CHAPTER clxiii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Birmingham and Western Districts Tramways, Dudley and Tipton Tramways, Dudley, Stourbridge, and Kingswinford Tramways, South Staffordshire Tramways, and Wednesbury and West Bromwich Tramways. A.D. 1881.

[11th August 1881.]

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:

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, 1881.

Confirmation of Orders in Schedule.

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

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SCHEDULE.

LIST OF ORDERS.

1. Birmingham and Western Districts Tramways.—Order authorising the construction of tramways in the parishes or places of Birmingham, Smethwick, Oldbury, West Bromwich, Rowley Regis, Tipton, and Dudley, in the counties of Warwick, Worcester, and Stafford.
2. Dudley and Tipton Tramways.—Order authorising the construction of tramways in the borough of Dudley, in the county of Worcester, and in the parish of Tipton, in the county of Stafford.
3. Dudley, Stourbridge, and Kingswinford Tramways.—Order authorising the construction of tramways in the counties of Worcester and Stafford between Dudley, Stourbridge, and Kingswinford.
4. South Staffordshire Tramways.—Order authorising the construction of tramways from Wednesbury to Dudley, viâ Tipton.
5. Wednesbury and West Bromwich Tramways.—Order authorising the construction of tramways in Wednesbury, West Bromwich, and Handsworth, all in the county of Stafford.

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Order authorising the construction of Tramways in the parishes or places of Birmingham, Smethwick, Oldbury, West Bromwich, Rowley Regis, Tipton, and Dudley, in the counties of Warwick, Worcester, and Stafford.

Short title.

1. This Order may be cited as "The Birmingham and Western Districts Tramways Order, 1881."

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 terms "the local authorities" and "the road authorities" shall mean respectively the local authorities and the road authorities of all the districts within which the tramways are by this Order authorised to be constructed;

The expression "the Corporation of Birmingham" shall mean the mayor, aldermen, and burgesses of the borough of Birmingham, in the county of Warwick, acting by the Council; and

The term "person" shall include a corporation.

Promoters.

The Promoters.

4. Herbert Wheeler, Railway Carriage Works, Oldbury; William Stableford, Broadwell House, Oldbury; William Henry Dawes, Bromford Ironworks, West Bromwich; Alexander John Baylis, Highlands, Redhill, Surrey; and Richard Williams, Wednesbury, and the survivors and survivor of them, and the executors or administrators of such survivor, their or his assigns, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

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 ten acres of land.

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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, weigh-bridges, turn-tables, stables, carriage-houses, engine-sheds, 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 borough of Birmingham, in the parish of Birmingham, in the county of Warwick, commencing on the Parade at a point one chain west of the western side of New Hall Hill, and passing thence in a westerly direction along Parade, Sandpits, Summer Hill, Spring Hill, Dudley Road, and terminating therein at a point 5·2 chains west from the centre of the junction of Winson Green Road.

Tramway No. 1 shall be laid as a double line throughout, and its total length will be one mile two furlongs two chains.

Tramway No. 2, wholly situated in the borough and parish of Birmingham aforesaid, commencing at the point of termination of Tramway No. 1, passing thence along the Dudley Road, and terminating at the borough boundary where it crosses the said Dudley Road.

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

(*a.*) From a point 8·3 chains from its commencement to a point 2·5 chains distant, in a westerly direction;

(*b.*) From a point immediately opposite the westerly kerbing at the south-eastern corner of Wilson Street, to a point at the south-easterly corner of Moilliett Street;

The total length of Tramway No. 2 is 3 furlongs 4·7 chains, consisting of 5 chains of double line and 2 furlongs 9·7 chains of single line.

Tramway No. 3, wholly situated in the township of Smethwick, in the parish of Harborne, in the county of Stafford, commencing at the point of termination of Tramway No. 2, at the boundary of the said township and parish in the Dudley Road, and passing thence along the said Dudley Road, Cape Hill Road, Bearwood Hill, Bearwood Road, and terminating in High Street, at a point 2·2 chains east of the centre of Brewery Street.

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

(*a.*) From the said point of commencement for a length of 2·5 chains;

(*b.*) From a point 4·2 chains to the west of the centre of Raglan Street, in a westerly direction for 2·5 chains;

(*c.*) From a point 12·5 chains west of the centre of Windmill Lane for 2·5 chains in a westerly direction;

(*d.*) From a point ·5 chains west from the centre of Windmill Lane to a point 1 chain west from the point of junction of Waterloo Road;

(*e.*) From a point 4·5 chains west from the centre of junction with Corbett Street to a point distant 2·5 chains in a westerly direction;

(*f.*) From a point 2·5 chains south from the north-east corner of the Sow and Pigs public-house to a point opposite the said corner;

(*g.*) From a point 1·5 chains north of the point of junction of the Bearwood Hill with the Bearwood Road to a point ·2 chains from the centre of Watery Lane;

(*h.*) From a point 4·5 chains north from the point of junction of Cooper's Lane with Bearwood Road for a distance of 2·5 chains in a northerly direction;

(*i.*) From a point opposite the corner of the northern side of John Street for a distance of 2·8 chains in a northerly direction;

(*k.*) From a point opposite the north-western corner of South Road to a point opposite the north-east corner of Trinity Street.

The total length of Tramway No. 3 will be 1 mile 2 furlongs 9·65 chains; consisting of 2 furlongs 5 chains of double line and 1 mile 4·65 chains of single line.

Tramway No. 4, wholly situated in the township of Smethwick, in the parish of Harborne, in the county of Stafford, commencing at the point of termination of Tramway No. 3, and passing along High Street and Oldbury Road, and terminating at the boundary of the said township of Smethwick and parish of Harborne at its point of crossing the Oldbury Road.

Tramway No. 4 shall be laid as a single line, except at the following places, where it shall be a double line:

(*a.*) From its point of commencement for a length of 2·5 chains;

(*b.*) From a point 1·4 chains south of the angle formed by the junction of Saint Paul's Road with the Oldbury Road for a distance of 2·5 chains in a north-westerly direction along the said Oldbury Road;

(*c.*) From a point ·75 chains south of the centre of Galton Street for a distance of 2·5 chains in a north-westerly direction;

(*d.*) From a point in line with face of the north-western side of Galton Road for a distance of 2·5 chains in a westerly direction;

(*e.*) From a point in line with face of the north-western side of Feeder Street for a distance of 2·5 chains in a westerly direction;

(*f.*) From a point in line with face of the north-eastern side of Hawthorn Street for a distance of 2·5 chains in a westerly direction;

(*g.*) From a point ·75 chains east of the centre of Albert Street to a point ·7 chains east of the centre of Spon Lane;

(*h.*) From a point 3 chains west from opposite the south-east corner of the Britannia Inn to a point ·5 chains west from a point opposite to the said corner.

The total length of Tramway No. 4 will be 1 mile 1 furlong 9·5 chains; consisting of 2 furlongs of double line and 7 furlongs 9·5 chains of single line.

Tramway No. 5, wholly situated in the township of Oldbury, in the parish of Halesowen, in the county of Worcester, commencing at the point of termination of Tramway No. 4, in the Oldbury Road, and passing along the Birmingham

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and Dudley Road, Birmingham Street, and terminating at a point in line with face of the corner of the shop forming part of Old Burial Ground in Freeth Street.

Tramway No. 5 shall be laid as a single line, except between the following points, where it shall be a double line:

(*a.*) From its point of commencement for a length of 2·5 chains;

(*b.*) From a point ·5 chains east of the face of the houses at the junction of Rood End Road for a distance of 2·5 chains in a westerly direction;

(*c.*) From a point opposite corner of small building at the junction of Fraser Street for a distance of 2·5 chains in a westerly direction;

(*d.*) From a point 8 chains east of the centre of the bridge over the Birmingham and Wolverhampton Canal for a distance of 2·5 chains in a westerly direction;

(*e.*) From a point 1·6 chains west of the before-mentioned canal bridge for a distance of 2·5 chains in a westerly direction;

(*f.*) From a point in line opposite the centre of Green Street to a point in line opposite the centre of New Street;

(*g.*) From a point 1·4 chains east of the centre of the east side of Church Square to a point ·25 chains from the centre west of the west side of Church Square.

The total length of Tramway No. 5 will be 6 furlongs 5·6 chains; consisting of 1 furlong 9·5 chains of double line and 4 furlongs 6·1 chains of single line:

Provided that so much of Tramway No. 5 shall not be constructed in that portion of Birmingham Street, Oldbury, lying between Church Street West and the Market Place, Oldbury, where there will be less space than nine feet six inches between the outer rail of the tramway and the kerb on either side of the road without the written consent of the Local Board for the District of Oldbury: Provided also, that the said tramway shall be laid in Birmingham Street, Oldbury, as a double line, and shall be so constructed that one only of such lines can be used at one and the same time.

Tramway No. 6, wholly situated in the township of Oldbury, in the parish of Halesowen, in the county of Worcester, commencing at the point of termination of Tramway No. 5, in Freeth Street, and from thence passing along the continuation of Freeth Street, Dudley Road, and terminating at the point of intersection of the last-mentioned road with the boundary of the township of Oldbury.

Tramway No. 6 shall be laid as a single line except between the following points, where it shall be a double line:

(*a.*) From its point of commencement for a distance of 2·5 chains in a north-westerly direction;

(*b.*) From a point 2·6 chains east of the centre of the Birmingham and Wolverhampton Canal Bridge for a distance of 2·5 chains in a north-westerly direction;

(*c.*) From a point 8·15 chains east of the centre of Junction Street for a distance of 2·5 chains in a north-westerly direction;

(*d.*) From a point 1·7 chains west of the junction of Albion Street to the boundary of Oldbury township and parish with boundary of Rowley Regis parish crossing the Dudley Road.

The total length of Tramway No. 6 will be 4 furlongs, consisting of 1 furlong of double line, and 3 furlongs of single line.

Tramway No. 7, situated partly in the parish of Rowley Regis, partly in the parish of Tipton, in the county of Stafford, and partly in the parish and borough of Dudley, in the county of Worcester, or one or more of them, commencing at the termination of Tramway No. 6, and passing along the Dudley Road, Tividale Road (otherwise Dudley Road), and terminating at a point opposite the corner of the junction of Tividale Road and Dudley Port Road, in the parish of Dudley.

Tramway No. 7 shall be laid as a single line of tramway, except between the following points, where it shall be a double line;

(*a.*) From a point 1·3 chains east from the east corner of the Blue Ball public-house to a point 1·2 chains opposite the west of the said east corner;

(*b.*) From a point 2·3 chains east of the centre of Gipsy Lane to a point ·2 chains west of the centre of the said lane;

(*c.*) From a point ·8 chains to the east of the centre of Lower Chapel Street to a point 2 chains south-west of the junction of Tipton Road and Dudley Road in the said Dudley Road;

(*d.*) From a point ·8 chains opposite and west of the north-east corner of the Brickworks, in the Dudley Road (otherwise Tividale Road), to a point ·4 chains east of the north-west corner of the said Brickworks;

(*e.*) From a point ·2 chains opposite and to the west of the centre of Upper Chapel Street for a distance of 2·5 chains in a westerly direction;

(*f.*) From a point 1·3 chains to the west of the west point of the Wonder Hotel, for a distance of 2·5 chains in a westerly direction;

(*g.*) From a point 1·8 chains to the east of the eastern corner of the Waggon and Horses Inn to a point in line with the western corner of the said Inn;

(*h.*) From a point 2 chains east of the centre of Dudley Port Road to a point ·5 chains to the west of the said centre;

(*i.*) From a point opposite the centre of Dank's Road to a point at the centre of Bradley Street.

The total length of Tramway No. 7 will be 1 mile 6 furlongs ·5 chains, consisting of 2 furlongs 2·5 chains of double line, and 1 mile 3 furlongs 8 chains of single line.

Tramway No. 8, situated wholly in the parish of Dudley, or borough of Dudley, or one of them, in the county of Worcester, commencing at the termination of Tramway No. 7, and passing along Dudley Road, Castle Street, and the south-east side of Market Place, and terminating at a point at the south-east corner of the fountain in the said Market Place.

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Tramway No. 8 shall be laid as a single line, except between the following points, where it shall be a double line:

(*a.*) From a point 1·7 chains from its junction with No. 7 Tramway to a point opposite and in line with the south-east corner of the Burnt Tree Ironworks;

(*b.*) From a point 14·3 chains east of the Tipton Road to a point 2·5 chains distant in a westerly direction;

(*c.*) From a point 1·3 chains opposite and to the west of Tipton Road to a point 2·8 chains east of the centre of Castle Street.

The total length of Tramway No. 8 will be 7 furlongs, consisting of 2 furlongs 5·9 chains of double line, and 4 furlongs 4·1 chains of single line:

Provided always, that the promoters may, with the consent in writing of the Corporation of Dudley, under their common seal, construct as a double line so much of Tramway No. 8 as lies between the junction of Fisher Street with Castle Street and its termination above described.

Tramway No. 9, situated wholly in the borough and parish of Birmingham, in the county of Warwick, commencing by a junction with Tramway No. 1 at a point in the Dudley Road 1 chain east of Heath Street, and passing along Heath Street, and terminating at the borough boundary where it crosses the said street.

Tramway No. 9 shall be laid as a single line, except between the following points, where it shall be a double line :—

(*a.*) Between points distant respectively 3 chains and ·5 chains south-east of Winson Green Road;

(*b.*) Between points distant respectively 8·15 chains and 5·6 chains from the south-east of the centre of Winson Street;

(*c.*) Between points distant respectively 5·5 chains and 8 chains north-west of the centre of Wilson Street.

The total length of Tramway No. 9 will be 5 furlongs ·8 chains, consisting of 7·5 chains of double line and 4 furlongs 3·3 chains of single line.

Tramway No. 11, situated partly in the township of Smethwick, in the parish of Harborne, and partly in the parish of West Bromwich, both in the county of Stafford, commencing by a junction with Tramway No. 4, in Oldbury Road, at a point 1 chain east from the centre of Mallin Street, and passing along Spon Lane and terminating in High Street, West Bromwich, at a point 1·5 chains north-west of the centre of Bull Street.

Tramway No. 11 shall be laid as a single line, except between the following points, where it shall be a double line:

(*a.*) From a point 4·5 chains north of the centre of Oldbury Road, to a point at a distance of 2·5 chains from its commencement;

(*b.*) From a point ·4 chains north of the centre of Union Street to a point 2·35 chains south of Neal Street;

(*c.*) From a point ·3 chains north from the centre of Parliament Street to a point 1·5 chains south of Francis Street;

(*d.*) From a point 1·6 chains north of Watton Street, to a point distant 2·5 chains from its commencement.

The total length of Tramway No. 11 will be 7 furlongs 8 chains, consisting of 1 furlong of double line and 6 furlongs 8 chains of single line.

Tramway No. 12, situated wholly in the parish of West Bromwich, in the county of Stafford, commencing by a junction with Tramway No. 11 at its termination in High Street, passing along High Street and terminating at a point ·8 chains south-east of the centre line of Saint Michael Street.

Tramway No. 12 shall be laid as a double line throughout, and its total length will be 1 furlong 6·8 chains:

Provided always, that Tramway No. 12 shall not be made by the Promoters if the Wednesbury and West Bromwich Tramways Order, 1881 (herein-after referred to as "the Wednesbury Order"), be confirmed by Act of Parliament passed before the first day of September 1881, unless the Promoters of the Wednesbury Order fail, within one year from the passing of the Act confirming this Order, to complete and open for public traffic so much of the Tramway No. 2, authorised by the Wednesbury Order in High Street, West Bromwich, as lies between the junction of Saint Michael Street and Spon Lane respectively with High Street, but if so much of the said Tramway No. 2 be completed by the said last-mentioned Promoters, and opened for public traffic within such year, the Promoters of this Order may form junctions with such portion of the said Tramway No. 2 opposite Saint Michael Street and opposite Spon Lane as aforesaid.

Tramway No. 13, situated partly in the parish of West Bromwich, in the county of Stafford, and partly in the parish or township of Oldbury, or one of them, in the county of Worcester, commencing by a junction with Tramway No. 12 in High Street, West Bromwich, at its termination, and passing along Saint Michael Street, Moor Street, Bromford Road, Church Street, and terminating by a junction with Tramway No. 5 in Freeth Street at a point ·4 chains south of the centre of Church Street.

Tramway No. 13 shall be laid as a single line, except between the following points, where it shall be a double line;

(*a.*) Between points distant respectively 7·5 chains, and 5 chains north of the north-eastern corner of the School Board building;

(*b.*) From a point 10 chains south of the centre of the railway bridge over the Great Western Railway, to a point 12·5 chains south of the said bridge;

(*c.*) Between points distant respectively 2·9 chains, and ·4 chains north of Littleton Street;

(*d.*) Between points distant respectively 4 chains, and 1·5 chains north of the north-western corner of the fence or boundary of the Bromford Iron-works;

(*e.*) Between points distant respectively 3·5 chains, and 1 chain south from the centre of the bridge over the Birmingham Canal;

(*f.*) Between points distant respectively ·7 chains and 3·2 chains south of the centre of the railway bridge over the London and North Western Railway (Stour Valley);

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(*g.*) Between points distant respectively 5·7 chains, and 3·2 chains north of the north-east corner of the Harmonic Inn;

(*h.*) Between points distant respectively 3·2 chains, and ·7 chains north of the north-east corner of the Local Board of Health premises.

The total length of Tramway No. 13 will be 1 mile 3 furlongs and 3·8 chains, consisting of 2 furlongs of double line, and 1 mile 1 furlong 3·8 chains of single line:

Provided that so much of Tramway No. 13 as is situate in Bromford Road shall not be constructed until that road has been widened so as to allow a space of not less than 9 feet 6 inches between the outer rail of the said tramway and the kerb on either side of the road: Provided also that the said tramway shall be laid in Church Street as a double line, and shall be so constructed that one only of such lines can be used at one and the same time.

Gauge of tramways.

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

Provision as to gauge of tramways within borough of Birmingham.

8. The gauge of the rails of the tramways within the borough of Birmingham shall be the same as the gauge of the rails at present laid down in the borough, namely, 4 feet 8½ inches between the said rails, or such other width as the Promoters and the Corporation, with the consent of the Board of Trade, may agree to, or, failing agreement, as the Board of Trade may determine.

Provisions as to construction of tramways.

9. 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.

10. 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.

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 hereinbefore imposed in respect of offences.

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

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 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, carriage-houses, sheds, or works of the Promoters, subject to the approval of the road authority: Provided that in the

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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.

Application of road materials excavated in construction of works.

16. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority, may be applied by the Promoters, so far as may be necessary in or towards the reinstating and reconstructing of such road and the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid shall belong to such road authority, and the Promoters shall when required so to do deliver such surplus paving, metalling, or material 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.

Paving and materials of roads.

17. So much of any road in any district 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 materials and foundation and to such extent as the road authority of such district shall require and, except as regards the borough of Birmingham, the Board of Trade shall approve.

Repairs to roads.

18. If at any time any such part of any road in any district in which any of the tramways is laid, as is by the Tramways Act, 1870, or by this Order, required to be maintained and kept in good condition and repair by the Promoters shall, in the judgment of the road authority of such district, be not maintained and kept in such good condition and repair, then it shall be lawful for such road authority to repair and amend the same, and to recover the costs 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 such road authority to stop the traffic along any part of the tramways where any such part of any road is, in the judgment of such road authority, out of repair until such part of such road shall have been put into good condition and repair to the satisfaction of such road authority.

Extension of section 26 of the Tramways Act, 1870.

19. 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 any of the local authorities or of the Birmingham, Tame, and Rea District Drainage Board.

Access to sewers.

20. The local authority of any district in which any of the tramways are laid, and, in the borough of Birmingham, the Birmingham, Tame, and Rea District Drainage Board, and their respective officers and servants respectively, shall at all times have free access to and communication with all existing and future sewers and drains, gas pipes, and mains (whether public or private), under the control of or maintained or repaired by such local authority, and the said Board respectively, and the manholes, ventilating shafts, and other works in connexion therewith, and shall have power, without the consent or concurrence of the Promoters, to construct any new or additional public or private sewers or drains, gas pipes, or mains, and any manholes, 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 such tramways: Provided always, that if at any time after the passing of the Act confirming this Order any such sewers or drains (whether public or private), or any other works of or belonging to or under the control of such local authority or the said Board, as the case may be, 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 such local authority or the said Board, immediately thereupon or at any time thereafter, at the cost, expense, and risk of the Promoters, to do what such local authority or the said Board shall deem necessary 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 such local authority or the said Board the reasonable costs and expenses incurred by them as aforesaid they may recover the same from the Promoters by all and the same means as any simple contract debt may be recovered.

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As to lighting apparatus and sewers of local authorities.

21. 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, or which hereafter may belong, to the local authorities respectively, in like manner as the same apply to a company or person being the owner of gas mains or water mains or pipes, and for the purpose of this section the word "company" in those sections shall include the several local authorities respectively: Provided that all works or interference with or in connexion 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 and at the cost and risk in all respects of the Promoters.

