CHAPTER lxx.

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An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Great Yarmouth Tramways, Highgate Hill Tramways, Isle of Axholme and Marshland Tramways, North Shields and District Tramways Extension, Pontypridd and Rhondda Valley Tramways, Staffordshire Tramways (Extension), Sunderland Tramways (Extension), and Weston-super-Mare Tramways. [3rd July 1882.]

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, 1882.

Confirmation of Orders in Schedule.

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

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SCHEDULE.

LIST OF ORDERS.

1. Great Yarmouth Tramways.—Order authorising the construction of tramways in the borough of Great Yarmouth, in the county of Norfolk.

2. Highgate Hill Tramways.—Order authorising the construction of tramways along Highgate Hill, in the county of Middlesex.

3. Isle of Axholme and Marshland Tramways.—Order authorising the construction of tramways in the Parts of Lindsey, in the county of Lincoln.

4. North Shields and District Tramways Extension.—Order authorising the construction of additional street tramways in the parish of Tynemouth, in the county of Northumberland, and amending the Tynemouth and District Tramways Order, 1879.

5. Pontypridd and Rhondda Valley Tramways.—Order authorising the construction of tramways in the respective parishes of Llanwonno, Llantrisant, and Ystradyfodwg, all in the county of Glamorgan.

6. Staffordshire Tramways (Extension).—Order authorising the construction of tramways in the parishes of Darlaston, Wednesbury, and Walsall, all in the county of Stafford, and amending the Staffordshire Tramways Order, 1879.

7. Sunderland Tramways (Extension).—Order authorising the construction of tramways in the borough of Sunderland, in the county of Durham.

8. Weston-super-Mare Tramways.—Order authorising the construction of tramways in the parish of Weston-super-Mare, in the county of Somerset.

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GREAT YARMOUTH TRAMWAYS.

Order authorising the construction of Tramways in the Borough of Great Yarmouth in the county of Norfolk.

Short title.

1. This Order may be cited as "The Great Yarmouth Tramways Order, 1882."

Incorporation of Acts.

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

Interpretation.

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

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

The expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Great Yarmouth in the county of Norfolk.

The term "person" shall include a corporation.

Promoters.

The Promoters.

4. Charles Philips, of Number 20, Bucklersbury, in the city of London, his executors, administrators, or 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 five acres of land.

Construction of Tramways.

Construction of tramways.

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

The tramways authorised by this Order will be situate within the parish of Great Yarmouth, in the county of Norfolk, and are—

Tramway No. 6.—A tramway six and a quarter chains in length, consisting of three and a quarter chains of single line and three chains of double line, commencing in the centre of the roadway at the intersection of Dene Side

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Road and Regent Road, passing thence northwardly along the western side of Theatre Plain, and into and along the roadway on the eastern side of the Market Place, and terminating in the last-mentioned roadway at a point twenty-nine yards, or thereabouts, southward from Market Road.

The said tramway shall be laid as a single line throughout, except in the Theatre Plain aforesaid, between points respectively thirty-nine yards and one hundred and five yards, or thereabouts, northward from Regent Road, where it shall be laid as a double line.

Tramway No. 8.—A tramway, five furlongs 8·6 chains in length, consisting of five furlongs 4·10 chains of single line, and 4·50 chains of double line, commencing in the roadway on the eastern side of the Market Place, at the termination of Tramway No. 6, passing thence in a northerly direction along the said roadway and westwardly along the roadway on the northern side of the Market Place aforesaid, into and along the roadway across the centre of Church Plain, the roadway between Church Plain and Whitehorse Plain, Whitehorse Plain, North Gate Street, and Caister Road, and terminating in the last-mentioned road at a point one chain southward from the northern boundary wall of the workhouse.

The said tramway shall be laid as a single line throughout, except in the following instances, where it shall be laid as a double line:

In North Gate Street aforesaid:

Between points respectively thirty-four yards, and one hundred yards, or thereabouts, northward from St. Nicholas Churchyard.

In the Caister Road:

For a distance of thirty-three yards from the termination of the tramway.

Tramway No. 9.—A tramway seven furlongs, 8·3 chains in length, consisting of six furlongs 4·8 chains of single line, and one furlong, three and a-half chains of double line commencing in Marine Parade at a point twenty-seven yards, or thereabouts, northward from the centre of the entrance gates to the Wellington Pier, passing thence northwardly along Marine Parade into and along Regent Road, and northwardly along King Street, and terminating in the last-named street, at a point thirty-one yards, or thereabouts, southward from Regent Street.

