the Bootle branch of the said railway company, and across the bridge of the Lancashire and Yorkshire Railway Company, carrying Rice Lane or Walton Road over the railway of the said last-mentioned Company, and across the bridge of the Cheshire Lines Committee, carrying Rice Lane over the railway of the said Committee, the Promoters shall not alter or interfere with the construction of the said bridges respectively or of the approaches thereto, and they shall so construct and maintain the said tramways as not to injuriously affect the stability of the said bridges respectively and the approaches thereto; and in the event of any injury being occasioned to any of the said bridges or the approaches thereto, or any part or parts thereof, by the construction of the tramways on or over the same (whether such injury shall occur either during or after the construction or in effecting the maintenance of the tramways), or in or by the working or user thereof, the company or committee owning such bridge may, at the expense of the Promoters, restore such bridge and the approaches thereto, or the part or parts thereof which may be injured, to as good a state and condition as they respectively were in before such injury was occasioned; and the Promoters shall recoup to and indemnify such company or committee against all sums, costs, and expenses which they may pay or be put to in maintaining and repairing so much of the road over such bridge and the approaches thereto as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870, and such company or committee may recover from the Promoters all such sums, costs, and expenses, as also any moneys expended by such company or committee in restoring such bridge and the approaches thereto as aforesaid, together with full costs and charges, by all and the same means as any simple contract debt is recoverable:

In case steam or any mechanical power shall be used on any of the tramways laid on any of the said bridges, and thereupon, or at any time or times thereafter, it shall, in the opinion of the engineers of the company or committee owning such bridge and of the Promoters (or, in case of difference, of an engineer appointed by the Board of Trade), become necessary by reason of such user to strengthen the fabric of such bridge for the purpose of more safely bearing the additional weight which will thereby be imposed thereon, such company or committee may execute such works as the said engineers or engineer may deem neccssary for strengthening such bridge accordingly, but in all things at the expense of the Promoters, and such company or committee may recover from the Promoters in manner aforesaid all moneys expended by such company or committee in the execution of such works as aforesaid, together with full costs; and if such company or committee shall find it necessary for effecting such strengthening that the working and use of the tramways over such bridge and the approaches thereto shall be wholly or in part stopped or delayed, and shall give to the Promoters three clear days notice in writing requiring such stoppage or delay, the working and user of such tramways shall be stopped or delayed accordingly, but only for so long as such company or committee may find to be absolutely necessary for effecting such strengthening, and such company or committee shall not be liable for any compensation, claims, demands, damages, costs, or expenses for or in respect of such stoppage or delay.

Provisions as to construction of tramways.

10. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall, before they proceed to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein; and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways or part of any of the tramways respectively, except for the purposes of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement.

Rails to be such as Board of Trade may approve.

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

Penalty for not maintaining rails and road in good condition.

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

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In any case in which it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the district that the Promoters have made any such default as aforesaid, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade certify under the hand of a secretary or an assistant secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are herein-before imposed in respect of offences.

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

13. 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.

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

14. 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-houses, sheds, or works of the Promoters or their lessees or licensees: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of 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.

Temporary tramways may be made when necessary.

15. 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 construct in the same or any adjacent road, and maintain so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Application of road materials excavated in construction of works.

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

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

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

secretary or an assistant secretary of the said Board, authorised the same to be opened for such traffic.

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Motive Power.

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

18. The carriages used on the tramways may, subject to the provisions of this Order, be moved by animal power, and when and so long as a single line of tramways has been laid down and maintained, in such situation and manner as the Board of Trade shall approve in lieu of the double line of tramways by this Order authorised, in all places in which the road is of less width between the kerbs than thirty-two feet, the carriages used on the tramways may, subject to the provisions of this Order, and during a period of seven years after the opening of the same for public traffic, and with the consent of the Board of Trade, during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board, be moved by steam power or any mechanical power: Provided always, that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical powers shall be subject to the regulations set forth in the Schedule A. to this Order annexed, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time, as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam or any mechanical power on the tramways.