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

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

Local authorities may lay additional mains, &c.

23. Nothing in this Order shall prevent the local authorities in their respective districts from laying at their own expense respectively, from time to time as they respectively may think proper, additional mains or pipes with all manholes, scour pipes, air and other valves for supplying gas, and also sewers or drains at, under, across, or near the tramways, and the local authorities respectively shall not be liable for any damage to the tramways or compensation for loss of traffic thereon that may be caused by the laying of such additional mains or pipes and appurtenances, sewers, or drains, at, under, across, or near to the tramways, nor for the expense of the temporary lifting and replacing the tramways, which shall be done at the expense of the Promoters: Provided that the operations of the local authorities respectively shall be carried on so as to interfere as little as possible with the traffic on the tramways.

Cost of substituted sewers or lighting apparatus.

24. 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 sewer, drain, or lighting apparatus, belonging to or under the control of the local authorities respectively, and rendered useless or unproductive to the said local authorities respectively by the works authorised by this Order, shall on demand and subject to credit being given for the value of all or any of the aforesaid matters so rendered useless or unproductive, be paid to the local authority to whom the same belonged 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, drain, or lighting apparatus of equal dimensions with the existing sewer, drain, or lighting apparatus.

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Removal of sewers, drains, and lighting apparatus beneath tramways.

25. The Promoters shall at their own cost and risk in all respects if and when required by any of the local authorities 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 by this Order required to maintain and repair, and which would, in the opinion of such local authority, or their surveyor, be injuriously affected by the 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 such 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 local authorities respectively, which at the time being shall not be vested in or repairable by or under the control of any of the local authorities.

Alterations, &c. of lighting apparatus.

26. 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, sewers, drains, man-holes, covers, or water pipes, or other apparatus or works belonging to or under the control 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, or by this Order, make such alteration, displacement, or removal, as the case may be, and do all works incidental thereto; and all reasonable expenses that may be thereby incurred by such local authority shall be defrayed by the Promoters.

Protection of gas and water apparatus.

27. If the Promoters desire under the authority of this Order to do any act which shall or may render necessary the removal or displacement of any of the mains or pipes, valves, syphons, plugs, or apparatus or other works belonging to or controlled by any waterworks company or any gaslight company, or other person empowered by Act of Parliament to supply water or gas in the district of any local authority, the Promoters shall give to the said waterworks company or gaslight company, or such other person as aforesaid, as the case may be, fourteen days notice in writing of such desire, and the said waterworks company or gaslight company, or such other person as the case may be, shall forthwith (without prejudice nevertheless to the protection afforded them by the Tramways Act, 1870,) make such removal or displacement as may be necessary, and do all works incident thereto, and all reasonable expenses to be thereby incurred shall be defrayed by the Promoters. Nothing contained in this Order shall interfere with the exercise by the said waterworks company or gaslight company or such other person of any powers or privileges conferred upon them respectively by any Act of Parliament of laying down or maintaining, and as occasion may require of repairing and altering any mains or pipes in

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and under any of the roads upon which the tramways may be laid under the authority of this Order, and the provisions of the Tramways Act, 1870, in favour of the local authority, shall be extended to and include all such companies or persons.

Mode of laying tramways to be approved by the road authorities and Board of Trade and uniform throughout.

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

Traffic on roads not to be stopped or impeded.

29. During the construction, alteration, or relaying of any of the tramways, the Promoters shall not stop up or interfere with any road, so as to prevent or impede the passage of traffic along such road, or alter the level of the surface of any road or part thereof except with the previous consent in writing of the local authority of the district in which such road is situated.

Length of passing-places.

30. Notwithstanding anything in this Order contained, no passing-place shall exceed three chains in length, except with the consent of the local authority.

As to alterations of sidings, &c.

31. Whenever the Promoters at any time desire to construct or have constructed any junction, siding, refuge, or resting-place in any road in any district in which any of the tramways may be laid, the Promoters shall make such alterations as the road authority of such district may deem necessary and demand in the construction of any such junction, siding, refuge, or resting-place in the line and direction of such tramway. In case of any dispute with respect to any matter provided for by this section, the decision of the Board of Trade shall be final and binding on both parties.

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

32. 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.

Promoters to make deposit before opening roads in borough of Birmingham.

33. Before the Promoters open or break up any road within the borough of Birmingham they shall deposit the sum of nine thousand pounds in a bank in the said borough to be approved of by the Corporation of Birmingham to a joint account in the names of the Corporation of Birmingham and the Promoters. The sum so to be deposited shall from time to time, during the progress of the works, be paid out to the Promoters in the proportion of fifty pounds per centum on the value of the works in the borough of Birmingham, which at the time of making such payment shall have been properly executed, such valuation to be ascertained by writing under the hand of the surveyor for the time being of the borough of Birmingham. On the completion of the whole of the works the balance of the sum so to be deposited shall at the request of the Promoters, but at their risk, be invested in such securities as the Corporation of Birmingham shall approve, and the interest thereon shall be payable to the Promoters, and the said balance shall constitute a fund for

securing the due repair and maintenance, by the Promoters, of the roads in the borough of Birmingham in which any of the tramways shall have been constructed by them, and the performance and observance by the Promoters of all the duties and obligations imposed upon them by the Tramways Act, 1870, and this Order or either of them, in reference to any of the tramways constructed by the Promoters in the borough of Birmingham pursuant to this Order, and the said fund, or any part thereof, may be applied by the Corporation of Birmingham in satisfying any debt, damages, costs, and charges which the Promoters may at any time be liable to pay to them.

Alterations to gas or water mains, &c. belonging to the Corporation of Birmingham.

34. If the Promoters desire, under the authority of this Order, to do any act which shall or may in the opinion of the engineer herein-after referred to render necessary the removal or displacement of any of the gas or water mains or pipes, valves, syphons, plugs, or apparatus or other works belonging to or under the control of the Corporation of Birmingham, the Promoters shall give to the town clerk of Birmingham fourteen clear days notice in writing of such desire, and a similar notice to the engineer of the Corporation of Birmingham having the superintendence of such gas or water mains or pipes, valves, syphons, plugs, or apparatus, or other works accompanied by plans and sections and other necessary particulars showing the works proposed to be executed by the Promoters, so far as they affect the gas and water mains or pipes, valves, syphons, plugs, or apparatus or other works proposed to be interfered with; and the Corporation of Birmingham may, if they think fit, make such removal or displacement as they may consider necessary, and do all works incident thereto, and all expenses to be thereby incurred shall be defrayed by the Promoters, and if the Promoters shall not on demand pay to the Corporation of Birmingham the expenses so incurred by them, the Corporation of Birmingham may recover the same by all and the same means as any simple contract debt may be recovered. And the certificate of the said engineer of the Corporation of Birmingham, under whose superintendence such displacement or removal shall have been made as to the expenses incurred by them as aforesaid, shall be binding and conclusive upon the Promoters, and the Promoters shall not be entitled to inquire into or question the propriety or necessity of any works executed by the Corporation of Birmingham for effecting any such displacement or removal as aforesaid.

The provisions of this section shall be in addition to, and not in substitution for, any of the provisions contained in the Tramways Act, 1870, and sub-section four of section thirty of that Act in favour of the Company or person therein mentioned, shall be extended to and include the Corporation of Birmingham as the owners of gas and water undertakings.

Local authority may require Promoters to carry animals, goods, &c.

35. If at any time after the opening of the tramways, or any of them, or any part thereof, for public traffic, any of the local authorities, 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, the Promoters shall within three months after 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 specified in the schedule B to this Order annexed, but such service shall not be required

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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 such local authority 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.

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

36. 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 of Birmingham shall be suspended for three months from the passing of the Act confirming this order, and the Corporation of Birmingham, 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 of Birmingham 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 of Birmingham, and thereupon provided that the Corporation of Birmingham 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, and use of the tramways within the borough of Birmingham, 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 of Birmingham in like manner as if the Corporation of Birmingham had been in the first instance authorised by this order to construct such tramways and works, and the Corporation of Birmingham shall as to the tramways within the borough of Birmingham be deemed to be the Promoters of this order instead of the Promoters, and this order shall be construed accordingly, and the Corporation of Birmingham 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 power 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 of Birmingham 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 of Birmingham: Provided also that nothing in this Order contained shall authorise the Corporation of Birmingham to place or run carriages on any of the tramways within the borough of Birmingham, and to demand tolls or charges in respect of the use of such carriages.

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

37. In case the Corporation of Birmingham elect as aforesaid, to be substituted in place of the Promoters in respect of the tramways within the borough of Birmingham, 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 of Birmingham bears to the entire length of the tramways, the Chancery Division of the High Court of Justice shall, on the application of the Promoters, order such 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 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 outside the borough of Birmingham, and as if such last-mentioned tramways were the only tramways by this Order authorised.

Commencement and completion of tramways in borough of Birmingham.

38. If the Corporation of Birmingham elect to construct the tramways within the borough of Birmingham, 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 and the Promoters have paid to the Corporation of Birmingham a sum of nine thousand pounds (herein-after called "the security fund") to be applied as herein-after mentioned, or have given to the Corporation of Birmingham 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, and when such sum has been paid, or when such mortgage or security has been given, the Corporation of Birmingham 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 of Birmingham to Promoters.

39. If and when the tramways within the borough of Birmingham have been completed by the Corporation of Birmingham, the Corporation of Birmingham shall, at the cost of the Promoters, cause to be prepared and execute a lease of the same to the Promoters for such term not exceeding twenty-one years, at such rent, upon such terms, and subject to such conditions as shall be agreed upon between the Corporation of Birmingham 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 of by the Board of Trade, and the Promoters shall accept such lease and execute a counterpart thereof.

Application of security fund as to borough of Birmingham.

40. At the expiration of two years after the tramways within the borough of Birmingham have been opened to the public and continuously worked by the Promoters in pursuance of such lease as aforesaid, the Corporation of Birmingham shall repay one half of the security fund with the interest accrued thereon to the Promoters, or release the Promoters from one half the amount in respect of their liability for which such mortgage or security was given, and the other half of the security fund with the interest accrued thereon or such mortgage or security for such reduced amount shall be retained by the Corporation of Birmingham 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 or to raise money on such mortgage or

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security 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 or such mortgage or other security after payment of any moneys raised on the security of the same, shall at the expiration of such lease be repaid to the Promoters or shall cease to have any validity or effect.

Forfeiture of security fund as to borough of Birmingham in case of default.

41. If the Promoters fail to accept such lease, or to execute a counterpart thereof, or fail to work the tramways within the borough of Birmingham in accordance with the provisions of such lease and of this Order, and of 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 or the amount secured by such mortgage or security shall be forfeited to the Corporation of Birmingham who may apply the same, either in the reinstatement of the roads within the borough of Birmingham or otherwise for the general benefit of the said borough.

For the protection of the Corporation of Dudley.

42. For the protection of the mayor, aldermen and burgesses of the borough of Dudley, in the county of Worcester (in this section referred to as "the Corporation") the following provisions shall have effect; (that is to say,)

1. A turn-out shall be constructed in Castle Street, six feet on the west side of Fisher Street, but no terminus shall be allowed there, and such turn-out may be used in connexion with any tramway or tramways which shall be authorised by any Provisional Order confirmed by any Act of Parliament passed before the first day of September one thousand eight hundred and eighty-one, as also so much of the tramways as extends from the said turn-out in Castle Street to a turn-out to be constructed in High Street, on the south side of the Dudley Fountain for the purpose of discharging passengers, but not to wait there:
2. All the tramways situate within the borough of Dudley shall be constructed and maintained under the superintendence and to the satisfaction of the surveyor for the time being of the Corporation, and the Promoters shall pay the cost of such construction and maintenance:
3. A rent shall be paid by the Promoters to the Corporation for any terminal station in the borough of Dudley, the amount of such rent to be determined in case of difference by a referee, to be appointed by the Board of Trade on the application of either party:
4. In any street in the borough of Dudley where the nearest rail of any of the tramways will be less than nine feet six inches from the outside edge of the footpath, the whole of such space shall, unless the Board of Trade shall otherwise direct, be paved with granite or other stone, approved by the Corporation, and in case of dispute between the Corporation and the Promoters as to the stone to be used by the Promoters with such stone or material as the Board of Trade may approve.

Paving and repair of roads in West Bromwich.

43. In constructing any of the tramways within the district of West Bromwich the Promoters shall pave with sets of a paving material and of a quality and size not less than five inches in depth, to be from time to time prescribed by the local authority of that district, unless the Board of Trade shall otherwise direct, so much of the roads in which such tramways are to be laid down as is between the rails, and for a distance of two feet three 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 such local authority or their surveyor: Provided always, that such local authority and the Promoters may at any time by agreement, and with the approval of the Board of Trade, vary, alter, or repeal the obligation herein contained.

Power to alter position of tramway in any road to facilitate traffic in Smethwick.

44. In any case where it may appear to be more convenient to the general traffic, and the public user of or to the frontagers of any road within the district of the Local Board for the district of Smethwick to have any of the tramways or any part thereof within the said district laid on one side of the centre of the roadway, or laid as a double line on both sides of the centre of the roadway the Promoters may, with the consent in writing of and shall if required by the said Local Board, but subject always to the written consent of the Board of Trade, lay and maintain such tramway or such part thereof on one side or on both sides of the centre of the roadway as the case may be: Provided always, that except in cases where any such tramway is by this Order authorised to be so laid that a less space than nine feet six inches will intervene between the outside of the footpath on either side of the road and the nearest rail of such tramway, the Promoters shall not alter the position of such tramway under the provisions of this section, so that a less space than nine feet six inches will intervene between any rail thereof and the outside of the footpath on either side of the road, if any owner or occupier of premises abutting on the part of the road where such rail is proposed to be laid shall, by writing under his hand addressed to the Promoters, express his objection thereto.

Securities to Local Boards of Rowley Regis, Oldbury, Smethwick, and Tipton.

45. As security to the Local Boards for the districts of Rowley Regis, Oldbury, Smethwick, and Tipton respectively, for the due fulfilment by the Promoters of the obligations to which, under the provisions of this Order, they are liable, the Promoters in addition to complying with the provisions of section twelve of the Tramways Act, 1870, and the rules made by the Board of Trade in pursuance thereof shall, before they open or break up any road in the respective districts of the said respective Local Boards, enter into a bond with each of the said respective Local Boards in the sums following (namely), with the Local Board for the district of Rowley Regis, in the sum of six hundred pounds, with the Local Board for the district of Oldbury, in the sum of one thousand pounds, with the Local Board for the district of Smethwick, in the sum of one thousand pounds, and with the Local Board for the district of Tipton in the sum of two hundred pounds, or invest to the satisfaction of each of the said Local Boards respectively a sum in each case equal to one half of the amount of the said bonds respectively in the joint names of some person to be appointed by the Promoters, and the respective clerks to the said respective Local Boards (herein-after called in relation to the Local Boards for which they are acting respectively, "the Trustees"), or at the option of each of the said Local Boards assign to the trustees such other security of not less value than half of the amount of the said respective bonds as the said Local Boards may in each case respectively consider sufficient, and the said sums respectively or any such security to be substituted in lieu thereof respectively (herein-after called in relation to the Local Boards

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respectively "the indemnity fund"), shall be held by the Trustees in each case in trust to pay and make good to each of the said Local Boards out of the indemnity fund, any claim which may at any time arise at the instance of any of the said Local Boards against the Promoters, and if any difference shall arise between any of the said Local Boards and the Promoters in relation to any such claim, the matter in difference shall be settled in manner provided by section thirty-three of the Tramways Act, 1870: Provided that so long as no claim is established at the instance of any of the said Local Boards against the Promoters, the interest or dividends on the indemnity fund shall be payable to and receivable by the Promoters: Provided always, that if and whenever at any time, by reason of any claim being established at the instance of any of the said Local Boards, the amount of the indemnity fund shall become less than the amount herein-before mentioned, or such other sum as shall be agreed upon, then the Promoters shall deposit with or secure to the Trustees such additional sum as shall make up the amount of the indemnity fund to the amount herein-before mentioned, or such other sum as shall be agreed upon, to the intent that the same may at all times be a sum or a security of the like or a sufficient amount available in the case of failure by the Promoters at all times to carry out their obligations under this Order.

For protection of railway and canal companies.

46. In constructing and maintaining any tramway by this Order authorised where it crosses any bridge, carrying any road over a railway or canal, or passes under any railway bridge, the Promoters shall be subject to the following conditions:

(1.) The tramway, if a single line of tramway, shall be constructed and maintained along the centre of the roadway:

(2.) The Promoters shall not in any way alter or interfere with the structure of any such bridge or of the approaches thereto, and they shall so construct and maintain the tramway over such bridge and the approaches thereto, or under such bridge, as the case may be, as not injuriously to affect the same:

(3.) In the event of any injury being caused to any such bridge or approaches by the construction, maintenance, repairing, user, or the removal of the tramway, the railway company owning such bridge or approaches may, at the expense of the Promoters, restore such 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 such 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 such bridge and approaches as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870, and such 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:

(4.) Whenever and so often as any railway company shall require to widen, lengthen, strengthen, reconstruct, alter, or repair any such bridge or approaches, or to widen or alter their railways or canals where a tramway passes under any railway bridge, or to lift or support any such bridge or

approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten, and they shall find it necessary for effecting any of such purposes that the working and user of the tramway over such bridge or approaches, or under such bridge, shall be wholly or partly stopped or delayed, or that the tramway shall be temporarily diverted, or be wholly or in part taken up or removed, and shall, except in cases of emergency, give to the Promoters seven clear days notice in writing requiring such stoppage, delay, or diversion, taking up, or removal, the working and user of such tramway shall be stopped or delayed, or the tramway shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer, if such engineer shall give such superintendence, but only for so long as the railway 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:

And in case the principal engineer of such railway company shall be of opinion that any such strengthening is desirable or necessary owing to the carriages or other vehicles on any such tramway being or being intended to be moved by steam or any mechanical power, such strengthening shall be effected in all things at the expense of the Promoters, who shall also pay to such railway company all additional expense which they may incur or be put to in effecting any such widening, lengthening, strengthening, reconstruction, alterations, repairs, lifting, or supporting by reason of the existence of the tramway so passing, or any of the works connected therewith, the amounts of such expenditure to be recoverable as aforesaid by such railway company from the Promoters with full costs and charges by all and the same means as any simple contract debt may be recovered:

(5.) Whenever the tramway on either side of any such bridge or approaches is a single line, there shall only be a single line over such bridge and approaches, and no turn-outs or passing-places shall be constructed thereon:

(6.) All works which may be necessary in constructing and maintaining any of the tramways over or under any bridge, works, or property of any railway company, shall be constructed and maintained in all things at the expense of the Promoters, and to the reasonable satisfaction of the principal engineer of such company, or in case of difference of an engineer to be appointed by the Board of Trade on the application of such railway company or the Promoters:

(7.) Nothing contained in this Order shall prejudice, lessen, take away, or interfere with the lands, property, rights, powers, and privileges of any railway company otherwise than is hereby expressly provided.

As to crossing over the tramways or railways the property of the Earl of Dudley or his trustees.

47. Where any of the tramways cross on the level any private tramways or railways belonging to or reputed to belong to William Earl of Dudley, or to the trustees of the will of John William Earl of Dudley, deceased, the Promoters shall give seven days notice in writing to the said Earl or other the person or persons entitled to such private tramways and railways respectively,

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of their intention to commence any works which affect or in anywise interfere with the structural works of such private tramways and railways respectively, and all such crossings shall be made to the reasonable satisfaction of the said Earl or such other person or persons so entitled as aforesaid, and so as to interfere as little as may be with the traffic passing over or along such tramways and railways respectively. Any additional expense in the maintenance of such private tramways and railways respectively by reason of the construction of any of the tramways at the points of crossing shall be borne by the Promoters. If any question arises between the Promoters and the said Earl or the person or persons aforesaid, the same shall be referred to the decision of an engineer to be appointed by the Board of Trade on the application of either party.

Protecting bridges over Birmingham canals.

48. Where any tramway by this Order authorised shall be constructed upon any bridge carrying any road over a canal of the Company of Proprietors of the Birmingham Canal Navigations (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 their intention to commence any work which affects or in anywise interferes with the structural works of such bridge or the road over the same, and shall at the same time send sufficient specifications or other information to show the nature of such work, and such work 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. If such bridge shall be deemed by the Canal Company or their engineer for the time being to be of insufficient strength to carry locomotive engines or weights beyond the ordinary traffic of the district, the Promoters shall upon notice from the Canal Company to that effect, and before driving or carrying a locomotive engine or extraordinary weight on or over such bridge, execute at the cost of the Promoters, all such works as may be reasonably required by the Canal Company to prevent injury to such bridge by the driving or carrying thereon or thereover of such locomotive engines or extraordinary weights. But notwithstanding the last preceding provisions, the Promoters shall make good, to, and compensate the Canal Company for all damage that may be occasioned to any bridge, work, or property of the Canal Company, by the driving or carrying on or over such bridge of any locomotive engine or extraordinary weight, or by or in consequence of the construction by the Promoters of any work, or otherwise by any act or default of the Promoters:

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

Saving of rights of Canal Company to open roads.