The said tramway shall be laid as a single line, except in the following instances, where it shall be laid as a double line:—

In the Marine Parade:

For a distance of thirty-three yards from the commencement of the tramway.

Between points respectivcly twenty-eight yards, or thereabouts, southward, and thirty-eight yards, or thereabouts, northward from the northern side of St. Peter's Road, at its junction with Marine Parade.

Between points respectively one hundred and fifty-five yards and eighty-nine yards, or thereabouts, southward from Marlborough Place.

In Marine Parade and Regent Road aforesaid:—

Between a point in the Marine Parade fifty yards, or thereabouts, southward from the centre of the approach to the Britannia Pier and a

point in Regent Road forty-four yards, or thereabouts, eastward from Wellesley Road.

Tramway No. 10.—A tramway two furlongs ·45 chain in length, consisting of one furlong, 8·95 chains of single line, and one and a-half chains of double line, commencing in King Street aforesaid at the termination of Tramway No. 9, passing thence northwardly along King Street, Regent Street, into and along and terminating in the roadway leading from Regent Street through Townhall Plain (otherwise Hall Plain) to North Quay, at a point forty-four yards, or thereabouts, north-westward from the paved crossing leading from Gurney's Bank to the end of the northern wing wall of the Bridge over the River Yare, known as the Haven Bridge.

The said tramway shall be laid as a single line throughout except in the following instances, where it shall be laid as a double line:—

For a distance of thirty-three yards from the termination of the tramway

Tramway No. 12.—A single line tramway 4·7 chains in length, commencing in King Street, by a junction with Tramway No. 10, at a point thirty-one yards, or thereabouts, northward from Regent Road, passing thence northwardly along King Street into and along the roadway at the southern side of the Market Place, and terminating in the last-named roadway at a point eighteen yards or thereabouts westward from the south-west corner of the school house at the junction of Theatre Plain with the Market Place.

Tramway No. 13.—A single line tramway three-quarters of a chain in length, commencing at the junction of the Market Place and Theatre Plain, by a junction with Tramway No. 6, passing thence into and along the roadway at the southern end of the Market Place, and terminating therein by a junction with Tramway No. 12 at its termination:

Provided that Tramway No. 9 shall not be constructed in Regent Road where a less space than nine feet six inches will intervene between the outside of the footpath and the nearest rail, except with the consent in writing of the owners and occupiers of houses abutting on the part of the road where such tramway is proposed to be laid as aforesaid.

As to portion of Tramway No 10.

7. Notwithstanding anything shown on the deposited plans, or stated in this Order that portion of Tramway No. 10 in Town Hall Plain (otherwise Hall Plain) aforesaid extending between Regent Street and South Quay, shall be laid along the centre of the new roadway intended to be substituted for the roadway now existing when such new roadway has been completed and opened for public traffic.

Provisions for the protection and benefit of the Corporation.

8. For the protection of the Corporation the following provisions shall be in force and have effect:—

(1.) Before breaking up any portion of the Newcastle Road the Promoters shall pay to the Corporation the estimated cost of the construction of two manholes communicating with the sewers in that road, and before breaking up any portion of King Street the Promoters shall pay to the Corporation the estimated cost of the construction of three manholes communicating with the sewers in that street, and before breaking up any portion of St. Peter's Road the Promoters shall pay to the Corporation the estimated cost of

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the construction of two manholes communicating with the sewers in that road. The estimate of such expense shall be prepared by the surveyor of the Borough of Great Yarmouth, and the work shall be executed by the Corporation; but if the costs of such work shall exceed the amount of such estimate the difference shall be paid by the Promoters to the Corporation, and if it shall amount to less than the estimate the difference shall be returned to the Promoters.

(2.) The Promoters shall, at their own expense, pave with blocks of wood of the same description, and in the same manner as the Corporation may pave such part of King Street as lies between Regent Road and the South West corner of Market Place, Regent Street, throughout its entire length and such part of Town Hall Plain as extends for a distance of fifty yards westward from Regent Street, so much of the said King Street, Regent Street, and Town Hall Plain as lies between the rails of the tramways and between the tramways, and for a distance of eighteen inches beyond the rails of and on each side of the tramways, and the Promoters shall maintain and keep so paved such portions of the said streets or roads to the satisfaction of the Corporation.

(3.) The Promoters shall, at their own expense, pave with blocks of wood of the same description, and in the same manner as the Corporation may at any future time pave any part of any street or road whereon any tramways are laid, so much of such street or road as lies between the rails of the tramways and between the tramways, and for a distance of eighteen inches beyond the rails on each side of the tramways, and the Promoters shall maintain and keep so paved such portions of the said streets or roads to the satisfaction of the Corporation.