As to use of steam or mechanical power by lessees.

19. The lessees under any lease granted by the Promoters shall not use steam or any mechanical power on the tramways, or any part thereof, unless they are authorised to do so by special permission in such lease; and the Promoters may, with the consent of the Board of Trade and subject to the provisions of this Order, attach to such special permission such conditions and restrictions as they may think fit.

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

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

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the same, unless with the authority of the Board of Trade; and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

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

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

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

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

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

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

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

As to recovery of penalties.

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

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

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

Orders and byelaws to be signed, &c.

24. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board of Trade, and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order.

Traffic upon Tramways.

Traffic upon tramways.

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

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Lessees, &c. not bound to carry animals, goods, &c.

26. The lessees or licensees 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.

Heavy traffic not to be carried between eight a.m. and eight p.m.

27. Only passengers and passengers luggage not exceeding sixty-six pounds in weight, and no animals, goods, minerals, or parcels, shall be conveyed on the tramways between the hours of eight in the morning and eight in the evening without the previous consent of the Local Board.

Provisions as to carriage of animals, goods, &c.

28. In case the lessees carry animals, goods, minerals, or parcels, they may, and when required by the Local Board 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.

Local Board may use tramways for sanitary purposes.

29. The Local Board may, at such times and in such manner as they think fit (but subject to the provisions of this Order and to any 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 any works of the Local Board, free of all tolls and charges in respect of such use.

Tolls.

Tolls and charges.

30. 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 two miles any sum not exceeding twopence may be charged:

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 B. 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 demanded and taken for the use of the tramways, carriages, waggons, or trucks, and for motive power, and for every other expense incidental to such conveyance.

Passengers luggage.

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

Cheap fares for labouring classes.

32. The lessees shall at all times during the continuance of the demise of the tramways 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 Local Board think most convenient for artisans, mechanics, and daily labourers, at tolls or charges not exceeding one half-

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penny per mile (and for this purpose a fraction of a mile shall be deemed a mile), but the lessees shall not be 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 as to the number of such carriages or as to the hours appointed by the Local Board for the running of such carriages, the Board of Trade shall have power to fix and regulate the same from time to time. Every lease granted by the Promoters shall imply a condition of re-entry if the lessees, at any time after the expiration of twenty-one days notice requiring them to run carriages at such times and at such tolls or charges as herein-before mentioned, make default in complying with such notice, unless such default be occasioned by unavoidable accident.

Payment of tolls.

33. 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 and take such tolls and charges may by notice to be annexed to the list of tolls and charges appoint.

Periodical revision of tolls.

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

Opening of Tramways to the Public.

As to user of tramways and tolls thereon when open to be used by the public.

35. Subject to any lease or agreement for a lease, 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 and subject to such conditions and restrictions as to motive power and otherwise as the Promoters may, subject to the provisions of this Order and the approval of the Board of Trade, think fit, and such user may be either concurrently with the lessees or otherwise; and so soon as the Promoters have passed such resolution, and the same has been approved by the Board of Trade by writing, signed by a secretary or an assistant secretary to the said Board, any person may use the

tramways, or any part thereof, in accordance with the terms of such resolution and the provisions of this Order, 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.

Tolls if tramways open to be used by the public.

36. 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 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, any tolls or charges not exceeding one half of the tolls and charges by this Order authorised to be demanded and taken by such person for such passenger;

For any animals, goods, minerals, and parcels conveyed in or upon the carriages of such person, any tolls or charges not exceeding one half of the tolls and charges specified in the Schedule B. to this Order 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, 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.

37. Any person 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 in or upon which any passengers, animals, goods, minerals, or parcels are conveyed upon the tramways or such part thereof.

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

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

Section 36. (In default of payment of tolls, licensees 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 any animals, goods, minerals, and parcels;

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

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

Carriages or horses unfit for use may be removed.