49. Nothing in this Order shall take away or abridge any power of the Canal Company to open or break up any road along or across which any tramway by this Order authorised 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, but 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 such tramway and the works connected therewith that may be necessary, shall be made by and at the expense of the Promoters, who shall also at their own expense replace and make good the same:

C. Before the Canal Company commence any work whereby the traffic on such 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 forty-eight hours 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 such tramway, or any work connected therewith by the execution by the Canal Company of any such work as aforesaid, or by 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 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 such tramway, 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 such tramway or any of the works connected therewith shall be borne by the Promoters.

Difference between Promoters and Canal Company.

50. 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, or for the prevention of injury to any bridge is such as ought reasonably to satisfy the Canal Company, 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

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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 Canal Company under their Acts not to be interfered with.

51. 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 or by all or any of the several Acts of Parliament now in force relating to their canals.

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

52. 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, or in any general Act of Parliament, and in this Order or any or either of them.

Motive Power.

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

53. The carriages used on the tramways may, subject to the provisions of this Order, be moved by animal power, and during a period of seven years after the opening of the same for public traffic, and with the consent 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 Promoters shall not use steam or any mechanical power upon so much of Tramway No. 3 on the Bearwood Hill as lies between points distant respectively 57 and 70 chains from the commencement of the said tramway, until they shall have widened the roadway between the said points, so that a space of not less than nine feet six inches shall intervene between the footpath on either side of the road and the nearest rail of the said tramway:

Provided also, that the Promoters shall not use steam or any mechanical power upon any tramways constructed within the borough of Birmingham without the consent in writing of the Corporation of Birmingham:

Provided also, 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.

54. 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 regulations 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 any of 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.

55. 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 such tramways;

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

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

For limiting the number of carriages for the conveyance of animals, goods, minerals, and parcels to be drawn or propelled together by steam or any mechanical power and the hours during which such carriages shall be used on such tramways;

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

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

As to recovery of penalties.

56. 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.

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

Orders and byelaws to be signed, &c.

58. 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.

59. 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 such part thereof, upon which they or he intend or intends to use such power are or is situated..

Where at the time of the giving of any such notice any contract, agreement, or arrangement is in force with respect to the user by the Promoters, or such person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which the tramways or such part of the tramways are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, then and in every such case, with the consent of the Board of Trade, it shall be lawful for the Promoters or such person by such notice, or for such road authority by notice to be served upon the Promoters or such person, not later than forty days after the receipt by such road authority of such first-mentioned notice, to determine such contract, agreement, or arrangement, and thereupon such contract, agreement, or arrangement shall from and after the commencement of the use of steam, or any mechanical power, upon the 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 the tramways, or such part of the tramways are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road which they may think fit, and the Board of Trade may approve.

In case any difference arises between any such road authority and the Promoters or such person as to the determination of any such contract, 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 or the part of 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 part of the tramways, a contract, agreement, or arrangement in accordance with the provisions of this section.

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

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

60. 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 the tramways, or such part of the tramways, are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving and keeping in repair of such road, shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or any mechanical power as aforesaid, or the making of such contract, agreement, or arrangement: Provided always, that any such contract, agreement, or arrangement may from time to time be renewed, with or without modification, or a new contract, agreement, or arrangement may be made instead thereof.

Traffic upon Tramways.

Traffic upon tramways.

61. 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.

62. 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.

Carriage of animals, goods, &c. in separate carriages.

63. In case the Promoters carry animals, goods, minerals, or parcels, they may, and when required by any of the local authorities 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: Provided also that 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 five feet six inches in width.

Traffic on Sundays, &c.

64. No car or other tramway vehicle shall be run on any Sunday, Good Friday, or Christmas Day past any church or other place of worship during the hours of Divine Service beyond a walking pace, nor shall any car stand on any siding opposite any place of worship during such times, and no siding, turn-out, refuge, or building of any sort, shall be placed or constructed by the Promoters opposite to any place of public worship without the consent of the local authority of the district in which the same is situated.

Promoters to run carriages the whole length of the tramways at least twice each way daily between 9 a.m. and 6 p.m.

65. The Promoters at all times after the opening for public traffic of the tramways shall, and they are hereby required to run carriages from one extremity thereof to the other (in addition to the carriages for passenger traffic at cheap fares which the Promoters are by this Order required to run), at least twice each way every day (Sundays, Christmas Day, and Good Fridays always excepted) between nine o'clock in the morning and six o'clock in the evening, and any default or failure in this respect (unless arising from circumstances beyond the control of the Promoters), if continued on any day after seven days notice from any of the local authorities that the said default has occurred shall be deemed a discontinuance to work the tramways on such day within the meaning of the forty-first section of The Tramways Act, 1870.

Local authorities may use tramways for sanitary purposes.

66. The local authorities may at any time between the hours of twelve o'clock at night and six o'clock in the morning use the tramways for sanitary purposes and for the conveyance of scavenging stuffs and night soil.

Lights on carriages after sunset.

67. In case the Promoters between sunset and sunrise use on the tramways any one carriage or any two or more carriages connected together they shall be bound to fix and maintain one light at least in front of such carriage, or the first of such carriages, and one light at least at the rear of such carriage or the last of such carriages, of such distinctive colours as may be prescribed by the Board of Trade.

Suspension of traffic by order of the local authority.

68. The local authority of any district in which any of the tramways are situate, and in the borough of Birmingham the Birmingham, Tame, and Rea District Drainage Board respectively shall have power at any time from time to time by giving twenty-four hours previous notice in writing to the Promoters to absolutely stop, delay, or suspend the working of the tramways in any of the roads within such district or within the said borough for police purposes regulating and facilitating traffic on any public occasion or demonstration, or for the execution of any works or repairs by such local authority, or by the said Drainage Board, or for any purpose which such local authority in the exercise of their powers for the good government of such district, 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 either of them, and the Promoters shall not be entitled to claim, nor shall such local authority, nor the said Drainage Board be liable to pay any compensation or damages in respect thereof.

Regulations &c. by local authority.

69. The powers of the local authorities respectively 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 shall, subject to the provisions of this Order, extend and apply to the following matters and purposes; (that is to say,)

Prohibiting the stopping of tramway carriages to take up and set down passengers or for any 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;

Empowering the local authority to cause to be removed from the tramways any carriage or horse which shall be unfit for use on the tramways;

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

The numbering of the tramway carriages;

The wearing by drivers and conductors of tramway carriages of some conspicuous badge or distinguishing mark.

Running powers in favour of Dudley, Stourbridge, and Kingswinford tramways.

70. In the event of the Dudley, Stourbridge, and Kingswinford Tramways Order, 1881, being confirmed by Act of Parliament, passed before the first day of September 1881, the Promoters of that Order (in this Order referred to as "the Dudley Promoters") may run over and use with their horses, engines, and carriages for the purposes of traffic of all kinds so much of Tramway No. 8 authorised by this Order as lies between the junction of the Tipton Road, with the Birmingham and Dudley Road and the termination of the said Tramway No. 8 in the Market Place, Dudley, when the same shall be completed and open for public traffic.

In the event of the said portion of Tramway No. 8 not being constructed by the Promoters within one year from the passing of the Act confirming this Order, then such portion of tramway may be constructed by the Dudley Promoters, as though they were the Promoters of this Order, and from and after the completion and opening for public traffic of the same by the Dudley Promoters, such portion of tramway shall be deemed to form and shall form part of the tramways authorised by the Dudley, Stourbridge, and Kingswinford Tramways Order, 1881, and the Promoters of this Order may run over and use, with their horses, engines, and carriages, for the purposes of traffic of all kinds, such portion of tramway.

Running powers in favour of South Staffordshire tramways.

71. In the event of the South Staffordshire Tramways Order, 1881, being confirmed by Act of Parliament, passed before the first day of September 1881, the Promoters of that Order (in this Order referred to as "the South Staffordshire Promoters") may run over and use with their horses, engines, and carriages, for the purposes of traffic of all kinds, so much of the Tramway No. 8 authorised by this Order as lies between the junction of the Tipton Road with the Birmingham and Dudley Road and a point opposite the north-eastern corner of Birmingham Street, in the borough of Dudley, when the same shall

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be completed and open for public traffic; and in consideration of the running powers granted to the South Staffordshire Promoters as aforesaid, the Promoters of this Order may run over and use with their horses, engines, and carriages, for the purposes of traffic of all kinds, so much of the Tramway No. 1 described in the South Staffordshire Tramways Order, 1881, as extends from its junction with Tramway No. 8 by this Order authorised to the Dudley Railway Station, situate in Tipton Road, when the same shall be completed and open for public traffic.

Running powers in favour of Dudley and Tipton tramways.

72. In the event of the Dudley and Tipton Tramways Order, 1881, being confirmed by Act of Parliament passed before the first day of September 1881, the Promoters of that Order (in this Order referred to as "the Tipton Promoters") may run over and use with their horses, engines, and carriages for the purposes of traffic of all kinds so much of the Tramway No. 8 authorised by this Order as lies between the junction of the Dudley Port Road with the Birmingham and Dudley Road, and the termination of the said Tramway No. 8 in Market Place, Dudley, when the same shall be completed and open for public traffic.

In the event of so much of the said Tramway No. 8 from Dudley Port Road along the Birmingham and Dudley Road to the junction of that road with Tipton Road not being constructed by the Promoters within one year from the passing of the Act confirming this Order, then such portion of tramway may be constructed by the Tipton Promoters as though they were the Promoters of this Order, and from and after the completion of the same by the Tipton Promoters and the opening of the same for public traffic, such portion of tramway shall be deemed to form and shall form part of the tramways authorised by the Dudley and Tipton Tramways Order, 1881, and the Promoters of this Order may run over and use as aforesaid such portion of tramway.

Running powers in favour of Wednesbury and West Bromwich tramways.

73. In the event of the Wednesbury Order being confirmed by Act of Parliament, passed before the first day of September 1881, the Promoters of this Order may run over and use with their horses, engines, and carriages for the purposes of traffic of all kinds so much of Tramway No. 2 authorised by the Wednesbury Order as lies between the junctions of Saint Michael Street and Spon Lane with High Street, West Bromwich, when the same shall be completed and open for public traffic.

In the event of the said portion of Tramway No. 2, authorised by the Wednesbury Order as lies between the said junctions not being constructed by the Promoters of the Wednesbury Order within one year from the passing of the Act confirming this Order, then when Tramway No. 12 by this Order authorised shall be completed by the Promoters and open for public traffic, the Promoters of the Wednesbury Order may run over and use, with their horses, engines, and carriages, for the purposes of traffic of all kinds, such portion of tramway.

Terms of such user.

74. The terms, conditions, and regulations to which the Promoters, and the Dudley Promoters, the South Staffordshire Promoters, the Tipton Promoters, and the Promoters of the Wednesbury Order respectively shall be subject, in respect of running over and using the said respective portions of tramway and the tolls or other consideration to be paid by them for the same shall, if not agreed upon

between the Promoters of this Order and the Dudley Promoters, the South Staffordshire Promoters, the Tipton Promoters, and the Promoters of the Wednesbury Order respectively, be from time to time determined by an arbitrator in pursuance of section thirty-three of the Tramways Act, 1870: Provided always, that such terms, conditions, and regulations shall in every case be approved by the Board of Trade.

Byelaws to be observed.

75. The Promoters, and the Dudley Promoters, the South Staffordshire Promoters, the Tipton Promoters, and the Promoters of the Wednesbury Order respectively, in using or traversing the said portions of tramway in accordance with the provisions herein-before mentioned, shall at all times observe the regulations and byelaws for the time being in force on the said portions of tramway so used, so far as the same shall be applicable to the Promoters and to the Dudley Promoters, the South Staffordshire Promoters, the Tipton Promoters, and the Promoters of the Wednesbury Order respectively in the exercise of the said powers, and shall for their own acts and defaults in respect of such user incur all and the same liabilities as the owners of such portions of tramway respectively.

Tolls.

Tolls for passengers.

76. 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 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) the Promoters nevertheless not being required to take any fare less than two pence.

Passengers luggage.

77. 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.

78. 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 may 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): 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.

79. 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

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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.

80. 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.

81. 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.

Cleansing of tramways.

82. The road authorities in their respective districts may cleanse any road without reference to the tramways, but whatever cleansing owing to snow other matter impeding the traffic is requisite for the proper working of the tramways, shall be executed by the Promoters at their own risk and cost, who shall, in performing the same, remove the snow or other matter to such part of the road in any district as the road authority of such district may reasonably prescribe.

Provisions as to arbitration.

83. 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.

84. 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 of Birmingham, 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 of Birmingham, or any local authority, or any road authority or

other body, or any company, may be delivered by being left at the council house or 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 the town clerk, or to their respective clerk or secretary at the council house or such principal office.

Agreements between Promoters and road authorities.

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

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

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

Compensation for damage.

87. 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 authorities for all damage sustained by them respectively by reason or in consequence of the exercise of those powers or any of them.

Saving of rights.

88. Except as 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 authorities or to the road authorities respectively, or to the Birmingham, Tame, and Rea District Drainage Board, and save as aforesaid the local authorities and the road authorities and the said Drainage Board 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.

Promoters to pay local authorities certain costs incurred by them.

89. The Promoters shall, except as by this Order otherwise provided, pay to each of the local authorities on demand the amount of all reasonable costs, charges, and expenses incurred by them respectively in relation to this Order, and the preparation of any agreements entered into between them respectively and the Promoters as to this Order, and to the application for and obtaining this Order, and to the confirmation thereof by Act of Parliament, including parliamentary agents' and counsels' fees, and all costs, charges, and expenses incurred by such local authority in connexion with or in opposing this Order either with a view to obtaining the insertion in this Order of any provisions or otherwise.

Provided always, that the Promoters shall not be required to pay to the Corporation of Birmingham any costs, charges, or expenses incurred by them since this Order was settled and made by the Board of Trade, and that the costs of any inquiry by the Board of Trade between the Promoters and the

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Corporation as to the gauge of the tramways within the borough shall be in the discretion of the Board of Trade.

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

90. 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.

91. 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, 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.

Promoters to give local authorities notice of their intention to sell undertaking.

92. 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 persons or company before completing the same give two calendar months previous notice in writing to the local authorities of their intention to exercise the said powers.

Settlement of disputes.

93. Notwithstanding anything in this Order contained, if any dispute or difference arise between the Promoters and any of the local authorities, the same shall be settled in the manner prescribed by section thirty-three of the Tramways Act, 1870, for the settlement of the differences in that section mentioned.

Saving rights of county authority as to main roads.

94. Nothing in this Order shall take away, alter, or prejudicially affect the powers or liabilities of the county authority with respect to main roads under the provisions of the Highways and Locomotives (Amendment) Act, 1878.

Saving for general Acts.

95. 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.

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

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As to fittings of 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.

As to carriages.

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

Inspection of engines and carriages.

The Board of Trade shall, on the application of the local authority of any district in which steam or any mechanical power is used on the tramways, and may on complaint made by any person, from time to time inspect any engine or carriage used on the tramways and the machinery therein, and may whenever they think fit prohibit the use on the tramways of any such engine or carriage which in their opinion may not be safe for use on 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	6
For every ox, cow, bull, or head of cattle - - - -	0	6
For calves, pigs, sheep, and small animals, per head - - -	0	3

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
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 sugar, grain, corn, flour, hides, dyewoods, earthenware, timber or wood, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton - - - - -	0	5

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	Per mile. s.	d.
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, having two wheels -	1	0
For every carriage, of whatever description, having four wheels -	1	6

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 pounds and not exceeding five hundred pounds in weight, such sum as the Promoters think proper.

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.

Single Articles of Great Weight.

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

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

In addition to the foregoing tolls and charges, the Promoters may make a reasonable charge for loading and unloading, and for collection and delivery of goods, and for any other service incidental to the duty or business of a carrier where any such service is performed by the Promoters.

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 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.

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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.

DUDLEY AND TIPTON TRAMWAYS.

Dudley and Tipton.

Order authorising the construction of Tramways in the borough of Dudley, in the county of Worcester, and in the parish of Tipton, in the county of Stafford.

Short title.

1. This Order may be cited as "The Dudley and Tipton Tramways Order, 1881."

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.

The Promoters.

4. William Wilkinson, of Dudley House, Churchhill, near Kidderminster, Worcestershire, ironmaster; Thomas Mills, of The Shrubbery, Summerhill, Staffordshire, coalmaster, Henry Christian, of Ashfield, Harborne, Staffordshire, gentleman; Herbert Wheeler, of Oldbury, Worcestershire, railway carriage manufacturer; and Henry Thomas McNeale, of No. 5, Austin Friars, London, merchant; and the survivors and survivor of them and the executors or administrators of such survivor, their or his assigns, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may, by agreement, from time to time purchase or take upon 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 ten 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

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purposes of this Order, the tramways herein-after described, with all proper rails, points, junctions, plates, offices, 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. 3, wholly situate in the parish of Tipton, in the county of Stafford, commencing by a junction with Tramway No. 5 at its commencement in Great Bridge Street, and passing in a westerly direction along Great Bridge Street, Market Place, Horseley Heath, Dudley Port Road, Burnt Tree Road, and terminating at the parish boundary, where it crosses the last-mentioned road at 3 chains south of Orchard Street.

The Tramway No. 3 shall be a single line, except at the following places, where it shall be a double line :—

First, commencing from a point 2·40 chains west of the parish boundary before mentioned for a distance of 3 chains to the south-west :

Second, commencing from a point 0·20 chains north of Mill Street for a distance of 3 chains to the south-west :

Third, commencing from a point 1·70 chains south-west of Providence Street for a distance of 3 chains to the south-west :

Fourth, commencing from a point 0·30 chains south-west of Horseley Road for a distance of 3 chains to the south-west :

Fifth, commencing from a point 9 chains south-west of the south-east corner of the Fitters' Arms public-house for a distance of 3 chains to the south-west :

Sixth, commencing from a point 2·70 chains south-west from under the centre of the canal aqueduct for a distance of 3 chains to the south-west :

Seventh, commencing from a point 3·20 chains north-east from Tividale Road and terminating at 0·20 chains north-east therefrom :

Eighth, commencing from a point 3 chains south-west of centre of bridge over Birmingham Canal for a distance of 3 chains to the south-west :

Ninth, commencing from a point 5·70 chains south-west of the City Lane for a distance of 3 chains to the south-west :

Tenth, commencing from a point 4·30 chains south-west of Bradley Street for a distance of 3 chains to the south-west.

Total length of Tramway No. 3, of single portions, 1 mile 2 furlongs 7 chains.

Total length of double portions, 3 furlongs.

Tramway No. 4, so much of the said Tramway No. 4 as is wholly situate in the borough of Dudley, in the county of Worcester, and commences by a junction with the termination of Tramway No. 3, as will be necessary to make a junction with Tramway No. 8 authorised by the Birmingham Western Districts Tramways Order, 1881, in the Birmingham Road.

So much of Tramway No. 4 shall be a single line, in length about 5 chains.

Tramway No. 5, wholly situate in the parish of Tipton, in the county of Stafford, commencing by a junction with Tramway No. 3, at a point one chain westward of its commencement in Great Bridge Street, and passing in a northerly direction through Market Place, New Road, Toll End Road, and terminating at Ocker Hill, nearly opposite the Bilston Road, at a point about 7 furlongs 9 chains from the commencement thereof.

Tramway No. 5 shall be a single line, except at the following places, where it shall be a double line :—

First, commencing from a point 1·80 chains from its commencement for a distance of 3 chains to the westward :

Second, commencing from a point 1 chain north from under the centre of the Great Western Railway bridge over road for a distance of 3 chains to the north :

Third, commencing from a point 3 chains south from Horseley Road for 3 chains to the north :

Fourth, commencing from a point 0·70 chains north of the centre of bridge over Birmingham Canal for a distance of 3 chains to the north :

Fifth, commencing from a point 1 chain south of the east corner of Old Pound in Toll End Road for a distance of 3 chains to the north :

Sixth, commencing from a point 3·50 chains south of the centre of tramway crossing Toll End Road, leading to brickworks, for a distance of 3 chains to the north :

Seventh, commencing from a point 1 chain south of Spring Street, and terminating 3 chains to the north :

Eighth, commencing from a point 2·50 chains south of and opposite to the south-east corner of the Crown and Cushion Inn for 3 chains to the north.

Total length of Tramway No. 5, of single portions, 5 furlongs 5 chains.

Total length of double portions, 2 furlongs 4 chains.

For the protection of Corporation of Birmingham.