(4.) If, in consequence of any tramway being laid on any street or road, it shall, in the opinion of the Corporation be necessary or proper to divert or alter any of the channels or drains in such street or road the Promoters shall pay to the Corporation the cost of such diversion or alteration not exceeding in the whole one hundred pounds.

(5.) The Promoters shall not without the consent of the Corporation use any bells on the tram cars or the animals drawing the same.

(6.) The Promoters shall not without the consent of the Corporation run any tram cars along any portion of the Marine Drive on Sundays.

Gauge of tramways.

9. The tramways shall be constructed on a gauge of three feet six inches or such other gauge as the Board of Trade may require:—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 the carriages used on the tramways, but no carriage used on the tramways shall exceed six feet in width.

Provisions as to construction of tramways.

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

ment 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.

11. 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.

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

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, 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 with respect to offences.

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

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

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As to length of passing places.

14. Notwithstanding anything shown on the deposited plans, or in this Order contained to the contrary, no passing place shall, except with the consent of the Corporation, exceed sixty-six yards in length, if the Corporation give notice in writing to that effect to the secretary of the Promoters within three calendar months after the passing of the Act confirming this Order.

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

15. 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.

16. The Promoters may, from time to time hereafter, subject to the provisions of this Order, and with the consent of the road authority, make all such crossings, passing-places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Order, as may from time to time be necessary or convenient to the efficient working of the tramways, or any of them, or for providing access to any stables, engine-houses, carriage-houses, sheds, or works of the Promoters, subject to the approval of the road authority: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if any owner or occupier of premises abutting on the place where such rail is proposed to be laid, by writing, under his hand, addressed to the Promoters, express his objection thereto: provided further, that, after any such crossing, passing-place, siding, junction, or other works have been made, the road authority may, by notice to the Promoters, require them to remove the same, and, if the road authority think fit, to relay the same in some other position to be specified in such notice, and the Promoters shall comply from time to time with the terms of such notice.

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 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.

18. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any roads 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. Provided further that nothing in this Order contained shall take away the right of the Promoters, to all paving, metalling, or material excavated by them in laying with wood any street or road, as provided by sub-section (3) of section eight of this Order, which paving, metalling, and material shall absolutely vest in and belong to the Promoters. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Promoters and any road authority.

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

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

Traffic upon Tramways.

Traffic upon tramways.

20. The tramways may be used for the purpose of conveying passengers, passengers' luggage, and goods and parcels not exceeding twenty-eight pounds in weight, and with the consent in writing of the Corporation, of conveying animals, goods, minerals, and parcels exceeding twenty-eight pounds in weight.

Promoters not bound to carry goods.

21. 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.

Tolls.

Tolls for passengers.

22. 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 twopence for any distance traversed in the same direction at one time.

Passengers' luggage.

23. Every passenger travelling upon any of 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

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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.

24. The Promoters at all times after the opening of the tramways or any part or parts thereof for public traffic shall, and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sunday, Christmas Day, and Good Friday always excepted), at such hours not being later than seven in the morning or earlier than six in the evening respectively, as the Promoters think most convenient for artizans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny); 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.

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

Payment of tolls.

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

Miscellaneous.

Provisions as to arbitration.

27. 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; and the costs of and incidental to the arbitration and award shall, if either party so requires, be taxed and settled as between the parties by any one of the taxing masters of the High Court of Justice; and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters; and all those enactments including the enactments relating to the taking of fees by mean of stamps shall extend to the fees in respect of the said taxation.

Form and delivery of notices.

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

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

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

Agreements between Promoters and road authorities.

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

Power to hold patents.

30. The Promoters may, subject to the provisions of this Order (but only for the purposes of the undertaking, and not so as to acquire any exclusive right therein), acquire, hold, and use any patent or other rights, and any licenses to use patent rights in relation to any apparatus, material or motive power, used in or in connexion with tramways.

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

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

Saving as to powers of borrowing on mortgage.

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

Saving for general Acts.

33. Notwithstanding anything in this Order contained, the Promoters and any person using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the 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.

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SCHEDULE.

Tolls and Charges for Animals, Goods, &c.

Animals.

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

Goods and Minerals.

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

Small Parcels.

		Any Distance.	
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.

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

Regulations of 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 on in proportion for any smaller quantity.

HIGHGATE HILL TRAMWAYS.

Highgate Hill.

Order authorising the construction of Tramways along Highgate Hill, in the county of Middlesex.

Short title.