40. The Promoters may cause to be removed from the tramways any carriage or horse which is certified by an officer appointed by the Promoters to be unfit for use upon the tramways: Provided that every certificate made by the said officer to the Promoters shall be in writing and shall state fully the particulars in which, in the opinion of the said officer, the carriage or horse (as the case may be) is unfit for use; and notice of every such certificate, setting forth the particulars contained in the said certificate, shall be served upon the lessee or other person owning or using such carriage or horse prior to any action being taken thereon by the Promoters: Provided further, that if any dispute arise between the Promoters and such lessee or other person as to the fitness or unfitness of any such carriage or horse, the same shall be settled by two justices.

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

41. Any lessees or licensees on the one hand, and any person on the other hand, may, with the consent of the Board of Trade, from time to time, but subject to the provisions of this Order, enter into agreements with respect to the receiving from or forwarding to any such person any passengers, animals, goods, minerals, or parcels, and the fixing, collecting, and apportionment of tolls, charges, rents, or other receipts arising from the tramways, upon such terms and conditions as may be agreed upon between such lessee or licensee and such person, subject, nevertheless, to the control and supervision of the Promoters.

Form and delivery of notices.

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

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

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43. The Local Board may, under and according to the provisions contained in section twenty of the Tramways Act, 1870, borrow for the purpose of this Order, in addition to any sum or sums of money they are already authorised to borrow, any sum or sums of money, not exceeding thirty-five thousand pounds, and the time for which such sum of thirty-five thousand pounds may be borrowed shall be thirty years; and for the purpose of such borrowing the Local Board may include in any mortgage of the local rate the moneys coming to them out of the rents reserved under any lease made under the authority of this Order and the tolls, charges, and sums authorised to be taken or received by them under the provisions of this Order.

The Local Board may borrow 35,000*l.*, to be repaid in 30 years.

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

Saving for general Acts.

SCHEDULE A.

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

Break power of engines.

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

As to fittings engines, &c.

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

With a suitable fender to push aside obstructions;

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

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

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

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

As to carriages.

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Inspection of engines and carriages.

As to speed.

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

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

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

SCHEDULE B.

Tolls and Charges for the Conveyance of Animals, Goods, &c.

Animals.

	s.	d.
For every horse, mule, or other beast of draught or burden - -	0	6
For every ox, cow, bull, or head of cattle - - - -	0	6
For every calf, pig, sheep, or other small animal - - -	0	3

Goods and Minerals.

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

Single Articles of Great Weight.

For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall not exceed four tons, per ton - - - - - - -	0	8

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	s.	d.
For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, exceeds four tons, such sum as the lessees, persons, or person conveying the same may think fit.		

Parcels.

For any parcel not exceeding seven pounds in weight - -	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - - -	0	5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - -	0	7
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - - - -	0	9
For any parcel exceeding fifty-six pounds in weight, such sum as the lessees, persons, or person conveying the same may think fit:		

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

Regulations as to Tolls.

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.

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.

WOOLWICH AND PLUMSTEAD TRAMWAYS.

Woolwich.

Order authorising the construction of Tramways from Woolwich to Plumstead, in the county of Kent.

Short title.

1. This Order may be cited as "The Woolwich and Plumstead Tramways Order, 1880."

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.

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Interpretation.

3. The several words, terms, and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings: Provided that in this Order the expressions "the tramways" and "the undertaking" shall mean respectively the tramways and works and the undertaking by this Order authorised, and the term "person" shall include a corporation.

Promoters.

The Promoters.

4. Robert Alexander Meyer, of 4, Westminster Chambers, Westminster, his executors, administrators, or assigns, shall be the Promoters for the purpose of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may, by agreement, from time to time purchase and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold for such purposes more than five acres of land.

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order as the same have been amended previous to the making of this Order, the tramways herein-after described, with all proper rails, plates, chairs, sleepers, offices, weigh-bridges, weighing-machines, stables, carriage-houses, warehouses, works, and conveniences connected therewith or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are—

Tramway No. 1.—A tramway one mile three furlongs one chain and twenty links in length, consisting of one mile two furlongs four chains and fifteen links of single line and seven chains and five links of double line, commencing in the parish of Woolwich at the north-western end of Beresford Street, at a point about three feet east from the centre of the street, and terminating in Plumstead Road at a point opposite to and about twelve yards from the western corner of the road leading to Saint Nicholas Church, in the parish of Plumstead.