7. If the Promoters desire, under the authority of this Order, to do any act which shall or may, in the opinion of the engineer herein-after referred to, render necessary the removal or displacement of any of the mains or pipes, valves, syphons, plugs, or apparatus, or other works belonging to or under the control of the mayor, aldermen, and burgesses of the borough of Birmingham, in the county of Warwick (in this section referred to as "the Corporation"), the Promoters shall give to the town clerk of the said borough fourteen clear days notice in writing of such desire, and a similar notice to the engineer of the Corporation having the superintendence of such mains or pipes, valves, syphons, plugs, or apparatus, or other works, accompanied by plans and sections and other necessary particulars, showing the works proposed to be executed by the Promoters, so far as they affect the gas and water mains, pipes, apparatus, or other works proposed to be interfered with, and the Corporation shall forthwith (without prejudice, nevertheless, to the protection afforded them by sub-section two of section thirty of the Tramways Act, 1870,) make such removal or displacement as they may consider necessary, and do all works incident thereto; and all

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reasonable and necessary expenses to be thereby incurred shall be defrayed by the Promoters, and if the Promoters shall not, on demand, pay to the Corporation the expenses so incurred by them, the Corporation may recover the same by all and the same means as any simple contract debt may be recovered; and the certificate of the engineer of the Corporation, under whose superintendence such displacement or removal shall have been made as to the expenses incurred by the Corporation as aforesaid shall be binding and conclusive upon the Promoters, and the Promoters shall not be entitled to inquire into or question the propriety or necessity of any works executed by the Corporation for effecting any such displacement or removal as aforesaid.

The provisions of sub-section four of section thirty-two of the Tramways Act, 1870, in favour of the local authority, or the road authority, shall be extended to and include the Corporation as the owners of gas and water undertakings.

For protection of railway and canal companies.

8. In constructing and maintaining any tramway by this Order authorised, where it crosses any bridge carrying any road over any railway or canal, or passes under any railway bridge, the Promoters shall be subject to the following conditions:

(1.) The tramway, when only a single line of tramway, shall be constructed and maintained along the centre of the roadway:

(2.) The Promoters shall not in any way alter or interfere with the structure of any such bridge, or of the approaches thereto, and they shall so construct and maintain the tramway over such bridge and the approaches thereto, or under such bridge, as the case may be, as not injuriously to affect the same:

(3.) In the event of any such injury being caused to any such bridge or approaches by the construction, maintenance, repairing, user, or removal of the tramway, the railway company owning such bridge or approaches may, at the expense of the Promoters, restore such 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 such 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 such bridge and approaches as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870, and such 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:

(4.) Whenever and so often as any railway company shall require to widen, lengthen, strengthen, reconstruct, alter, or repair any such bridge or approaches, or to widen or alter their said railways or canals where a tramway passes under any railway bridge, or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten, and they shall find it necessary for effecting any of such purposes that the working and user of the tramway over such bridge or approaches, or under such bridge, shall be wholly or partly stopped or delayed, or that the tramway shall be temporarily diverted or be wholly or in part taken

up or removed, and shall give to the Promoters three clear days notice in writing requiring such stoppage, delay, or diversion, taking up or removal, the working and user of such tramway shall be stopped or delayed, or the tramway shall be diverted, or taken up, or removed accordingly at the expense of the Promoters, but only for so long as the railway 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:

And in case the principal engineer of the railway company shall be of opinion that any such strengthening is desirable or necessary owing to the carriages or other vehicles on any such tramway being or intended to be moved by steam or any mechanical power, such strengthening shall be effected in all things at the expense of the Promoters, who shall also pay to the railway company all additional expense which they may incur or be put to in effecting any such widening, lengthening, strengthening, reconstruction, alterations, repairs, lifting, or supporting by reason of the existence of the tramway so passing, or any of the works connected therewith, the amounts of such expenditure to be recoverable as aforesaid by the railway company from the Promoters with full costs and charges by all and the same means as any simple contract debt may be recovered:

(5.) Whenever the tramway on either side of any such bridge or approaches is a single line there shall only be a single line over such bridge and approaches and no turn-outs or passing-places shall be constructed thereon:

(6.) All works which may be necessary in constructing and maintaining any of the tramways over or under any bridge, works, or property of any railway company, shall be constructed and maintained in all things at the expense of the Promoters, and to the reasonable satisfaction of the principal engineer of such company, or, in case of difference, of an engineer to be appointed by the Board of Trade on the application of either such company or the Promoters.

Access to Dudley Port Railway Station not to be obstructed.

9. With respect to the Tramway No. 3, where it will pass in front of the Dudley Port Railway Station of the London and North-western Railway Company, no additional crossing, passing-place, siding, junction, turn-out, or other work shall be made for or in connexion with that tramway for the distance thereon extending in front of the entrance to that station, and for a length of ten yards at each end of such distance; and without the consent of that company under their common seal no tramcar or other carriage or vehicle used on that tramway shall be stopped or permitted to be stopped within such distance and lengths.

Saving rights of railway companies.

10. Nothing contained in this Order shall prejudice, lessen, take away, or interfere with the lands, property, rights, powers, and privileges of any railway company otherwise than is hereby expressly provided.

Protecting bridges over Birmingham canals.

11. Where 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 (in this Order referred to as "the Canal Company"), the following provisions shall apply:

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(*a.*) The Promoters shall give fourteen days notice in writing to the Canal Company of their intention to commence any work which affects or in anywise interferes with the structural works of such bridge or the road over the same, and shall at the same time send sufficient specifications or other information to show the nature of such work; and such work 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.*) If such bridge shall be deemed by the Canal Company or their engineer for the time being to be of insufficient strength to carry locomotive engines or weight beyond the ordinary traffic of the district, the Promoters shall, upon notice from the Canal Company to that effect, and before driving or carrying a locomotive engine or extraordinary weight on or over such bridge, execute at the cost of the Promoters all such works as may be reasonably required by the Canal Company to prevent injury to such bridge by the driving or carrying thereon or thereover of such locomotive engines or extraordinary weights; but notwithstanding the last preceding provisions, the Promoters shall make good to and compensate the Canal Company for all damage that may be occasioned to any bridge, work, or property of the Canal Company by the driving or carrying on or over such bridge of any locomotive engine or extraordinary weight, or by or in consequence of the construction by the Promoters of any work or otherwise by any act or default of the Promoters.

(*c.*) Any additional expense in the maintenance of the bridge or of the roadway on or over the same, or of the approaches thereto, occasioned by the construction, use, or maintenance of the tramway, shall be borne by the Promoters.

Saving of rights of Canal Company to open roads, &c.

12. Nothing in this Order shall take away or abridge any power of the Canal Company to open or break up any road along or across which any tramway by this Order authorised 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, but 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 such tramway and the works connected therewith that may be necessary shall be made by and at the expense of the Promoters, who shall also at their own expense replace and make good the same:

(*c.*) Before the Canal Company commence any work whereby the traffic on such 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 forty-eight hours 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 such tramway, or any work connected therewith, by the execution by the Canal Company of any such work as aforesaid, or by 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 such work; 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 such tramway 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 such tramway, or any of the works connected therewith, shall be borne by the Promoters.

Difference between the Promoters and Canal Company.

13. 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, or for the prevention of injury to any bridge is such as ought reasonably to satisfy the Canal Company, 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 Canal Company under their Acts not to be interfered with.

14. 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 or by all or any of the several Acts of Parliament now in force relating to their canals.

Rights of CanalCompany under the Tramways Act 1870, and this Order, not to be interfered with.

15. 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, or any other general Act of Parliament, and in this Order, or any or either of them.

Promoters to make deposit before opening roads in Tipton district

16. Before the Promoters open or break up any road within the district of the Local Board of Tipton they shall deposit the sum of five hundred pounds in the Birmingham, Dudley, and District Bank at Birmingham, to a joint account in the names of the said Local Board and the Promoters.

The sum so to be deposited shall from time to time during the progress of the works be paid out to the Promoters in the proportion of fifty pounds per centum on the value of the works in the said district which at the time of making such payments respectively have been properly executed, such valuation to be

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ascertained by writing under the hand of the engineer for the time being of the Local Board: Provided that the said sum of five hundred pounds so to be deposited, shall, at the request of the Promoters, but at their risk, be invested in such securities as the Local Board approve, and the interest thereon shall be payable to the Promoters.

Gauge of tramways.

17. 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 the carriage shall not apply to carriages used on the tramways, but no carriage or engine used on the tramways shall exceed five feet six inches in width, or such other width as may from time to time be prescribed by the Board of Trade.

Further provisions as to construction of tramways.

18. 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.

19. The tramways shall be constructed with two grooved rails 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.

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, 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 tramway.

21. 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.

22. 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.

23. 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

24. 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.

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Application of road materials excavated in construction of works.

25. 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.

Paving, &c. of roads.

26. Subject to the preceding provisions of this Order, the Promoters shall in constructing the tramways pave with sets of a paving material and of a quality and size not less than five inches in depth, to be from time to time prescribed by the road authority of the district in which such tramways are to be laid, 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 measured from the outside of each rail in the direction of the kerb, and shall make good the road for a distance of one foot from the outside of the paving on each side in the direction of the kerb, with Macadam or such other material as may be agreed upon between the road authority and the Promoters: Provided always, that subject as aforesaid the road authority and the Promoters may by agreement at any time vary, alter, or repeal the obligation herein contained.

Repair of roads.

27. The Promoters shall at all times and under all circumstances, and whether the repairs shall be rendered necessary by mining operations or otherwise, maintain and keep in good condition and repair such parts of the roads in which any tramways are laid as are herein-before by this Order required to be maintained and made good as aforesaid; and if at any time any such part of any road shall in the judgment of the road authority be not maintained and kept in such good condition and repair, and shall so remain out of such good condition and repair for the space of seven days after notice given by

the road authority to the Promoters, 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 of like amount 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.

Superintendence and approval of the road authority extended.

28. 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 local or road authority.

Cost of supervision, &c. by local or road authority.

29. The Promoters shall on demand repay to any local or road authority all reasonable charges and expenses incurred by them for the supervision and inspection by them under this Order of any work done by the Promoters in connexion with the tramways, and the local and road authority of each district are hereby authorised to order such supervision and inspection of the works within their district as such local or road authority may deem proper, but no such supervision or inspection shall relieve the Promoters from any liability whatever.

Breaking up roads by local or road authority.

30. Nothing in this Order contained shall obstruct, hinder, prejudice, or prevent the local or road authority of any district from breaking up any 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 road within such district, and for that purpose to stop the traffic along any of the tramways within such district, and any extra cost incurred by any local or road authority in so doing and in restoring the surface of any road and any of the tramways by reason of such tramways being laid down, shall be borne by the Promoters and be paid by them to such local or road authority, and in default of such payment shall be recoverable in a summary manner and as though such extra cost had been a penalty incurred by the Promoters.

Saving for local or road authority as to sewers.

31. Nothing in this Order contained shall take away, alter, or diminish any of the powers, rights, or authorities of the local or road authority of any district as the sewer authority for such district, and their officers and servants respectively, either under the powers conferred on them by the Public Health Act, 1875, or any other public or local and private Act of Parliament affecting such district already in force, or which may hereafter be passed, enabling such local or road authority to construct, maintain, and repair, cleanse, alter, discontinue, or otherwise deal with other sewers or drains, man-holes, ventilating shafts, and other works in connexion therewith, or any lateral or private drains to communicate therewith belonging to such local or road

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authority or over which they may from time to time have control or be empowered to construct and maintain or to break up any road within such district for any other purpose for which they are authorised so to do, and such local or road authority shall be entitled to require the Promoters to, and the Promoters shall upon receiving eighteen hours notice in writing from such local or road authority so to do, either stop the traffic upon the tramways in any road to which such notice shall refer, or take up the tramways in such road, or shore up and secure the same at their own risk and cost to the reasonable satisfaction of the surveyor for the time being of such local or road authority during the construction of the works in any such road: Provided that all such works shall be done by such local or road authority with all reasonable despatch and with as little damage as reasonably may be to the tramways, and such local or road authority shall not 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 any sewer shall have been completed and the ground above the same filled in, but in the construction of any sewer and the filling in of the ground above and around the same such local or road authority shall proceed with all reasonable care and despatch: Provided further, that such local or road authority shall not by reason of the execution of any such works incur any liability to the Promoters except for damage caused by the unreasonable or wilful act or neglect of such local or road authority or their servants.

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

As to lighting apparatus and sewers of local authorities.

32. 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 or road authority of any district within which any of the tramways are authorised to be laid with reference to the lighting apparatus and sewers belonging or which hereafter may belong to such local or road authority 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 such local or road authority: Provided that all works or interference with or in connexion with the lighting apparatus or sewers of such local or road authority under the thirtieth section of the Tramways Act, 1870, or otherwise, shall be made or executed by such local or road authority, and not otherwise, upon the request but at the cost of the Promoters.

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

33. Nothing contained in this Order shall interfere with the exercise by the local authorities respectively of the powers, rights, and privileges conferred upon them respectively by any Act or Acts of Parliament of laying down, maintaining, and, as the case may require, of repairing, altering, removing, or replacing any mains, pipes, or other works in or under any of the roads or

thoroughfares upon which the tramways or any of them are laid under the authority of this Order.

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

34. 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 any of the tramways, and the value of any lighting apparatus belonging to or under the control of the local or road authority of any district, and rendered useless or unproductive to such local or road authority 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 such local or road authority 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 alterations, &c. of gas or water pipes.

35. 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 gas or water pipes of the local authority of any district, 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.

The Promoters shall compensate all occupiers of premises for any extra expense they may incur (by reason of the tramways) in putting in gas or water service pipes.

Traffic on roads not to be impeded.

36. During the construction of any works by this Order authorised in any roads in any district the Promoters shall cause as little impediment as possible to the traffic along such roads, and shall make such arrangements in the execution of such works as the local or road authority of such district may from time to time by writing reasonably require for preventing such traffic from being unnecessarily impeded.

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

37. 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.

38. The carriages used on the tramways may, subject to the provisions of this Order, be moved by animal power, and during a period of seven years after the opening of the same for public traffic, and with the consent 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,

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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.

39. 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.

40. 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 such tramways;

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

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

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

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.

41. 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.

42. 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.

43. 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 contract with road authorities where steam or mechanical power is to be used.

44. 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 the tramways or such part of the tramways are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, then and in every such case, with the consent of the Board of Trade, it shall be lawful for the Promoters or such person by such notice, or for such road authority by notice to be served upon the Promoters or such person not later than forty days after the receipt by such road authority of such first-mentioned notice, to determine such contract, agreement, or arrangement; and thereupon such contract, agreement, or arrangement shall, from and after the commencement of the use of steam 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 the tramways or such part of the tramways are or is laid, or with respect to the payment by the Promoters or such person to such road

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authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, which they may think fit and the Board of Trade may approve.

In case any difference arises between any such road authority and the Promoters or such person as to the determination of any such contract, agreement, or arrangement, or in case any such road authority, after request in writing by the Promoters or such person, or the Promoters or such person, after request in writing by any such road authority, during a period of one month after such request, refuse or fail to enter into any such contract, agreement, or arrangement, or to renew the same with or without modification, or to make a new contract instead thereof, or in case of any difference as to the terms of any such contract, agreement, or arrangement, or any renewal thereof, with or without modification, or any new contract instead thereof, then, and in every such case, the difference with respect to such determination or the reasonableness of such refusal or failure, or the terms of such contract, agreement, or arrangement, or any renewal thereof, with or without modification, or any new contract instead thereof, shall from time to time, on the appeal of either of the parties to the Board of Trade, be determined in manner provided by the Tramways Act, 1870, with respect to 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.

45. 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 the tramways or such part of the tramways are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, 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.

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

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

47. 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.

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

48. The Promoters may, and when required by the local authority of any district in which any of the tramways is situated, shall carry in separate carriages or separate parts of carriages set apart for that purpose, animals, goods, minerals, and parcels in such district; provided that this provision shall not apply to the carriage of passengers luggage.

Local or road authority may suspend tramway traffic.

49. The local or road authority of any district in which any of the tramways is situate may from time to time by notice in writing to the Promoters for the purpose of regulating and facilitating the traffic on market or fair days or for the execution of any works by such local or road authority, or any water company within such district, or during the time of any public meeting, procession, or demonstration, or for any other purpose which such local or road authority, having regard to the good government of such district or the safety of the public, may deem necessary, stop, delay, and suspend the working of the tramways, or any of them, within such district, 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.

Local or road authority may use the tramways for sanitary purposes.

50. The local or road authority of any district may use the tramways within such district for sanitary purposes, and for the conveyance of scavenging stuff, night soil, ashes, road metal, and other materials required to be carried by or for such local or road authority, free of all tolls and charges whatsoever, and for this object may, if authorised to do so without payment to the Promoters thereof, connect branch lines with the lines of the Promoters at such points as such local or road authority may from time to time deem expedient; and may for such purposes, subject to the provisions of this Order, use steam or any mechanical power on the tramways within such district, provided that no scavenging stuff or night soil shall be on the said tramways except between the hours of eleven o'clock at night and six o'clock in the morning.

Running powers in favour of Birmingham and Western Districts Tramways.

51. In the event of the Birmingham and Western Districts Tramways Order, 1881, (in this Order referred to as "the Birmingham Order,") being confirmed by Act of Parliament passed before the 1st day of September 1881, the Promoters may run over and use with their horses, engines, and carriages, for the purposes of traffic of all kinds, so much of the Tramway No. 8 authorised by the Birmingham Order as lies between the junction of the Dudley Port Road with the Birmingham and Dudley Road and the termination of the said Tramway No. 8 in Market Place, Dudley, when the same shall be completed and open for public traffic; but in the event of so much of the said Tramway No. 8, from the Dudley Port Road along the Birmingham and Dudley Road to the junction of that road with Tipton Road, not being completed by the Promoters of the Birmingham Order and open for public traffic within one year from the passing

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of the Act confirming this Order, then such portion of tramway may be constructed by the Promoters of this Order as though they were the Promoters of the Birmingham Order, and from and after the completion of the same by the Promoters of this Order such portion of tramway shall be deemed to form and shall form part of the tramways by this Order authorised, and the Promoters of the Birmingham Order may run over and use with their horses, engines, and carriages, for the purposes of traffic of all kinds, such portion of tramway.

The terms, conditions, and regulations to which the Promoters and the Promoters of the Birmingham Order shall be subject, in respect of running over and using such portions of tramway respectively, and the tolls or other consideration to be paid by them for the same, shall, if not agreed upon between the Promoters and the Promoters of the Birmingham Order, be from time to time determined in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned: Provided always, that such terms, conditions, and regulations shall in every case be approved by the Board of Trade.

The Promoters and the Promoters of the Birmingham Order respectively in using or traversing such portions of tramway respectively in accordance with the provisions herein-before mentioned shall at all times observe the regulations and byelaws for the time being in force on such portions of tramway respectively so used, so far as the same shall be applicable to the Promoters and to the Promoters of the Birmingham Order, in the exercise of the said powers, and shall for their own acts and defaults in respect of such user incur all and the same liabilities as the owners of such portions of tramway respectively.

Tolls.

Tolls for passengers.

52. 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.

Passengers luggage.

53. 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.

54. The Promoters at all times after the opening of the tramways for public traffic shall and they are hereby required to run at least one carriage each way every morning in the week and every evening 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 fares not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny): Provided that

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of the Act confirming this Order, then such portion of tramway may be constructed by the Promoters of this Order as though they were the Promoters of the Birmingham Order, and from and after the completion of the same by the Promoters of this Order such portion of tramway shall be deemed to form and shall form part of the tramways by this Order authorised, and the Promoters of the Birmingham Order may run over and use with their horses, engines, and carriages, for the purposes of traffic of all kinds, such portion of tramway.

The terms, conditions, and regulations to which the Promoters and the Promoters of the Birmingham Order shall be subject, in respect of running over and using such portions of tramway respectively, and the tolls or other consideration to be paid by them for the same, shall, if not agreed upon between the Promoters and the Promoters of the Birmingham Order, be from time to time determined in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned: Provided always, that such terms, conditions, and regulations shall in every case be approved by the Board of Trade.

The Promoters and the Promoters of the Birmingham Order respectively in using or traversing such portions of tramway respectively in accordance with the provisions herein-before mentioned shall at all times observe the regulations and byelaws for the time being in force on such portions of tramway respectively so used, so far as the same shall be applicable to the Promoters and to the Promoters of the Birmingham Order, in the exercise of the said powers, and shall for their own acts and defaults in respect of such user incur all and the same liabilities as the owners of such portions of tramway respectively.

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Tolls for passengers.

52. 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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53. 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.

54. The Promoters at all times after the opening of the tramways for public traffic shall and they are hereby required to run at least one carriage each way every morning in the week and every evening 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 fares 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.

55. 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

56. 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.

57. 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.

Authorising agreements for use of tramways.

58. The Promoters on the one hand, and any company, corporation, or person on the other hand, from time to time may with the approval of the Board of Trade enter into and carry into effect, and from time to time alter, renew, or vary contracts, agreements, or arrangements for or with reference to the use by such company, corporation, or person, of the tramways, or any of them, or any part or parts thereof respectively, and the tolls, rates, and charges to be paid for such use, and the terms and conditions of such use, and all incidental matters.