1. This Order may be cited as "The Highgate Hill Tramways Order, 1882."

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 term "person" shall include a corporation.

Promoters.

The Promoters.

4. The Steep Grade Tramways and Works Company, Limited, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

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

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited at the office of the Board of Trade 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, points, junctions, plates, tubes, drains, sumpts, shafts, engine-houses, turntables, offices, weighbridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are—

Tramway No. 1, commencing in Highgate Hill at a point distant seven yards or thereabouts from the south-east corner of the Archway Tavern Highgate Hill, passing thence in a north-westerly direction along Highgate Hill, and terminating in High Street, Highgate, at a point eight yards or thereabouts, measured in a north-easterly direction, from the centre of the entrance to Fair Seat House. Tramway No. 1 shall be a double line throughout, and the total length thereof will be 4 furlongs 1·30 chains.

Tramway No. 2, commencing at the termination of Tramway No. 1, passing thence in a north-westerly direction along High Street aforesaid, and terminating at a point in the said street opposite the south-east entrance to Southwood Lane. Tramway No. 2 shall be a single line throughout, and the total length thereof will be one furlong six chains.

The said tramways will be situate in the parishes of St. Mary, Islington, St. Pancras, and Hornsey, in the county of Middlesex.

Gauge of tramways and width of carriages.

7. 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 used on the tramways shall exceed six feet and four inches in width.

For the protection of the Hornsey Local Board.

8. For the protection of the Local Board of Health for the district of Hornsey, the following provisions shall be in force, and have effect as to so much of the tramways as are situate within the said district.

(1.) The Promoters shall form and make so much of the surface of the road as is to be used for the purpose of the tramways within the said district, and shall maintain the remaining portion of such road within the said district in its present condition to the reasonable satisfaction of the said local board and its surveyor:

(2.) The Promoters shall at all times, and at their own cost, maintain and keep in good condition and repair the whole of the road (including the tramways) through which the tramways pass within the said district, to the reasonable satisfaction of the said local board and its surveyor, and also to the satisfaction of the county authority as defined by the Highways and Locomotives (Amendment) Act, 1878, and their surveyor, and any costs to which the said local board may be subject in consequence of any default on the part of the Promoters to keep the road in accordance with the provisions of this section shall be repaid by the Promoters, and may be recovered by the said local board from the Promoters by all and the same means as any simple contract debt of like amount may be recovered.

(3.) The Promoters shall pay any and all expenses to which the said local board may be put under or in pursuance of this Order, and before commencing the works the Promoters shall deposit at the London and Westminster Bank the sum of five hundred pounds in the joint names of the Promoters and the said local board on a deposit account, as a guarantee for the payment of such expenses, including the expenses which have been, or may be, incurred by the said local board, or to which the said local board may be liable for with respect to the obtaining of this Order, and incident thereto and consequent thereon, and also in and about the superintendence of the works and road, and all costs, damages, liabilities, and expenses which the said local board may be put to, or liable to pay from the time of the commencement of the works, down to, and including two years after the completion of the works to the satisfaction of the Board of Trade and the said local board and the opening of the tramways for public traffic, and from and after the expiration of the said period of two years, the Promoters shall be entitled to be paid by the said bank the said sum of five hundred pounds, together with the interest thereon or so much thereof as shall not be payable to the said local board under this section, and any moneys payable to the local board under this section shall be paid by the said bank to the said local board.

In case of failure on the part of the Promoters at any time to perfect, carry out, or discontinue their undertaking within the said district the roadway shall be re-instated in its former condition at the expense of the Promoters, and to the satisfaction of the said local board and its surveyor.

(4.) A driver and conductor shall have the superintendence of each carriage or car used on the tramways.

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9. For the protection of the Vestry of St. Mary, Islington, the following enactments shall have effect as to so much of the tramways as are situate within that parish :

For the protection of the Vestry of St. Mary, Islington.

(1.) That the Promoters shall form and make so much of the surface of the roadway as is to be used for the purposes of the tramway, and shall maintain the remaining portion of the road in its present condition to the reasonable satisfaction of the vestry or its surveyor.

(2.) That the Promoters shall at all times maintain and keep in good condition and repair the whole of the roadway to the satisfaction of the vestry or its surveyor.