Tramway No. 1 shall be laid as a single line, except between the following points, where it shall be laid as a double line; that is to say,

In Beresford Street between points respectively twelve yards and forty-two yards south-east from the commencement of the tramway;

In Plumstead Road between points respectively fifty yards and eighty yards east from the centre of Maxey Road; and

Between points respectively forty yards and seventy yards from the centre of the bridge over the railway in Plumstead Road; and

Between a point immediately opposite the centre of the "Red Lion" public-house and a point thirty yards east from that point; and

Between points respectively forty-two yards and twelve yards north-west from the termination of the tramway.

Tramway No. 2.—A tramway one furlong four chains and ninety links in length, consisting of one furlong three chains and forty-nine links of single line and one chain and forty-one links of double line, commencing at a point fifty-two yards north-west from the north-western corner of Hare Street, and terminating in Beresford Square by a junction with Tramway No. 1, opposite the south-western corner of New Road.

Tramway No. 2 shall be laid as a single line, except between the following points, where it shall be laid as a double line; that is to say,

In Beresford Square between points respectively ten yards and fifty yards north-east from the corner of Powis Street and Beresford Square.

The said tramways will pass from and into, or be situate in the parishes of Woolwich and Plumstead, or one of them, in the county of Kent.

Gauge of tramways.

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

Further provisions as to construction of tramways.

8. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall, at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade, and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act.

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

Penalty for not maintaining rails and road in good condition.

10. The Promoters shall at all times maintain and keep in good condition and repair to the satisfaction of the road authority, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and

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if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject on information laid or complaint made to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made any such default as aforesaid, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade certify under the hand of a Secretary or an Assistant Secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are herein-before imposed in respect of offences.

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

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

Additional passing-places and sidings may be made where necessary.

12. The Promoters may from time to time hereafter make all such 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, carriage-houses, sheds, or works of the Promoters, subject to the previous approval of the road authority expressed in writing under their seal: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of 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.

Temporary tramways may be made when necessary.

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

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

Application of road materials excavated in construction of Promoters works.

14. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters, so far as may be necessary, in or towards the reinstating of such road, and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway 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 notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus 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 a Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

Traffic upon Tramways.

Traffic upon tramways.

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

Tolls.

Tolls for passengers.

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.

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

Cheap fares for labouring classes.

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 at least two carriages each way every morning in the week and every evening in the week (Sunday, Christmas Day, and Good Friday always excepted), at such hours, not being later then 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 fare less than one penny): Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Promoters or the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Tolls for parcels.

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

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.

Periodical revision of tolls.

22. If at any time after three years from the opening for public traffic of the tramways, or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, or by the Promoters, that, under the circumstances then existing, all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways, or on such portion of the tramways, should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870, and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways, or on such portion of the tramways, in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board

of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

Miscellaneous.

Provisions as to arbitration.

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

Form and delivery of notices.

24. 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 (including lithograph), 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 company, may be delivered by being left at the principal office or at the last known place of business of the Promoters, or at the principal office of such authority, body, or company, as the case may be, or by being sent by post in a registered letter addressed to their respective clerk or secretary at such principal office or last known place of business as aforesaid.

Agreement between Promoters and road authorities.

25. The Promoters and any road authority may, subject to the provisions of this Order, from time to time enter into any contracts and 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 the passage of the traffic over and along the same.

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

26. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing signed by a Secretary or an Assistant Secretary of the said Board.

Savings as to powers of borrowing on mortgage.

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

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Saving for general Acts.

28. Notwithstanding anything in this Order contained, the Promoters, and any 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 future revision or alteration, under the authority of Parliament, of the maximum rates of tolls and charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

SCHEDULE.

TOLLS AND CHARGES FOR 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 any sum they think proper.		

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