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Authorising agreements with road authorities.

59. The Promoters on the one hand, and any road authority on the other hand, may from time to time enter into and carry into effect, and from time to time alter, renew, or vary contracts, agreements, or arrangements as to the maintenance and repair of the whole or any portion of any road along which any part of the tramways is laid, and which is within the jurisdiction of such road authority, and as to the payment of an annual or other sum or contribution by or to such road authority, in respect of such maintenance and repair.

Cleansing of roads.

60. The control over the surface of every road in which any tramway is laid shall continue in the road authority of the district in which such road is situated, who may cleanse the same without reference to the tramways; but whatever cleansing, owing to snow or other matters impeding the traffic, may be requisite for the proper working of the tramways shall be executed by the Promoters, who shall in performing the same remove the snow or other matter from off the road forthwith and without first placing it on any other part of the road.

Regulations, &c. by local authority.

61. The powers of 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,)

1. Prohibiting the stopping of carriages used on the tramways 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:
2. 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 which may be appointed by the local authority to be unfit for use on the tramways:
3. For enforcing good conduct, attention, and civility from the drivers and conductors of the carriages used on the tramways:
4. 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 carriages or otherwise:
5. For preventing the overcrowding of any carriages used on the tramways.

Authentication of byelaws.

62. 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.

Costs of local or road authority as to Order to be paid by the Promoters.

63. All reasonable costs and expenses incurred by any local or road authority in connexion with or incident to any arrangement in relation to this Order entered into before the making of this Order between the Promoters and such local or road authority, 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 such local or road authority within six months after the passing of the Act confirming this Order.

Saving of rights of local and road authorities.

64. Except as is by this Order otherwise expressly provided, nothing in this Order contained shall extend or be construed to take away, abridge, lessen, prejudice, nor 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 any local or road authority, 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.

Provisions as to arbitration.

65. 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.

66. 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.

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

67. 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.

68. 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, and that every mortgage deed granted by the Promoters shall be indorsed with notice that such mortgage will not be a

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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.

69. 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 of engines, &c.

Every engine used on the tramways shall have its number shown in some conspicuous part, 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.

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.

As to speed.

SCHEDULE B.

RATES FOR THE CONVEYANCE OF ANIMALS, GOODS, &C., PER MILE.

Animals.

For every horse, mule, or other beast of draught or burden, sixpence per head.

For every ox, cow, bull, or head of cattle, sixpence per head.

For every calf, pig, sheep, or other small animal, threepence per head.

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, threepence per ton.

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, fourpence per ton.

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, fivepence per ton.

For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, sixpence per ton.

For every carriage of whatever description having two wheels, one shilling.

For every carriage of whatever description having four wheels, one shilling and sixpence.

Small Packages, any distance.

For any parcel not exceeding seven pounds in weight, threepence.

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

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

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

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

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For the Carriage of 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 weights of which, including the carriage, exceed four tons but shall not exceed eight tons, such sums as the Promoters may think fit, not exceeding two shillings per ton.

For the carriage of any single piece of timber, stone, machinery, or other single article the weight of which, with the carriage, shall exceed 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 tolls 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.

Dudley, &c.

DUDLEY, STOURBRIDGE, AND KINGSWINFORD TRAMWAYS.

Order authorising the construction of Tramways in the counties of Worcester and Stafford between Dudley, Stourbridge, and Kingswinford.

Short title.

1. This Order may be cited as the Dudley, Stourbridge, and Kingswinford Tramways Order, 1881.

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 expressions "the borough" and "the Corporation" shall mean respectively the borough of Dudley, in the county of Worcester, and the mayor, aldermen, and burgesses of the said borough acting by the Council;

The expression "the local board" shall mean the Local Board of Health for the Brierley Hill district, in the county of Stafford;

The expression "the Brierley Hill district" shall mean the district of the local board; and

The term "person" shall include a corporation.

Promoters.

The Promote

4. The Dudley, Stourbridge, and Kingswinford 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 or 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 seven 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 "the deposited sections"), the tramways herein-after described, with all proper rails, plates, offices, weigh-bridges, stables, carriage-houses, engine sheds, 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, commencing in the Market Place, at a point 45 chains from the commencement of the tramway, as shown upon the deposited plans, passing along High Street, Upper High Street, Queen's Cross, Springsmire, and Scott's Green, and there terminating at or near the point in the highway leading from Dudley to Kingswinford, where such highway divides and branches off to Kingswinford and to Stourbridge.

Tramway No. 1 shall be laid as a single line, excepting between the following points, where it shall be laid as a double line; namely,

Between a point in High Street, 1 chain and 15 links or thereabouts, west of the junction of Vicar Street with that street, and a point in Upper High Street, 15 links or thereabouts, east of the junction of Stafford Street with Upper High Street:

Between a point in Queen's Cross in the highway leading from Dudley to Kingswinford, 15 links or thereabouts, east of the junction of Farthing's Lane, with that highway, and a point upon the same highway, 2 chains and 45 links or thereabouts, west of the said junction:

Between a point in the highway leading from Dudley to Kingswinford, 2 chains and 60 links or thereabouts, east of the termination of the Tramway No. 1 above described, and the point of termination of such tramway.

The total length of Tramway No. 1 will be 1 mile 3·95 chains, consisting of 7 furlongs 6·15 chains of single line and 7·80 chains of double line.

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Tramway No. 4, commencing in Brettel Lane, 1 chain and 25 links or thereabouts, from the junction of Brettel Lane with the highway leading from Wordsley to Stourbridge, and proceeding thence along that highway and terminating at a point in the said highway, 50 links or thereabouts, north of the place where the River Stour passes under such highway.

Tramway (No. 4) shall be laid as a single line, excepting between the following points, where it shall be laid as a double line; namely,

Between a point situate in the highway leading from Wordsley to Stourbridge, 2 chains and 45 links or thereabouts, north of the junction of the Dennis Park Road and the said highway, and a point in the said highway, 15 links or thereabouts, south of the said junction:

Between a point in the said highway, 2 chains and 75 links or thereabouts, north of the junction of the road by Ambiecote Church and that highway, and a point in the same highway, 15 links or thereabouts, north of the said junction:

Between a point in the same highway, 3 chains and 10 links or thereabouts, north of the River Stour and the termination of Tramway No. 4 above described.

The total length of Tramway (No. 4) will be 6 furlongs 0·25 chain, consisting of 5 furlongs 2·45 chains of single line and 7·8 chains of double line.

Tramway No. 6, commencing by a junction with Tramway No. 4 at its commencement above described, and proceeding thence along the highway leading from Stourbridge through Brierley Hill to Dudley, and terminating in the said highway by a junction with Tramway No. 1 at the termination thereof as above described.

Tramway No. 6 shall be laid as a single line throughout, excepting between the following points, where it shall be laid as a double line; namely,

Between a point in the said highway at Brettel Lane, 4 chains and 75 links or thereabouts, west of the road leading out of such highway and a point, 2 chains and 15 links or thereabouts, west of the said road:

Between a point in the said highway, 2 chains and 15 links or thereabouts, west of the entrance in that highway to the Great Western Railway at Brettel Lane Station and a point in the said highway, 45 links or thereabouts, east of the said entrance:

Between a point in the said highway, 2 chains and 60 links or thereabouts, west of the junction of the said highway with the Delph Road and a point at or about opposite to the said junction and in the said highway:

Between a point upon the said highway, 2 chains and 60 links or thereabouts, west of the police station at Brierley Hill and a point upon the said highway opposite the said police station:

Between a point upon the main street of Brierley Hill, 4 chains and 15 links or thereabouts, south of the junction of Level Street with the said main street, and a point upon the said main street, 1 chain and 55 links or thereabouts, south of the said junction:

Between a point, 2·60 chains, south of the junction of John Street with Dudley Road, and a point upon the said highway from Stourbridge to Dudley, 65 links or thereabouts, west of the entrance in that highway to the Great Western Railway at Round Oak Station:

Between a point in Harts Hill upon the said highway, 2 chains and 75 links or thereabouts, south of the junction of Canal Street and the said highway, and a point upon the same highway opposite to the said junction:

Between a point in Harts Hill upon the said highway immediately north of a colliery tramway crossing the said highway and a point upon the said highway, 2 chains and 60 links or thereabouts, north of the crossing of the said colliery tramway:

Between a point at Holly Hall upon the said highway, 35 links or thereabouts, north-east of the junction of the highway, late the Pedmore Turnpike Road, with the said first-mentioned highway opposite Holly Hall Schools, and a point upon the said highway leading from Stourbridge to Dudley, 2 chains and 95 links or thereabouts, east of the said junction.

The total length of Tramway No. 6 will be 3 miles 2 furlongs 4·6 chains, consisting of 2 miles 7 furlongs 8·6 chains of single line and 2 furlongs 6 chains of double line.

For the protection of the Corporation of Dudley.

7. For the protection of the Corporation the following provisions shall have effect; that is to say,

The Promoters shall, if so required by the Corporation in writing under the hand of the town clerk, construct as a double line so much of Tramway No. 1 as lies between the commencement thereof and the point of junction of the Birmingham Road and Castle Street.

With respect to every terminal station, the Promoters and any tramway company using the same shall respectively pay to the Corporation in respect thereof such rent as may be agreed on between the Corporation and the Promoters or such tramway company, or as, failing such agreement, shall be determined by arbitration.

The sufficiency of all works to be constructed in the borough under the powers of this Order shall be settled between the surveyor of the borough and the engineer of the Promoters, and in case of difference shall be determined by an engineer to be appointed by the Board of Trade.

As to Round Oak Bridge.

8. Notwithstanding anything in this Order or shown on the deposited plans, the Promoters shall not construct any turn-out or passing-place on Round Oak Bridge.

For protection of the Pensnett railway and canal.

9. Where any of the tramways are authorised to be constructed upon any bridge carrying any road over the Pensnett Canal or the Pensnett Railway, or any branch or branches thereof respectively, the said canal and railway respectively belonging to or reputed to belong to William Earl of Dudley, or belonging to or reputed to belong to the trustees of the will of John William late Earl of Dudley, deceased, the following provisions shall apply and have effect:

1. The Promoters shall give fourteen days notice in writing to the said Earl, his heirs or assigns, or other the person or persons for the time being entitled to the said canal and railway respectively, of their intention to

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commence any works which may 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 said Earl or such person or persons so entitled as aforesaid, and so as not in any way to interfere with the traffic to, from, or upon the said canal or the towing-paths or towing-path thereof, or the traffic to, from, or upon the said railway, or any branch or branches thereof:

2. Any additional expense in the maintenance of any such bridge or 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.

For protection of railway and canal companies.

10. In constructing and maintaining any tramway by this Order authorised, where it crosses any bridge carrying any road over any railway or canal belonging to the Great Western Railway Company or the Stourbridge Canal Company respectively, or either of them, the Promoters shall be subject to the following conditions:

(1.) Every such tramway shall be constructed and maintained along the centre of the roadway:

(2.) The Promoters shall not in any way alter or interfere with the structure of any such bridge or of the approaches thereto, and they shall so construct and maintain such tramway over such bridge and the approaches thereto as not to affect the same injuriously:

(3.) In the event of any injury being caused to any such bridge or approaches by the construction, maintenance, repairing, user, or removal of any such tramway, the said Railway Company or the said Canal Company owning such bridge or approaches, as the case may be, may, at the expense of the Promoters, restore such 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 said Railway Company or the said Canal Company, as the case may be, against all sums, costs, and expenses which they respectively may pay or be put to in repairing and maintaining 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 Railway Company or the said Canal Company, as the case may be, 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:

(4.) Whenever and so often as the said Railway Company or the said Canal Company shall require to widen, lengthen, strengthen, reconstruct, alter, or repair any such bridge or approaches, or to lift or support any such bridge or approaches, owing to any subsidence thereof, caused by the minerals thereunder having been or being worked or gotten, and they shall find it necessary for effecting any of such purposes that the working and user of such tramway over such bridge or approaches shall be wholly or partly stopped or delayed, or that such tramway shall

be temporarily diverted or be wholly or in part taken up or removed, and shall give to the Promoters three clear days notice in writing requiring such stoppage, delay, diversion, taking up, or removal, the working and user of such tramway shall be stopped or delayed, or the tramway shall be diverted or taken up or removed accordingly, at the expense of the Promoters, but only for so long a time as the said Railway Company or the said Canal Company, as the case may be, 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. And in case the principal engineer of the said Railway Company or of the said Canal Company, as the case may be, shall be of opinion that any such strengthening is necessary, owing to the carriages or other vehicles on any such tramway being or being intended to be moved by steam or any mechanical power, such strengthening shall be effected in all things at the expense of the Promoters, who shall also pay to the said Railway Company or the said Canal Company, as the case may be, all additional expense which they may incur or be put to in effecting any such widening, lengthening, strengthening, reconstruction, alterations, repairs, lifting, or supporting, by reason of the existence of any such tramway, or any of the works connected therewith, the amounts of such expenditure shall be recoverable as aforesaid by the said Railway Company or the said Canal Company, as the case may be, from the Promoters, with full costs and charges, by all and the same means as any simple contract debt is recoverable:

(5.) Whenever any tramway on either side of any such bridge or approaches is a single line there shall only be a single line over such bridge and approaches, and no turn-outs or passing-places shall be constructed thereon:

(6.) All works which may be necessary in constructing and maintaining any of the tramways as aforesaid over or under any bridge, works, or property of the said railway company or the said canal company, shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the principal engineer of the said railway company or canal company, as the case may be, or, in case of difference, of an engineer to be appointed by the Board of Trade on the application of the said railway company or canal company, as the case may be, or of the Promoters.

Saving rights of railway and canal companies.

11. Nothing contained in this Order shall prejudice, lessen, take away, or interfere with the lands, property, rights, powers, and privileges of the said railway company, or the said canal company, otherwise than is hereby expressly provided.

Gauge of tramways.

12. The tramways shall be constructed on a gauge of three feet six inches: Provided always, that so much of section thirty-four of the Tramways Act, 1870, as limits the extent of carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the

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tramways, but no carriage or engine used on the tramways shall exceed five feet six inches in width, or such other width as may from time to time be prescribed by the Board of Trade.

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 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.

Mode of laying tramways to be approved by the road authorities and uniform throughout.

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 grooves (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 two districts, 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 shall 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 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 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 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.

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, 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.

If any crossing, passing-place, siding, junction, or other work so made with the approval of the road authority, or any part thereof, is subsequently objected to by the road authority, the road authority may, by written notice to the Promoters, require them to remove the same, and, if the road authority so think fit, to re-make or re-lay the same in some other position to be specified in the notice, and the Promoters shall comply with such requirement: Provided that the expense of such removal, re-making, or re-laying shall be borne by the road authority.

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 regula-

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tions 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 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 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.

Extension of section twenty-six of Tramways Act, 1870.

22. 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 any local authority.

Paving and materials of roads.

23. So much of any road within any district 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 of such district shall approve.

Repair of roads.

24. If at any time any such part of any road in any district 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 of such district, be not maintained and kept in such good condition and repair, then it shall be lawful for such 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 such road authority to stop the traffic along any part of the tramways where any such part of any road is, in the judgment of such road authority, out of repair, until such part of such road shall have been put into good condition and repair to the satisfaction of such road authority.

Access to sewers.

25. The local authority of any district in which any of the tramways are laid, 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 local authority, and the manholes, ventilating shafts, and other works in connexion therewith, and shall have power without the consent or concurrence of the Promoters to construct any new or additional public or private sewers or drains, and any manholes, ventilating shafts, or other works connected therewith, and any lateral or private drains 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 such 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 such local authority, shall be or become injured or damaged by reason or in consequence of any act, deed, matter, or thing of or by the Promoters or their servants, it shall be lawful for such local authority 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 such local authority the reasonable costs and expenses incurred by them as aforesaid, they may recover the same from the Promoters by all and the same means as any simple contract debt may be recovered.

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

26. 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.

27. The carriages used on the tramways may, subject to the provisions of this Order, be moved by animal power, and, during a period of seven years after the opening of the same for public traffic, and with the consent 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 that steam or mechanical power shall not be used on any of the tramways in the roads or streets under the jurisdiction of the Corporation, except with the permission of the Corporation in writing under their corporate

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seal, and such permission may be given for such period or periods and upon such terms and conditions (not being inconsistent with the provisions of this Order) as the Corporation may from time to time think fit:

Provided also, that steam or mechanical power shall not be used on so much of Tramway No 1 as lies between the commencement thereof and the junction of Wellington Road with the Dudley and Kingswinford Road, except with the special consent of the Board of Trade specified in an order signed in manner aforesaid:

Provided also, 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

28. 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.

29. 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 such tramways;

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets, and at such places, and in such cases of horses being

frightened or of impending danger, as the Board of Trade may deem proper for securing safety;

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

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

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.

30. 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.

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

Orders and byelaws to be signed, &c.

32. 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.

33. 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 such part thereof, upon which they or he intend or intends to use such power are or is situated.

Where at the time of the giving of any such notice any contract, agreement, or arrangement 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 commence-

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

In case any difference 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

34. 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 the tramways or such part of the tramways are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, 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.

not to be for longer than two years at a time.

Traffic upon Tramways.

Traffic upon tramways.

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

Promoters not bound to carry animals, &c. except as provided in Order.

36. 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, or than small parcels not exceeding fifty-six pounds in weight.

Promoters not bound to provide trucks, &c.

37. Nothing in this Order shall be construed to oblige the Promoters to provide for the conveyance of animals, goods, minerals, or parcels in trucks, or to carry goods of greater length or width than fifteen feet in length or seven feet in width.

Carriages.

38. 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 brakes 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.

39. 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 for any other purpose which the Corporation and the Local Board respectively, having regard to the good government of the borough and of the Brierley Hill 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 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 damage in respect thereof.

Running powers.

40. In the event of the Birmingham and Western Districts Tramways Order, 1881 (in this Order referred to as "the Birmingham Order"), being confirmed by Act of Parliament, passed before the 1st day of September 1881, the

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Promoters may run over and use with their horses, engines, and carriages, for the purposes of traffic of all kinds, so much of Tramway No. 8 authorised by the Birmingham Order as lies between the junction of the Tipton Road with the Birmingham and Dudley Road, and the termination of the said Tramway No. 8 in Market Place, Dudley, when the same shall be completed and open for public traffic, but in the event of such portion of the said Tramway No. 8 not being constructed by the Promoters of the Birmingham Order within one year from the passing of the Act confirming this Order, then such portion of tramway may be constructed by the Promoters of this Order as though they were the Promoters of the Birmingham Order, and from and after the completion and opening of the same for public traffic by the Promoters of this Order, such portion of tramway shall be deemed to form, and shall form part of Tramway No. 1 by this Order authorised, and the Promoters of the Birmingham Order may run over and use with their horses, engines, and carriages, for the purposes of traffic of all kinds, such portion of tramway.

In the event of the South Staffordshire Tramways Order, 1881 (in this Order referred to as "the South Staffordshire Order"), being confirmed by Act of Parliament, passed before the 1st day of September 1881, the Promoters may run over and use with their horses, engines, and carriages, for the purposes of traffic of all kinds, so much of Tramway No. 1 authorised by the South Staffordshire Order as lies between its junction with Tramway No. 8 authorised by the Birmingham Order and the Dudley Railway Station situate in Tipton Road, when the said Tramway No. 1 shall be completed and open for public traffic, but in the event of the said portion of Tramway No. 1 not being constructed by the Promoters of the South Staffordshire Order within one year from the passing of the Act confirming this Order, then such portion of tramway may be constructed by the Promoters of this Order as though they were the promoters of the South Staffordshire Order, and from and after the completion and opening of the same for public traffic by the Promoters of this Order such portion of tramway shall be deemed to form and shall form part of Tramway No. 1 by this Order authorised, and the Promoters of the South Staffordshire Order may run over and use with their horses, engines, and carriages for the purposes of traffic of all kinds such portion of tramway.

The terms, conditions, and regulations to which the Promoters and the Promoters of the Birmingham Order and the Promoters of the South Staffordshire Order shall respectively be subject in respect of running over and using such respective portions of tramway, and the tolls or other consideration to be paid by them respectively for the same, shall, if not agreed upon between the Promoters and the Promoters of the Birmingham Order or of the South Staffordshire Order, as the case may require, be from time to time determined in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned: Provided always, that such terms, conditions, and regulations shall in every case be approved by the Board of Trade.

In case the following orders, that is to say, the Birmingham and Western Districts Tramways Order, 1881, the South Staffordshire Tramways Order, 1881, and the Dudley and Tipton Tramways Order, 1881, or any of them, being confirmed by Act of Parliament passed before the 1st day of September 1881, the

Promoters of any of the said orders so confirmed as aforesaid (in this section referred to as "the said Promoters"), may, subject to the superintendence and to the reasonable satisfaction of the engineer of the Promoters, make junctions with Tramway No. 1, and may, with their engines, carriages, horses, and servants, run over and use for the purpose of passenger traffic only so much of Tramway No. 1 as lies between the point of junction of any tramway of the said Promoters with Tramway No. 1, and the junction of Stone Street with the Market Place, subject to such terms and conditions as may be agreed on between the Promoters and the said Promoters, or as, in default of such agreement, 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, and as shall in every case be approved by the Board of Trade.

All persons using or traversing any tramway of which they are not the owners, in accordance with the provisions herein-before mentioned, shall at all times observe the regulations and byelaws for the time being in force on such tramway so used, so far as such byelaws shall be applicable to such persons respectively in the exercise of the said powers, and shall for their own acts and defaults in respect of such user incur all and the same liabilities as the owners of such portion of tramway respectively.

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 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.

Passengers luggage.

42. Every passenger travelling upon the tramways may, subject to any byelaws for the time being in force, take with him his personal luggage, not exceeding twenty-eight pounds in weight, without any charge being made for the carriage thereof, and all such personal luggage shall be carried by hand and at the responsibility of the passenger, and shall not occupy any part of a seat nor 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 over the whole of the tramways or the part or parts so opened 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 and 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.

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Tolls for animals, goods, &c.

44. Subject to the provisions of this Order, the Promoters may demand and take in respect of any animals, goods, minerals, or parcels conveyed by them on the tramways, including the tolls and charges for the use of the tramways, and for waggons and trucks and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding the tolls and charges specified in the Schedule B. to this Order annexed, subject to the regulations in that behalf therein contained, and may charge such reasonable rates as they think fit in respect of any service performed by them in relation to such animals, goods, minerals, or parcels beyond the conveyance thereof.

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.

Regulations, &c. by local authority.

47. 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, subject to the provisions of this Order, extend and apply to the following matters and purposes; (that is to say,)

(*a.*) Prohibiting the stopping of carriages using the tramways 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 carriages using the tramways:

(*d.*) For regulating the user of any tramway run over by any company.

Authentication of byelaws.

48. 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, 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.

49. 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.

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 the passage of the traffic over the same.

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

51. 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.

52. 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 the local authority under section forty-three of the Tramways Act, 1870.

Provisions as to arbitration

53. 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,

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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.

54. 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 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 any 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 the respective clerk or secretary of such authority, body, or company at the town hall or such principal office.

Saving of rights of local authority.

55. 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 any local authority, and save as aforesaid such local authority 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.

Saving rights of the Earl of Dudley.

56. 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, powers, authorities, immunities, advantages, or privileges of or belonging to William Earl of Dudley or the lords for the time being of the respective manors of Dudley and Kingswinford, or his or their lessees, under or by virtue of the two several Acts of Parliament made respectively in the twenty-fourth year of the reign of King George the Third, intituled respectively "An Act for dividing and enclosing certain commons, waste lands, and "commonable places within the manor and parish of Dudley, in the county of "Worcester," and "An Act for dividing and enclosing the commons, waste "lands, commonable woods, and commonable places within the manor and "parish of Kingswinford, in the county of Stafford." And the said Earl and the lord or lords for the time being of the said manors, and his and their lessees shall and may have, use, exercise, and enjoy the same estates, rights, interests, powers, authorities, immunities, advantages, and privileges, as fully, freely, and effectually in all respects as they could or might have done if this Order had not been made and confirmed.

Saving rights of Birmingham Canal Company.

57. Except as is by this Order expressly provided, nothing in this Order contained shall take away, alter, or prejudice any rights, powers, authorities, or interests of the Company of Proprietors of the Birmingham Canal Navigations.

Saving for general Acts.

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

As to speed.

The speed at which engines or 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.

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SCHEDULE B.

TOLLS AND CHARGES FOR ANIMALS, GOODS, &c.

Animals.

	Per mile. s.	d.
For every horse, mule, or other beast of draught or burden - -	0	6
For every ox, cow, bull, or head of cattle - - - -	0	6
For calves, pigs, sheep, and small animals per head - - -	0	3

Goods and Minerals.

For 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
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	4
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	7
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 having two wheels -	1	0
For every carriage of whatever description having three wheels -	1	6

Small Parcels.

	Any distance. s.	d.
For any parcel not exceeding seven pounds in weight - -	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 fixty-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.		

Articles of Great Weight.

	Any distance. s. d.
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 weight of which, including the carriage, exceeds four tons, but does not exceed eight tons, such sums 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.

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 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.

SOUTH STAFFORDSHIRE TRAMWAYS.

South Staffordshire.

Order authorising the construction of Tramways from Wednesbury to Dudley, viâ Tipton.

Short title.

1. This Order may be cited as "The South Staffordshire Tramways Order, 1881."

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;

The terms "the local authorities" and "the road authorities" shall mean respectively the local authorities and the road authorities of all the districts within which the tramways are by this Order authorised to be constructed; and

The term "person" shall include a corporation.

Promoters.

Promoters.

4. George William Hargreaves Brogden, of Castle Ashby, Northampton, gentleman, and Edward Casper, of 21, Colville Terrace, Bayswater, in the county of Middlesex, gentleman; 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 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 except where otherwise herein-after specially provided, in accordance with the plans and sections deposited for the purposes of this Order at the office of the Board of Trade, as the same have been amended previous to the passing of the Act confirming this Order, the tramways herein-after described, with all proper rails, plates, offices, 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, four miles five furlongs and three chains in length, of which three miles seven furlongs will be single line and six furlongs and three chains double, commencing near the Wednesbury Railway Station, opposite the White Horse public-house in the town of Wednesbury, passing along Bridge Street, Holyhead Road, Victoria Street, Great Western Street, Leabrook and Leabrook Road, Bilston Road, Gospel Oak Road, Wednesbury Oak Road, Princes End Road, Bloomfield Road, Dudley Road, and Tipton Road, and terminating at the junction of that road with the Birmingham Road.

Tramway No. 1 shall be a single line, except at the following places, where it shall be a double line:

In Holyhead Road, from the south-east corner of Camp Hill Lane for three chains south-east of that point.

In Great Western Street, from the corner of Potters Lane for three chains south-west of that point.

In Leabrook, from the south-west end of the bridge carrying the Great Western Railway over the road called Leabrook for three chains south-west of that point.

In Leabrook Road, from a point three chains south-west of the bridge over the Birmingham Canal to a point six chains from that point.

In Bilston Road, from the south-east end of that road for three chains north-west of that point.

In Bilston Road, from the north-west end of that road for three chains south-east of that point.

In Wednesbury Oak Road, from a point ten chains west of the east end of that road to a point thirteen chains west of same point.

In Wednesbury Oak Road, from a point two chains north-east of the north-east end of the bridge over the Birmingham Canal for twelve chains or thereabouts south-west of that point.

In Princes End Road, from a point two chains south-west of Sedgley parish boundary to a point six chains south-west of that point.

In Dudley Road, from a point two chains south of Sedgley Road to a point five chains south-east of that point.

In Dudley Road, from the south corner of the opening to High Street and Castle Street for three chains south of that point.

In Tipton Road, from a point nine chains south of Dudley borough boundary to a point twelve chains south of the same point.

In Tipton Road, from a point three chains north of the centre of the front of Dudley Railway Station to a point six chains north of the same.

Tramway No. 1 will pass from, in, through, or into the parishes and extra-parochial places following, or some of them; that is to say, Wednesbury, Tipton, Sedgley, in the county of Stafford, and Dudley, in the county of Worcester:

Provided that the following portions of Tramway No. 1 shall not be constructed unless and until the roadway shall be widened to not less than twenty-two feet nine inches between the kerbs thereof:

(*a.*) So much of Tramway No. 1 as is situate in the Princes End Road between a point two miles three furlongs and one chain from the commencement of that tramway to a point one hundred yards south-west of that point.

(*b.*) So much of Tramway No. 1 as is opposite the Wesleyan Chapel in the Bloomfield Road:

(*c.*) So much of Tramway No. 1 as is situate in the Bloomfield Road between a point three miles and one furlong from the commencement of the said tramway and a point one hundred yards north of that point:

Provided further, that so much of Tramway No. 1 as is situate in the Bloomfield Road between a point three miles and four furlongs from the commencement of the said tramway and a point two chains north of that point shall not be constructed nearer than nine feet six inches to the kerb on the east side of that road.

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 the carriage shall not apply to carriages used on the tramways, but no carriage or engine used on the tramways shall exceed five feet six inches in width or such other width as may from time to time be prescribed by the Board of Trade.

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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, and as to roads within the district of the Local Board for the district of Coseley before the said Local Board, 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 tramways shall be constructed with two grooved rails 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.

Mode of laying tramways to be approved by road authority and uniform throughout.

10. Subject to the preceding provisions of this Order, the mode of laying down the tramways, and the forms of the rails, sleepers, fastenings, and grooves, if any, shall, unless the Board of Trade shall otherwise direct, be such as the road authority shall approve, but so that the mode and form shall be the same throughout the whole length of the tramways, and in case of difference between the road authority and the Promoters they shall be such as the Board of Trade shall determine.

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 tramway.

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

Length of passing-places.

13. Notwithstanding anything in this Order contained, no passing-place within any district shall exceed three chains in length without the consent of the road authority of such district.

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

14. 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.

15. 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 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.

As to alterations of sidings, &c.

16. Whenever the Promoters at any time desire to construct or have constructed any junction, siding, refuge, or resting-place in any road in any district in which any of the tramways may be laid, the Promoters shall make such alterations as the road authority of such district may deem necessary and determine in the construction of any such junction, siding, refuge, or passing-place in the line and direction thereof.

In case of any difference between the Promoters and any road authority 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.

Temporary tramways may be made when necessary.

17. 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

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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 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.

Traffic on roads not to be stopped or impeded.

19. During the construction, alteration, or relaying of any of the tramways the Promoters shall not stop up or interfere with any road so as to prevent or impede the passage of traffic along such road, or alter the level of the surface of any road, or part thereof, except with the previous consent in writing of the road authority in which such road is situated.

Paving, &c. of roads.

20. Subject to the preceding provisions of this Order, the Promoters shall, in constructing the tramways, pave with sets of a paving material and of a quality and size not less than five inches in depth, to be from time to time prescribed by the road authority of the district in which such tramways are to be laid, 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 measured from the outside of each rail in the direction of the kerb, and shall make good the road for a

distance of one foot from the outside of the paving on each side in the direction of the kerb with macadam or such other material as may be agreed upon between the road authority and the Promoters: Provided always, that, subject as aforesaid, the road authority and the Promoters may by agreement at any time vary, alter, or repeal the obligation herein contained.

Repairs to roads.

21. The Promoters shall at all times and under all circumstances, and whether the repairs shall be rendered necessary by mining operations or otherwise, maintain and keep in good condition and repair such parts of the roads in which any tramways are laid as are herein-before by this Order required to be maintained and made good as aforesaid, and if at any time any such part of any road shall in the judgment of the road authority be not maintained and kept in such good condition and repair, and shall so remain out of such good condition and repair for the space of seven days after notice given by the road authority to the Promoters, then it shall be lawful for the road authority to repair and amend the same and to recover the costs incurred by them in so doing from the Promoters by all and the same means as any simple contract debt of like amount 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.

Extension of section 26 of the Tramways Act, 1870.

22. 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 any local authority.

Access to sewers.

23. The local authority of any district in which any of the tramways are laid and their officers and servants shall at all times have free access to and communications with all existing and future sewers and drains, gas pipes, and mains (whether public or private) under the control of or maintained or repaired by such local authority, 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, gas pipes, or mains, 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 such tramways: Provided always, that if at any time after the passing of the Act confirming this Order any such sewers or drains (whether public or private), or any other works of or belonging to or under the control of such local authority, shall be or become injured or damaged by reason or in consequence of any act, deed, matter, or thing of or by the Promoters or their servants, it shall be lawful for such local authority immediately thereupon or at any time thereafter, at the cost, expense, and risk of the Promoters, to do what such local authority shall deem necessary for the thorough and efficient repair and reinstatement of such sewer, drain, or other

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work as aforesaid, and if the Promoters shall not on demand pay to such local authority the reasonable costs and expenses incurred by them as aforesaid they may recover the same from the Promoters by all and the same means as any simple contract debt may be recovered.

As to lighting apparatus and sewers of local authorities.

24. 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 or which hereafter may belong to the local authorities respectively in like manner as the same apply to a company or person being the owner of gas mains or water mains or pipes, and for the purpose of this section the word "Company" in those sections shall include the several local authorities respectively: Provided that all works or interference with or in connexion 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 and at the cost and risk in all respects of the Promoters.

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

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

Local authorities may lay additional mains, &c.

26. Nothing in this Order shall prevent the local authorities in their respective districts from laying at their own expense respectively from time to time as they respectively may think proper additional mains or pipes, with all manholes, scour pipes, air and other valves, for supplying gas and also sewers or drains at, under, across, or near the tramways, and the local authorities respectively shall not be liable for any damage to the tramways, or compensation for loss of traffic thereon, that may be caused by the laying of such additional mains or pipes and appurtenances, sewers, or drains at, under, across, or near to the tramways, nor for the expense of the temporary lifting and replacing the tramways which shall be done at the expense of the Promoters: Provided that the operations of the local authorities respectively shall be carried on so as to interfere as little as possible with the traffic on the tramways.

Cost of substituted sewers or lighting apparatus.

27. 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 sewer, drain, or lighting apparatus belonging to or under the control of the local authorities respectively and rendered useless or unproductive to the said local authorities respectively by the works authorised by this Order, shall, on demand, and subject to credit being given for the value of all or any of the aforesaid matters so rendered useless or unproductive, be paid to the local authority to whom the same belonged 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, drain, or lighting apparatus of equal dimensions with the existing sewer, drain, or lighting apparatus.

Removal of sewers, drains, and lighting apparatus beneath tramways.

28. The Promoters shall at their own cost and risk in all respects, if and when required by any of the local authorities, 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 by this Order required to maintain and repair, and which would, in the opinion of such local authority or their surveyor, be injuriously affected by the 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 such 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 local authorities respectively which at the time being shall not be vested in or repairable by or under the control of any of the local authorities.

As to alterations, &c. of gas or water pipes.

29. 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 gas or water pipes of the local authority of any district, 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. The Promoters shall compensate all occupiers of premises for any extra expense they may incur (by reason of the tramways) in putting in gas or water service pipes.

For the protection of Corporation of Dudley.

30. For the protection of the Corporation of the borough of Dudley, in the county of Worcester, in this section referred to as "the Corporation," the following provisions shall have effect; (that is to say,)

1. All the tramways of the Promoters situate within the said borough shall be constructed and maintained under the superintendence and to the satisfaction of the surveyor for the time being of the Corporation and the Promoters shall pay the cost of such making and maintenance:
2. A rent shall be paid by the Promoters to the Corporation for any terminal station in the said borough, the amount of such rent to be determined in case of difference by a referee to be appointed by the Board of Trade:
3. In any road in the said borough where the nearest rail of the tramway will be less than nine feet six inches from the outside edge of the footpath the whole of such space shall, unless the Board of Trade otherwise direct, be paved with granite or other approved stone (or, in case of dispute, with such material as the Board of Trade may approve).

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Promoters to make deposit before opening roads within Tipton district.

31. Before the Promoters open or break up any road within the district of the Local Board for the district of Tipton they shall deposit the sum of five hundred pounds in the Birmingham, Dudley, and District Bank at Birmingham to a joint account in the names of the said Local Board and the Promoters. The sum so to be deposited shall from time to time during the progress of the works be paid out to the Promoters in the proportion of fifty pounds per centum on the value of the works in the district 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 said Local Board. The sum of five hundred pounds so to be deposited shall, at the request of the Promoters, but at their risk, be invested in such securities as the said Local Board approve, and the interest thereon shall be payable to the Promoters.

Promoters to make deposit before opening roads within Wednesbury district.

32. Before the Promoters open or break up any road within the district of the Local Board of Health of Wednesbury they shall deposit the sum of five hundred pounds in the Birmingham and Midland Bank, Limited, at Wednesbury, to a joint account in the names of the said Local Board and the Promoters. The sum so to be deposited shall from time to time during the progress of the works be paid out to the Promoters in the proportion of fifty pounds per centum on the value of the works in the said district, 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 surveyor for the time being of the said Local Board. The sum of five hundred pounds so to be deposited shall, at the request of the Promoters, but at their risk, be invested in such securities as the said Local Board approve, and the interest thereon shall be payable to the Promoters.

Promoters to make deposit before opening roads within Coseley district.

33. Before the Promoters open or break up any road within the district of the Local Board of Coseley they shall deposit the sum of two hundred and fifty pounds in the Birmingham and Midland Bank, Limited, at Wednesbury, to a joint account in the names of the said Local Board and the Promoters. The sum so to be deposited shall from time to time during the progress of the works be paid out to the Promoters in the proportion of twenty-five pounds per centum on the value of the works in the said district, 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 surveyor for the time being of the said Local Board. The sum of two hundred and fifty pounds so to be deposited shall, at the request of the Promoters, but at their risk, be invested in such securities as the said Local Board approve, and the interest thereon shall be payable to the Promoters.

As to paving whole width of roads in certain events.

34. The provisions of section twenty-eight of the Tramways Act, 1870, with respect to the maintaining and keeping in good condition and repair certain portions of roads whereon the tramways are laid shall extend to the whole width of the roadways within the district of the Local Board for the district of Coseley where any siding, turn-out, or double line of rails shall be laid by the Promoters if and when the same shall be required by the said Local Board by notice signed by the clerk on behalf of the said Local Board.

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Access to Dudley Railway Station not to be obstructed.

35. With respect to the Tramway No. 1, where it will pass in front of the Dudley Railway Station, belonging to the London and North-western Railway Company, no additional crossing, passing-place, siding, junction, or other work shall be made for or in connexion with that tramway for the distance thereon extending in front of the entrance to that station, and for a length of ten yards at each end of such distance, and without the consent of that Company, under their common seal, no tramcar or other carriage or vehicle used on that tramway shall be stopped or permitted to be stopped within such distance and lengths, except for and only for so long as shall be absolutely necessary for the purposes of discharging and taking up passengers.

For the protection of Corporation of Birmingham.

36. If the Promoters desire under the authority of this Order to do any act which shall or may in the opinion of the engineer herein-after referred to render necessary the removal or displacement of any of the mains or pipes, valves, syphons, plugs, or apparatus, or other works belonging to or under the control of the mayor, aldermen, and burgesses of the borough of Birmingham, in the county of Warwick (in this section referred to as "the Corporation"), the Promoters shall give to the town clerk of the said borough fourteen clear days notice in writing of such desire, and a similar notice to the engineer of the Corporation having the superintendence of such mains or pipes, valves, syphons, plugs, or apparatus or other works, accompanied by plans and sections and other necessary particulars, showing the works proposed to be executed by the Promoters, so far as they affect the gas mains, pipes, apparatus, or other works proposed to be interfered with; and the Corporation shall forthwith (without prejudice, nevertheless, to the protection afforded them by sub-section two of section thirty of the Tramways Act, 1870,) make such removal or displacement as they may consider necessary, and do all works incident thereto, and all reasonable and necessary expenses to be thereby incurred shall be defrayed by the Promoters; and if the Promoters shall not on demand pay to the Corporation the expenses so incurred by them, the Corporation may recover the same by all and the same means as any simple contract debt may be recovered, and the certificate of the engineer of the Corporation, under whose superintendence such displacement or removal shall have been made, as to the expenses incurred by the Corporation as aforesaid, shall be binding and conclusive upon the Promoters; and the Promoters shall not be entitled to inquire into or question the propriety or necessity of any works executed by the Corporation for effecting any such displacement or removal as aforesaid.

The provisions of sub-section four of section thirty-two of the Tramways Act, 1870, in favour of the local authority or the road authority shall be extended to and include the Corporation as the owners of a gas undertaking.

For protection of railway and canal companies.

37. In constructing and maintaining any tramway by this Order authorised when it crosses any bridge carrying any road over a railway or canal, or passes under any railway bridge, the Promoters shall be subject to the following conditions:

(1.) The tramway, if a single line of tramway, shall be constructed and maintained along the centre of the roadway:

(2.) The Promoters shall not in any way alter or interfere with the structure of any such bridge, or of the approaches thereto, and they shall so construct

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and maintain the tramway over such bridge and such approaches, or under such bridge, as the case may be, as not injuriously to affect the same;

(3.) In the event of any injury being caused to any such bridge or approaches by the construction, maintenance, repairing, user, or the removal of the tramway, the railway company owning such bridge or approaches may at the expense of the Promoters restore such 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 such 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 such bridge and approaches, as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870, and such 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:

(4.) Whenever and so often as any railway company shall require to widen, lengthen, strengthen, reconstruct, alter, or repair any such bridge or approaches, or to widen or alter their railways or canals where a tramway passes under any railway bridge, or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten, and they shall find it necessary for effecting any of such purposes that the working and user of the tramway over such bridge or approaches or under such bridge shall be wholly or partly stopped or delayed, or that the tramway shall be temporarily diverted or be wholly or in part taken up or removed, and shall, except in cases of emergency, give to the Promoters seven clear days notice in writing requiring such stoppage, delay, or diversion, taking up, or removal, the working and user of such tramway shall be stopped or delayed, or the tramway shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer, if such engineer shall give such superintendence, but only for so long as the railway 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;

And in case the principal engineer of such railway company shall be of opinion that any such strengthening is desirable or necessary, owing to the carriages or other vehicles on any such tramway being or being intended to be moved by steam or any mechanical power, such strengthening shall be effected in all things at the expense of the Promoters, who shall also pay to such railway company all additional expense which they may incur or be put to in effecting any such widening, lengthening, strengthening, reconstruction, alterations, repairs, lifting, or supporting by reason of the existence of the tramway, or any of the works connected therewith, the amounts of such expenditure to be recoverable as aforesaid by such railway company from the Promoters, with full costs and charges, by all and the same means as any simple contract debt may be recovered:

(5.) Whenever the tramway on either side of any such bridge or approaches is a single line there shall only be a single line over such bridge and approaches, and no turn-outs or passing-places shall be constructed thereon:

(6.) All works which may be necessary in constructing and maintaining any of the tramways over or under any bridge, works, or property of any railway company shall be constructed and maintained in all things at the expense of the Promoters, and to the reasonable satisfaction of the principal engineer of such company, or, in case of difference, of an engineer to be appointed by the Board of Trade on the application of such railway company or the Promoters:

(7.) Nothing contained in this Order shall prejudice, lessen, take away, or interfere with the lands, property, rights, powers, and privileges of any railway company otherwise than is hereby expressly provided.

As to crossing over the tramways or railways the property of the Earl of Dudley or his trustees.

38. Where the tramways cross on the level any private tramways or railways belonging to or reputed to belong to William, Earl of Dudley, or to the trustees of the will of John William, Earl of Dudley, deceased, the Promoters shall give seven days notice in writing to the said Earl, or other the person or persons entitled to such private tramways and railways respectively, of their intention to commence any works which affect or in anywise interfere with the structural works of such private tramways and railways respectively, and all such crossings shall be made to the reasonable satisfaction of the said Earl, or such other person or persons so entitled as aforesaid, and so as to interfere as little as may be with the traffic passing over or along such tramways and railways respectively. Any additional expense in the maintenance of such tramways and railways respectively at the points of crossing to be borne by the Promoters. If any question arises between the Promoters and the said Earl, or the person or persons aforesaid, the same shall be referred to the decision of an engineer to be appointed by the Board of Trade on the application of either party.

As to bridge over the arm of the canal at Castle Mill.

39. Where any of the tramways are authorised to be constructed upon the bridge carrying a road over the arm of the canal at Castle Mill, belonging to or reputed to belong to William, Earl of Dudley, or to the trustees of the estates settled by the will of John William, late Earl of Dudley, deceased, the following provisions shall apply:

(*a.*) The Promoters shall give fourteen days notice in writing to the said Earl, his heirs or assigns, or other the person or persons entitled to the said arm of the canal at Castle Mill, of the intention to commence any works which affect or in anywise interfere with the structural works of 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 said Earl, or such person or persons so entitled as aforesaid, and so as not in any way to interfere with the traffic to, from, or upon the said arm of the said canal;

(*b.*) Any additional expense in the maintenance of such bridge, or 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.

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Protecting bridges over Birmingham Canals.

40. Where 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 (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 their intention to commence any work which affects or in any wise interferes with the structural works of such bridge or the road over the same, and shall at the same time send sufficient specifications or other information to show the nature of such work, and such work 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. If such bridge shall be deemed by the Canal Company or their engineer for the time being to be of insufficient strength to carry locomotive engines or weights beyond the ordinary traffic of the district, the Promoters shall, upon notice from the Canal Company to that effect, and before driving or carrying a locomotive engine or extraordinary weight on or over such bridge, execute at the cost of the Promoters all such works as may be reasonably required by the Canal Company to prevent injury to such bridge by the driving or carrying thereon or thereover of such locomotive engines or extraordinary weights; but notwithstanding the last preceding provisions, the Promoters shall make good to and compensate the Canal Company for all damage that may be occasioned to any bridge, work, or property of the Canal Company by the driving or carrying on or over such bridge of any locomotive engine or extraordinary weight, or by or in consequence of the construction by the Promoters of any work, or otherwise by any act or default of the Promoters:

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 the construction, use, or maintenance of any such tramway shall be borne by the Promoters.

Saving of rights of Canal Company to open roads, &c.

41. Nothing in this Order shall take away or abridge any power of the Canal Company to open or break up any road along or across which any tramway by this Order authorised 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, but 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 such tramway and the works connected therewith that may be necessary shall be made by and at the expense of the Promoters, who shall also at their own expense replace and make good the same:

C. Before the Canal Company commence any work whereby the traffic on such 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 forty-eight hours 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 such tramway or any work connected therewith by the execution by the Canal Company of any such work as aforesaid, or by 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 such work; 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 such tramway, 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 such tramway, or any of the works connected therewith, shall be borne by the Promoters.

Difference between Promoters and Canal Company.

42. 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, or for the prevention of injury to any bridge is such as ought reasonably to satisfy the Canal Company, 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 Canal Company under their Acts not to be interfered with.

43. 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 or by all or any of the several Acts of Parliament now in force relating to their canals.

Rights of Canal Company under the Tramways Act, 1870, and this Order

44. 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

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or proprietors of canals contained in the Tramways Act, 1870, or any other general Act of Parliament and in this Order, or any or either of them.

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

45. 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.

46. The carriages used on the tramways may, subject to the provisions of this Order, be moved by animal power, and during a period of seven years after the opening of the same for public traffic, and with the consent 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.

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

47. 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.

48. 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 such tramways;

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

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

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

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.

49. 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.

50. 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.

51. 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.

52. 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 such part thereof, upon which they or he intend or intends to use such power are or is situated.

Where at the time of the giving of any such notice any contract, agreement, or arrangement 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

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

In case any difference arises between any such road authority and the Promoters or such person as to the determination of any such contract, agreement, or arrangement, or in case any such road authority, after request in writing by the Promoters or such person, or the Promoters or such person, after request in writing by any such road authority, during a period of one month after such request, refuse or fail to enter into any such contract, agreement, or arrangement, or to renew the same with or without modification, or to make a new contract instead thereof, or in case of any difference as to the terms of any such contract, agreement, or arrangement, or any renewal thereof, with or without modification, or any new contract instead thereof, then, and in every such case, the difference with respect to such determination or the reasonableness of such refusal or failure, or the terms of such contract, agreement, or arrangement, or any renewal thereof, with or without modification, or any new contract instead thereof, shall from time to time, on the appeal of either of the parties to the Board of Trade, be determined in manner provided by the Tramways Act, 1870, with respect to 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.

53. 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 the tramways or such part of the tramways are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or any mechanical power as aforesaid, or the making of such contract, agreement, or arrangement: Provided always, that any such contract, agreement, or arrangement may from time to time be renewed, with or without modification, or a new contract, agreement, or arrangement may be made instead thereof.

Traffic upon Tramways.

Traffic upon tramways.

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

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

55. 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.

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

56. The Promoters may, and when required by the local authority, shall carry in separate carriages or separate parts of carriages set apart for that purpose, animals, goods, materials, parcels, articles, or things; provided that this provision shall not apply to the carriage of passengers luggage.

Local authority may use the tramways for sanitary purposes.

57. The local authorities may at any time between the hours of twelve o'clock at night and six o'clock in the morning use the tramways for sanitary purposes, and for the conveyance of scavenging stuff and night soil.

Suspension of traffic by order of the local authority.

58. Any of the local authorities shall have power at any time and from time to time by giving twenty-four hours previous notice in writing to the Promoters to absolutely stop, delay, or suspend the working of the tramways in any of the roads within the district of such local authority, for police purposes regulating, and facilitating traffic on any public occasion or demonstration, or for the execution of any works or repairs by such local authority, or for any purpose which such local authority in the exercise of their powers for the good government of such district, 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 either of them, and the Promoters shall

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not be entitled to claim, nor shall such local authority be liable to pay, any compensation or damages in respect thereof.

Lights on carriages after sunset.

59. In case the Promoters between sunset and sunrise use on the tramways any one carriage or any two or more carriages connected together they shall be bound to fix and maintain one light at least in front of such carriage, or the first of such carriages, and one light at least at the rear of such carriage, or the last of such carriages, of such distinctive colours as may be prescribed by the Board of Trade.

Carriage of animals, goods, &c. in separate carriages.

60. In case the Promoters carry animals, goods, minerals, or parcels they may, and when required by any of the local authorities, 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: Provided also, that 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 five feet six inches in width.

Traffic on Sundays, &c.

61. No car or other tramway vehicle shall be run on any Sunday, Good Friday, or Christmas Day past any church or other place of worship during the hours of Divine Service beyond a walking pace, nor shall any car stand on any siding opposite any place of worship during such times, and no siding, turn-out, refuge, or building of any sort shall be placed or constructed by the Promoters opposite to any place of public worship without the consent of the local authority of the district in which the same is situated.

Promoters to run carriages the whole length of the tramways at least twice each way daily between 9 a.m. and 6 p.m.

62. The Promoters at all times after the opening for public traffic of the tramways shall and they are hereby required to run carriages from one extremity thereof to the other (in addition to the carriages for passenger traffic at cheap fares which the Promoters are by this Order required to run) at least twice each way every day (Sundays, Christmas Day, and Good Fridays always excepted) between nine o'clock in the morning and six o'clock in the evening, and any default or failure in this respect (unless arising from circumstances beyond the control of the Promoters), if continued on any day after seven days notice from any of the local authorities that the said default has occurred, shall be deemed a discontinuance to work the tramways on such day within the meaning of the forty-first section of the Tramways Act, 1870.

Running powers over portion of Birmingham and Western Districts Tramways.

63. The Promoters may run over and use with their horses, engines, and carriages for the purposes of traffic of all kinds so much of the Tramway No. 8 authorised by the Birmingham and Western Districts Tramways Order, 1881, as lies between the junction of the Tipton Road with the Birmingham and Dudley Road and a point opposite the north-eastern corner of Birmingham Street, in the borough of Dudley when the same shall be completed and open for public traffic.

Running powers in favour of Birmingham and Western Districts Tramways.

64. In consideration of the running powers granted by the Birmingham and Western Districts Tramways Order, 1881, to the Promoters of this Order, the Promoters of the Birmingham and Western Districts Tramways Order, 1881, may run over and use with their horses, engines, and carriages, and for the purposes of traffic of all kinds, so much of Tramway No. 1 by this Order

authorised as extends from its junction with Tramway No. 8 authorised by the Birmingham and Western Districts Tramways Order, 1881, to the Dudley Railway Station situate in Tipton Road.

Terms of such user.

65. The terms, conditions, and regulations to which the Promoters and the Promoters of the Birmingham and Western Districts Tramways Order, 1881, respectively shall be subject in respect of running over and using the said portions of tramway as aforesaid, and the tolls or other consideration to be paid by them respectively for the same, shall, if not agreed upon between them, be from time to time determined by an arbitrator in pursuance of section thirty-three of the Tramways Act, 1870: Provided always, that such terms, conditions, and regulations shall in every case be approved by the Board of Trade.

Byelaws to be observed.

66. The Promoters and the Promoters of the Birmingham and Western Districts Tramways Order, 1881, respectively, in using or traversing the said portions of tramway in accordance with the provisions herein-before mentioned, shall at all times observe the regulations and byelaws for the time being in force on the said portions of tramway so used so far as such byelaws shall be applicable to the Promoters and the Promoters of the Birmingham and Western Districts Order, 1881, exercising the said powers respectively, and they shall for their own acts and defaults in respect of such user incur all and the same liabilities as the owners of such portions of tramway.

Tolls.

Tolls for passengers.

67. 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 tolls or charges not exceeding twopence.

Passengers luggage.

68. 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.

69. 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

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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 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.

70. 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 Schedule B. to this Order annexed, subject to the regulations in that behalf therein contained.

Payment of tolls.

71. 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.

72. 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.

Promoters to give local authorities notice of their intention to sell undertaking.

73. 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 to any persons or company, before completing the same, give two calendar months previous notice to the several local authorities of their intention to exercise the said powers.

Accidents, &c.

74. The provisions of section fifty-five of the Tramways Act, 1870, shall extend and apply to accidents, damages, and injuries happening through the use by the Promoters of steam or any mechanical power upon the tramways.

Cleansing of tramways.

75. The road authorities in their respective districts may cleanse any road without reference to the tramways, but whatever cleansing owing to snow or other matter impeding the traffic is requisite for the proper working of the tramways shall be executed by the Promoters at their own risk and cost, who shall in performing the same remove the snow or other matter to such part of the road in any district as the road authority of such district may reasonably prescribe.

Regulations, &c. by local authorities.

76. The powers of the local authorities respectively 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 shall extend and apply to the following matters and purposes; (that is to say,)

Prohibiting the stopping of tramway carriages to take up and set down passengers, or for any 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:

Empowering the local authority to cause to be removed from the tramways any carriage or horse which shall be unfit for use on the tramways:

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

The numbering of the tramway carriages:

The wearing by drivers and conductors of tramway carriages of some conspicuous badge or distinguishing mark.

Compensation for damage.

77. 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 authorities for all damage sustained by them respectively by reason or in consequence of the exercise of those powers or any of them.

Saving rights of local and road authorities.

78. Except as 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 authorities or to the road authorities respectively; and save as aforesaid, the local authorities and the road authorities 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.

Promoters to pay local authorities certain costs incurred by them.

79. The Promoters shall, except as by this Order otherwise provided, pay to each of the local authorities on demand the amount of all reasonable costs, charges, and expenses incurred by them respectively in relation to this Order, and the preparation of any agreements entered into between them respectively and the Promoters as to this Order, and to the application for and obtaining this Order, and to the confirmation thereof by Act of Parliament, including parliamentary agents and counsels fees, and all costs, charges, and expenses incurred by such local authority in connexion with or in opposing the said Order, either with a view to obtaining the insertion in this Order of any provisions or otherwise.

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Provisions as to arbitration.

80. 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.

81. 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 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.

Agreements between Promoters and road authorities.

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

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

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

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

84. 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.

85. 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, 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 the local authority under section forty-three of the Tramways Act, 1870.

Saving for general Acts.

86. 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, 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 any of the local authorities, 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.

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SCHEDULE B.

TOLLS AND CHARGES FOR ANIMALS, GOODS, &C.

		Per mile. s.	d.
Animals.			
For every horse, mule, or other beast of draught or burden	per head	0	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, 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	4
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metal (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.		
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 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 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.

WEDNESBURY AND WEST BROMWICH TRAMWAYS.

Order authorising the construction of Tramways in Wednesbury, West Bromwich, and Handsworth, all in the county of Stafford.

Short title.

1. This Order may be cited as "The Wednesbury and West Bromwich Tramways Order, 1881."

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 expressions "the local authorities" and "the road authorities" shall mean respectively the local authorities and the road authorities of all the districts within which the tramways are by this Order authorised to be made and maintained; and

The term "person" shall include a corporation.

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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 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, 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, commencing in the parish of Wednesbury at the point of junction of the Holyhead Road with Bridge Street, and thence continuing in a southerly direction along the road leading towards Birmingham, through Bridge Street, and over the Wednesbury Bridge, in the parish of Wednesbury, and thence through Holloway Bank, Hill Top, Black Lake, Old Meeting Street, and Carter's Green, in the parish of West Bromwich, and terminating at Carter's Green, in the parish of West Bromwich, at a point 3·13 chains south of a point in the line of tramway opposite the gates of the chapel at Carter's Green.

Tramway No. 1 shall be laid as a double line throughout, except at the following places, where it shall be a single line; namely,

In Bridge Street, between a point 1·50 chains south of the commencement of the line, as above described, and another point 7·12 chains south of such last-mentioned point:

In Bridge Street, between a point 3·70 chains south of the last-mentioned single line and another point 1·84 chains south of the last-mentioned point:

In Bridge Street and Holloway Bank, between a point 3·28 chains south of the last-mentioned single line and another point 6·08 chains south of such last-mentioned point.

The length of Tramway No. 1 is 1 mile 6 furlongs and 9·96 chains, the total length of the double portions being 1 mile 5 furlongs and 4·92 chains, and the total length of the single portions being 1 furlong and 5·04 chains:

Provided nevertheless that the Promoters may in all parts of any road within the township of Wednesbury, where the prescribed distance of 9 feet 6 inches does not intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway, lay double lines or passing places in lieu of single lines.

TRAMWAY NO. 2, commencing at the termination of Tramway No. 1 at Carter's Green, in the parish of West Bromwich, thence continuing in a south-easterly direction along Carter's Green, High Street, and the Birmingham Road, in the parish of West Bromwich, and along Holyhead Road, in the parish of Handsworth, and terminating in Holyhead Road at the northern terminus of the existing tramway in the same road near the New Inn, in the parish of Handsworth aforesaid.

Tramway No. 2 shall be laid as a double line throughout.

The length of Tramway No. 2 is 2 miles 5 furlongs and 4 chains.

TRAMWAY NO. 3, commencing at the junction of Tramway No. 1 with Tramway No. 2 at Carter's Green, in the parish of West Bromwich, and thence continuing generally in a westerly direction along the Dudley Road, Dudley Street, Swan Village, Great Bridge Street, and Great Bridge, and terminating at the Stalk Inn at the boundary of the parish of Tipton.

Tramway No. 3 shall be laid as a double line throughout, except at the following places, where it will be a single line; namely,

In Swan Village and Great Bridge Street, between a point 5·57 chains north-west from the commencement of Tramway No. 3, and another point 1·67 chains north-west from such last-mentioned point:

In Great Bridge Street, between a point 17·08 chains north-west from the last-mentioned single line, and another point 4·52 chains north-west from such last-mentioned point:

In Great Bridge Street, between a point 9·11 chains north-west of the last-mentioned single line, and another point 5·08 chains north-west from such last-mentioned point:

In Great Bridge, between a point 5·83 chains north-west of the last-mentioned single line, and another point 1 30 chains north-west of the said last-mentioned point:

In Great Bridge, between a point 6·78 chains north-west of the last-mentioned single line, and another point 1 chain north-west of such last-mentioned point.

The length of Tramway No. 3 is 1 mile 3 furlongs and 1·56 chains, the total length of the double portions being 1 mile 1 furlong and 7·99 chains, and the total length of the single portions being 1 furlong and 3·57 chains.

Protecting bridges over Birmingham canals

7. Where 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 (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 their intention to commence any work which affects or in anywise interferes with the structural works of such bridge or the road over the same, and shall at the same time send sufficient specifications, or other information, to show the nature of such work, and such work shall be constructed to the reasonable satisfaction of

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

Saving rights of Canal Company to open roads, &c.

8. Nothing in this Order shall take away or abridge any power of the canal company to open or break up any road along or across which any tramway by this Order authorised 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; but 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 such tramway and the works connected therewith that may be necessary, shall be made by and at the expense of the Promoters, who shall also, at their own expense, replace and make good the same.

(*c.*) Before the canal company shall commence any work, whereby the traffic on such 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 48 hours 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 such tramway or any work connected therewith by the execution by the canal company of any such work as aforesaid, or by 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 such work: 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 such tramway, 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 such tramway or any of the works connected therewith shall be borne by the Promoters.

Difference between Promoters and 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 canal company under the Tramways Act, 1870, and this Order not to be interfered with.

10. 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, or in any general Act of Parliament, and in this Order, or any or either of them.

For protection of railway and canal companies.

11. In constructing and maintaining any tramway by this Order authorised where it crosses any bridge carrying any road over any railway or canal or passes under any railway bridge, the Promoters shall be subject to the following conditions:

(1.) The tramway when only a single line of tramway shall be constructed and maintained along the centre of the roadway.

(2.) The Promoters shall not in any way alter or interfere with the structure of any such bridge or of the approaches thereto, and they shall so construct and maintain the tramway over such bridge and the approaches thereto or under such bridge, as the case may be, as not injuriously to affect the same.

(3.) In the event of any injury being caused to any such bridge or approaches by the construction, maintenance, repairing, user, or removal of the tramway, the railway company owning such bridge or approaches may, at the expense of the Promoters, restore such 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 such 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 such

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bridge and approaches as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870; and such 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.

(4.) Whenever and so often as any railway company shall require to widen, lengthen, strengthen, reconstruct, alter, or repair any such bridge or approaches, or to widen or alter their said railways or canals where a tramway passes under any railway bridge, or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten, and they shall find it necessary for effecting any of such purposes that the working and user of the tramway over such bridge or approaches or under such bridge shall be wholly or partly stopped or delayed, or that the tramway shall be temporarily diverted or be wholly or in part taken up or removed, and shall give to the Promoters three clear days' notice in writing requiring such stoppage, delay, or diversion, taking up, or removal, the working and user of such tramway shall be stopped or delayed, or the tramway shall be diverted or taken up or removed accordingly at the expense of the Promoters, but only for so long as the railway 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; and in case the principal engineer of such railway company shall be of opinion that any such strengthening is desirable or necessary owing to the carriages or other vehicles on any such tramway being or being intended to be moved by steam or any mechanical power, such strengthening shall be effected in all things at the expense of the Promoters, who shall also pay to such railway company all additional expense which they may incur or be put to in effecting any such widening, lengthening, strengthening, reconstruction, alterations, repairs, lifting, or supporting by reason of the existence of the tramway so passing or any of the works connected therewith, the amounts of such expenditure to be recoverable as aforesaid by such railway company from the Promoters with full costs and charges by all and the same means as any simple contract debt may be recovered.

(5.) Whenever the tramway on either side of any such bridge or approaches is a single line, there shall only be a single line over such bridge and approaches, and no turn outs or passing places shall be constructed thereon.

(6.) All works which may be necessary in constructing and maintaining any of the tramways over or under any bridge, works, or property of any railway company shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the principal engineer of such company, or in case of difference of an engineer to be appointed by the Board of Trade on the application of either such company or the Promoters.

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Saving rights of railway and canal companies.

12. Nothing contained in this Order shall prejudice, lessen, take away, or interfere with the lands, property, rights, powers, and privileges of any railway or canal company, otherwise than is hereby expressly provided.

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

13. In the construction of any tramway by this Order authorised upon any bridge or the approaches thereto 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 any 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 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.

14. 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 or engine used on the tramways shall exceed five feet and six inches in width, or such other width as may from time to time be prescribed by the Board of Trade.

Further provisions as to construction of tramways.

15. 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.

16. 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 within which the tramways or any of them

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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.

17. 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.

Paving and materials of roads.

18. 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, subject to the preceding provisions of this Order, be paved and maintained by the Promoters with such paving materials and foundation, and to such extent as the said authority shall approve.

Repairs to roads.

19. If at any time any such part of any road in which any of the tramways so laid as is by the Tramways Act, 1870, or by this Order 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 costs incurred by them in so doing from the Promoters by all 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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Mode of laying tramways to be approved by road authorities and uniform throughout.

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

Paving and repair of roads in West Bromwich.

21. In constructing the tramways within the district of the West Bromwich Improvement Commissioners the Promoters shall, subject to the preceding provisions of this Order, and unless the Board of Trade shall otherwise direct pave with sets of a paving material and of a quality and size not less than five inches in depth, to be from time to time prescribed by the said Commissioners, so much of the roads in which the tramways are to be laid down as is between the rails, and for a distance of two feet three 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 said commissioners or their surveyor: Provided always, that the said commissioners and the Promoters may at any time by agreement vary, alter, or repeal the obligation herein contained.

Promoters to pave the whole width of road where there are narrow places in Wednesbury.

22. The provisions of section twenty-eight of the Tramways Act, 1870, and of this Order, with respect to the paving and maintaining certain portions of the roadways whereon the tramways are laid, shall extend to the whole width of any roadway within the district of the local board for the district of Wednesbury, where it is proposed that a less space than nine feet and six inches shall intervene between the outside of the footpath on either side of the road, and the nearest rail of the tramway.

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

23. 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: Provided always, that no passing-place in any district shall exceed three chains in length except with the consent of the road authority of such district.

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

24. 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.

25. 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 than nine feet six inches shall intervene between the said rail and the outside

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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.

26. 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 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 works.

27. 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 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.

Extension of s. 26 of the Tramways Act, 1870.

28. 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 any local authority.

Access to sewers.

29. The local authority of any district in which any of the tramways are laid, and their officers and servants respectively, shall at all times have free access to and communication with all existing and future sewers and drains, gas pipes, and mains (whether public or private) under the control of, or maintained or repaired by, such local authority, 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, gas pipes or mains, 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 such tramways: Provided always, that if at any time after the passing of the Act confirming this Order, any such sewers or drains (whether public or private) or any other works of, or belonging to, or under the control of, such local authority, shall be or become injured or damaged by reason or in consequence of any act, deed, matter, or thing, of or by the Promoters or their servants, it shall be lawful for such local authority immediately thereupon, or at any time thereafter, at the cost, expense, and risk of the Promoters, to do what such local authority shall deem necessary, 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 such local authority the reasonable costs and expenses incurred by them as aforesaid, they may recover the same from the Promoters by all and the same means as any simple contract debt may be recovered.

As to lighting apparatus and sewers of local authorities.

30. 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, or which hereafter may belong, to the local authorities respectively, in like manner as the same apply to a company or person being the owner of gas mains or water mains or pipes, and for the purpose of this section the word "Company" in those sections shall include the several local authorities respectively: Provided that all works or interference with or in connexion 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 and at the cost and risk in all respects of the Promoters.

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

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

Local authorities may lay additional mains, &c.

32. Nothing in this Order shall prevent the local authorities in their respective districts from laying, at their own expense respectively from time to time as they respectively may think proper, additional mains or pipes, with all manholes, scour pipes, air and other valves for supplying gas, and also sewers or drains, at, under, or across, or near the tramways, and the local authorities respectively shall not be liable for any damage to the tramways, or compensation for loss of traffic thereon that may be caused by the laying of such additional mains or

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pipes and appurtenances, sewers, or drains, at under, across, or near to the tramways, nor for the expense of the temporary lifting and replacing the tramways, which shall be done at the expense of the Promoters: Provided that the operations of the local authorities respectively, shall be carried on so as to interfere as little as possible with the traffic on the tramways.

Cost of substituted sewers or lighting apparatus.

33. 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 sewer, drain, or lighting apparatus belonging to or under the control of the local authorities respectively, and rendered useless or unproductive to the said local authorities respectively by the works authorised by this Order, shall, on demand, and subject to credit being given for the value of all or any of the aforesaid matters so rendered useless or unproductive, be paid to the local authority to whom the same belonged 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, drain, or lighting apparatus of equal dimensions with the existing sewer, drain, or lighting apparatus.

Removal of sewers, drains, and lighting apparatus beneath tramways.

34. The Promoters shall, at their own cost and risk, in all respects, if and when required by any of the local authorities, 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 by this Order, required to maintain and repair, and which would, in the opinion of such local authority or their surveyor be injuriously affected by the tramways or the works connected therewith of the Promoters, and shall re-construct and relay with all needful alterations so much as aforesaid of any such drains, sewers, mains, and lighting apparatus in such other parts of such 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 local authorities respectively, which at the time being shall not be vested in or repairable by or under the control of any of the local authorities.

Alterations, &c. of lighting apparatus, &c.

35. 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, sewers, drains, manholes, covers, or water-pipes, or other apparatus or works belonging to or under the control 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, or by this Order, make such alteration, displacement, or removal, as the case may be, and do all works incidental thereto, and all reasonable expenses that may be thereby incurred by such local authority shall be defrayed by the Promoters.

Wednesbury, &c. Protection of gas and water apparatus.

36. If the Promoters desire, under the authority of this Order, to do any act which shall or may render necessary the removal or displacement of any of the mains or pipes, valves, syphons, plugs, or apparatus, or other works belonging to or controlled by any waterworks company or any gaslight company or other person empowered by Act of Parliament to supply water or gas in the district of any of the local authorities, the Promoters shall give to the said waterworks company or gaslight company or such other person as aforesaid, as the case may be, fourteen days notice in writing of such desire, and the said waterworks company or gaslight company or such other person, as the case may be, shall forthwith (without prejudice nevertheless to the protection afforded them by the Tramways Act, 1870,) make such removal or displacement as may be necessary, and do all works incident thereto, and all reasonable expenses to be thereby incurred shall be defrayed by the Promoters. Nothing contained in this Order shall interfere with the exercise by the said waterworks company, gaslight company, or such other person of any powers or privileges conferred upon them respectively by any Act of Parliament of laying down or maintaining, and as occasion may require of repairing and altering, any mains or pipes in and under any of the roads upon which the tramways may be laid under the authority of this Order, and the provisions of the Tramways Act, 1870, in favour of the local authority, shall be extended to and include all such companies or persons.

For the protection of corporation of Birmingham.

37. If the Promoters desire under the authority of this Order to do any act which shall or may, in the opinion of the engineer herein-after referred to, render necessary the removal or displacement of any of the mains or pipes, valves, syphons, plugs, or apparatus, or other works belonging to or under the control of the mayor, aldermen, and burgesses of the borough of Birmingham, in the county of Warwick, (in this section referred to as "the corporation,") the Promoters shall give to the town clerk of the said borough fourteen clear days' notice in writing of such desire, and a similar notice to the engineer of the Corporation having the superintendence of such mains or pipes, valves, syphons, plugs, or apparatus or other works, accompanied by plans and sections and other necessary particulars showing the works proposed to be executed by the Promoters, so far as they affect the gas and water mains, pipes, apparatus, or other works proposed to be interfered with; and the Corporation shall forthwith (without prejudice, nevertheless, to the protection afforded them by subsection two of section thirty of the Tramways Act, 1870,) make such removal or displacement as they may consider necessary, and do all works incident thereto, and all reasonable and necessary expenses to be thereby incurred shall be defrayed by the Promoters; and if the Promoters shall not on demand pay to the Corporation the expenses so incurred by them, the Corporation may recover the same by all and the same means as any simple contract debt may be recovered, and the certificate of the engineer of the Corporation under whose superintendence such displacement or removal shall have been made as to the expenses incurred by the Corporation as aforesaid shall be binding and conclusive upon the Promoters; and the Promoters shall not be entitled to inquire into or question the propriety or necessity of any works executed by the Corporation for effecting any such displacement or removal as aforesaid.

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The provisions of sub-section four of section thirty-two of the Tramways Act, 1870, in favour of the local authority or the road authority shall be extended to and include the Corporation as the owners of gas and water undertakings.

Traffic on roads not to be stopped or impeded.

38. During the construction, alteration, or relaying of any of the tramways, the Promoters shall not stop up or interfere with any road so as to prevent or impede the passage of traffic along such road, or alter the level of the surface of any road or part thereof, except with the previous consent in writing of the local authority of the district in which such road is situated.

As to alterations of sidings, &c.

39. Whenever the Promoters at any time desire to construct or have constructed any junction, siding, refuge, or resting place in any road in any district in which any of the tramways may be laid, the Promoters shall make such alterations as the road authority of such district may deem necessary and demand in the construction of any such junction, siding, refuge, or resting place in the line and direction of such tramways. In case of any dispute with respect to any matter provided for by this section, the decision of the Board of Trade shall be final and binding on both parties.

As to commencement and completion of tramways in West Bromwich district.

40. The tramways shall be commenced, constructed, and completed within the district of the West Bromwich Improvement Commissioners, within the time and subject to the conditions prescribed by section eighteen of the Tramways Act, 1870: Provided that the tramways shall be completed in the said district within one year from the commencement of the works, and in case the same are not completed in the said district within such year, the Promoters shall be liable to a penalty of five hundred pounds to the said Commissioners, and the said Commissioners are hereby empowered to recover the said sum of five hundred pounds from the Promoters in a court of summary jurisdiction under the Summary Jurisdiction Acts, in the same way as if such sum of five hundred pounds had been a penalty incurred by the Promoters under such Acts.

As to commencement and completion of tramways in Handsworth and Wednesbury districts.

41. The tramways shall be commenced, constructed, and completed within the districts of the Local Boards for the districts of Handsworth and Wednesbury within the time and subject to the conditions prescribed by section eighteen of the Tramways Act, 1870: Provided that the tramways shall be completed in the said districts within two years from the commencement of the works, or within such extended time as the Board of Trade may allow, and in case the same are not completed in either of the said districts within such period or periods, the Promoters shall be liable to a penalty of five hundred pounds to the local board for such district, and such local board are hereby empowered to recover the said sum of five hundred pounds from the Promoters in a court of summary jurisdiction under the Summary Jurisdiction Acts in the same way as if such sum of five hundred pounds had been a penalty incurred by the Promoters under such Acts.

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

42. 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.

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

43. The carriages used on the tramways may, subject to the provisions of this Order, be moved by animal power, and during a period of seven years after the opening of the same for public traffic, and with the consent 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.

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

44. 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.

45. Subject to the provisions of this Order, the Board of Trade may from time to time make, and when made may rescind, annul, or added 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 such tramways;

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

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

For limiting the number of carriages for the conveyance of animals, goods, minerals, and parcels in carriages or waggons to be drawn or propelled by steam or any mechanical power, and the hours during which such carriages or waggons shall be used on such tramways;

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

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

As to recovery of penalties.

46. 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.

47. 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.

48. 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.

49. 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, 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

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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.

50. 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.

51. The tramways may be used for the purpose of conveying passengers and parcels, and with the consent of the local authority of any district may be used for the purpose of conveying animals, goods, minerals, and parcels in such district.

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

52. 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.

Local authorities may require Promoters to carry goods.

53. If at any time after the opening of the tramways or any of them, or any part thereof for public traffic, any of the local authorities 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, the Promoters shall within three months after 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 Fridays always excepted), and in the event of any difference arising between the local authority 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 differences in the said section mentioned.

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

54. In case the Promoters carry animals, goods, minerals, or parcels, they may, and when required by any of the local authorities 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: Provided also, that nothing in this Order contained shall be con-

strued 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 five feet six inches in width.

Lights on carriages after sunset.

55. In case the Promoters between sunset and sunrise use on the tramways any one carriage or any two or more carriages connected together, they shall be bound to fix and maintain one light at least in front of such carriage, or the first of such carriages, and one light at least at the rear of such carriage or the last of such carriages, of such distinctive colours as may be prescribed by the Board of Trade.

Promoters to run carriages the whole length of the tramways at least twice each way daily between 9 a.m. and 6 p.m.

56. The Promoters at all times after the opening for public traffic of the tramways shall, and they are hereby required to, run carriages from one extremity thereof to the other (in addition to the carriages for passenger traffic at cheap fares which the Promoters are by this Order required to run) at least twice each way every day (Sundays, Christmas Day, and Good Friday always excepted) between nine o'clock in the morning and six o'clock in the evening, and any default or failure in this respect (unless arising from circumstances beyond the control of the Promoters) if continued on any day after seven days notice from any of the local authorities that the said default has occurred, shall be deemed a discontinuance to work the tramways on such day within the meaning of the forty-first section of the Tramways Act, 1870.

Traffic on Sundays, &c.

57. No car or other tramway vehicle shall be run on any Sunday, Christmas Day, or Good Friday past any church or other place of worship during the hours of Divine Service beyond a walking pace, nor shall any car stand on any siding opposite any place of worship during such times, and no siding, turn-out, refuge, or building of any sort shall be placed or constructed by the Promoters opposite to any place of public worship without the consent of the local authority of the district in which the same is situated.

Suspension of traffic by order of the local authority.

58. The local authority of any district in which any of the tramways are situate shall have power at any time and from time to time, by giving twenty-four hours previous notice in writing to the Promoters, to absolutely stop, delay, or suspend the working of the tramways in any of the roads within such district for police purposes, regulating, and facilitating traffic on any public occasion or demonstration, or for the execution of any works or repairs by such local authority, or for any purpose which such local authority in the exercise of their powers for the good government of such district 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 either of them, and the Promoters shall not be entitled to claim, nor shall such local authority be liable to pay, any compensation or damages in respect thereof.

Local authority may use the tramways for sanitary purposes.

59. The local authorities may at any time between the hours of twelve o'clock at night and six o'clock in the morning use the tramways for sanitary purposes, and for the conveyance of scavenging stuff and night soil.

Running powers in favour of Birmingham

60. In the event of the Birmingham and Western Districts Tramways Order, 1881, herein-after referred to as "the Birmingham Order," being confirmed by Act of Parliament, passed before the 1st day of September 1881, the Promoters

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of the Birmingham Order may run over and use with their horses, engines, and carriages, for the purposes of traffic of all kinds, so much of Tramway No. 2 authorised by this Order as lies between the junctions of Saint Michael Street and Spon Lane respectively with High Street, when the same shall be completed and open for traffic; but in the event of so much of the said Tramway No. 2 as aforesaid not being constructed by the Promoters of this Order within one year from the passing of the Act confirming this Order, then when Tramway No. 12, as described in the Birmingham Order, shall be constructed by the Promoters of the Birmingham Order, under the authority of that Order, and shall be open for public traffic, the Promoters of this Order may run over and use with their horses, engines, and carriages, for the purposes of traffic of all kinds, the said Tramway No. 12.

The terms, conditions, and regulations to which the Promoters or the Promoters of the Birmingham Order shall be subject in respect of running over and using such portion of Tramway No. 2, or the said Tramway No. 12, and the tolls or other consideration to be paid by them respectively for the same, shall, if not agreed upon between them, be from time to time determined by an arbitrator in pursuance of section thirty-three of the Tramways Act, 1870: Provided always, that such terms, conditions, and regulations shall in every case be approved by the Board of Trade.

The Promoters or the Promoters of the Birmingham Order, as the case may be, in using or traversing such portion of Tramway No. 2, or the said Tramway No. 12, in accordance with the provisions herein-before mentioned, shall at all times observe the regulations and byelaws for the time being in force on such portion of Tramway No. 2, or the said Tramway No. 12, so used, so far as the same shall be applicable to the Promoters or the Promoters of the Birmingham Order exercising the said powers, and they shall for their own acts and defaults in respect of such user incur all and the same liabilities as the owners of such portion of Tramway No. 2, or of the said Tramway No. 12.

Tolls.

Tolls for passengers.

61. 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.

Passengers luggage.

62. 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.

63. 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 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: 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.

64. 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.

65. 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.

66. 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.

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Miscellaneous.

Cleansing of tramways.

67. The road authorities in their respective districts may cleanse any road without reference to the tramways, but whatever cleansing owing to snow or other matter impeding the traffic is requisite for the proper working of the tramways shall be executed by the Promoters at their own risk and cost, who shall in performing the same remove the snow or other matter to such part of the road in any district as the road authority of such district may reasonably prescribe.

Regulations, &c. by local authorities.

68. The powers of the local authorities respectively 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, shall, subject to the provisions of this Order, extend and apply to the following matters and purposes; that is to say,

Prohibiting the stopping of tramway carriages to take up and set down passengers, or for any 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;

Empowering the local authority to cause to be removed from the tramways any carriage or horse which shall be unfit for use on the tramways;

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

The numbering of the tramway carriages;

The wearing by drivers and conductors of the tramway carriages of some conspicuous badge or distinguishing mark.

Authentication of byelaws.

69. 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.

Promoters to give local authorities notice of their intention to sell undertaking.

70. 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 persons or company before completing the same, give two calendar months previous notice in writing to the several local authorities of their intention to exercise the said powers.

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

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

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Agreements between Promoters and road authorities.

72. 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 the passage of the traffic over the same.

Compensation for damage.

73. 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 authorities for all damage sustained by them respectively by reason or in consequence of the exercise of those powers or any of them.

Promoters to pay local authorities certain costs incurred by them.

74. The Promoters shall, except as by this Order otherwise provided, pay to each of the local authorities on demand the amount of all reasonable costs, charges, and expenses incurred by them respectively in relation to this Order, and the preparation of any agreements entered into between them respectively, and the Promoters as to this Order, and to the application for and obtaining this Order, and to the confirmation thereof by Act of Parliament, including parliamentary agents and counsels fees, and all costs, charges, and expenses incurred by such local authority in connexion with or in opposing this Order either with a view to obtaining the insertion in this Order of any provisions or otherwise.

Certain costs to be paid by the Promoters.

75. All costs and expenses incurred by the West Bromwich Improvement Commissioners and the Local Board of Health for the district of Wednesbury 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 said Commissioners and Local Board respectively, 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 said Commissioners and Local Board respectively within three months after the passing of the Act confirming this Order.

Saving rights of county authority as to main roads.

76. Nothing in this Order shall take away, alter, or prejudicially affect the powers or liabilities of the county authority with respect to main roads under the provisions of the Highways and Locomotives (Amendment) Act, 1878.

Settlement of disputes.

77. Notwithstanding anything in this Order contained, if any dispute or difference arise between the Promoters and any of the local authorities, the same shall be settled in the manner prescribed by section thirty-three of the Tramways Act, 1870, for the settlement of the differences in that section mentioned.

Provisions as to arbitration.

78. 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.

79. 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:

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(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.

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

80. 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.

81. 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, 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 the local authority under section forty-three of the Tramways Act.

Saving for general Acts.

82. 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 fitting 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 any of the local authorities, 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.

	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 specially classed herein, and for heavy iron castings (including		

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	Per mile. s.	d.
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. s.	d.
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 and not exceeding twenty-eight pounds in weight - - - - - - -	0	7
For any parcel exceeding twenty-eight but not exceeding fifty-six pounds in weight - - - - - - -	0	9

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

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.

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 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 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.

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