(3.) Before commencing the works the Promoters shall deposit at the London and County Bank (Islington branch) 500*l.* in the joint names of the Promoters and the vestry on a deposit account as a guarantee for the payment of the expenses which have been incurred and will be incurred by the vestry, or to which the vestry will be liable for and in respect of and in and about the obtaining of the Provisional Order and incident thereto and consequent thereon, and also for expenses in and about the superintendence of the works and roadway, and for all costs, damages, liabilities, and expenses which the vestry may be put to or liable to pay from the commencement of the works up to and including two years after the completion of the works to the satisfaction of the Board of Trade and the vestry and the opening of the line for traffic; and from and after the expiration of the said period of two years the Promoters shall be entitled to be paid by the said bank the said sum of 500*l.*, together with the interest thereon, or so much thereof as shall not be payable to the said vestry under this section, and any moneys payable to the said vestry under this section shall be paid by the said bank to the said vestry.

(4.) A driver and conductor to have the care of each carriage or car.

For protection of the main roads in the county of Middlesex.

10. The Promoters shall execute the works by this Order authorised so far as the same affect any main roads in the county of Middlesex as defined by the Highways and Locomotives Amendment Act, 1878, subject to the following conditions, viz. :

(*a.*) The Promoters shall not commence nor execute any works as aforesaid unless and until they have first delivered to the surveyor of Middlesex county bridges, plans, drawings, and specifications of the works intended to be executed, nor until the said plans, drawings, and specifications have been examined and approved of by the said surveyor by writing under his hand : Provided always, that if the said surveyor fails to approve of the works for one calendar month after the plans, drawings, and specifications thereof have been delivered to him, then the Promoters shall not execute nor commence any such works as aforesaid, unless and until plans, drawings, and specifications thereof have been examined and approved of by an engineer to be appointed by the Board of Trade, on the application of the Promoters.

Highgate Hill.

(*b.*) The Promoters shall execute all such works as aforesaid at their sole expense, and under the superintendence and to the reasonable satisfaction of the said surveyor of Middlesex county bridges, whose reasonable charges incident to the approval of the said plans, drawings, and specifications, and to the superintendence of the work, shall be paid by the Promoters; and the Promoters shall, at the like expense, subsequently maintain the same and all necessary works connected therewith in good substantial condition, to the reasonable satisfaction of the said surveyor.

Provisions as to construction of tramways.

11. 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 the road authority 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 the road authority; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act.

As to rails of tramways.

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

13. 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

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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.

Special provision as to penalties for not maintaining tramways in good condition.

14. In addition to any other provisions of this Order, the Promoters shall maintain and keep the tramways in good condition and repair to the satisfaction of the road authority of the district within which such tramways respectively are or may be situate; and if the Promoters at any time fail to maintain and keep the same in good condition and repair, to such satisfaction as aforesaid, they shall for every such default be subject to a penalty not exceeding five pounds for every day on which such default continues, and such penalty may be recovered in manner provided by the said section fifty-six of the Tramways Act, 1870, but by the said road authority only.

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

15. 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.

16. 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.

17. 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 tubes, drains, sumpts, shafts, engine-houses, turntables, offices, weighbridges, stables, carriage-houses, sheds, or works of the Promoters, subject to the approval of the road authority: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if any owner or occupier of premises abutting on the place where such rail is proposed to be laid, by writing under his hand, addressed to the Promoters, express his objection thereto:

Temporary tramways may be made when necessary.

18. 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 discon-

tinue the use of such tramway or any part thereof, the Promoters may, subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make, construct in the same or any adjacent road, and, with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain, so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

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

19. The Promoters may use, under the direction and to the satisfaction of the surveyor to the road authority, such quantity of paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of such road authority as shall be required for the purpose of forming the concrete substructure of the tramways, and all surplus paving, metalling, or material so excavated shall remain the property of the road authority, and the Promoters shall at their own costs and charges remove and cart away such surplus paving, metalling, or material to such places as the road authority or their surveyor may require; and if at any time the Promoters fail to comply with these several provisions they shall be subject to a penalty not exceeding five pounds, and to a further penalty of five pounds per day for every day on which the Promoters shall proceed with the said work of construction, laying down, maintenance, and renewal of the tramways without complying with the aforesaid provisions, such penalties to be recovered in manner provided by section fifty-six of the Tramways Act, 1870.

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

20. 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.

Sewer authority to have access to sewers.

21. Every sewer authority shall at all times have free access to and communication with all their sewers and drains, and power to lay lateral and private drains to communicate therewith, without the consent or concurrence of the Promoters; and the provisions contained in the sections thirty-two and thirty-three of the Tramways Act, 1870, shall be applicable in the case of any sewer or private drain of or under the control of the sewer authority as if the same were a pipe for the supply of gas or water.

Saving rights of Metropolitan Board of Works to stop up streets.

22. Nothing in this Order contained shall extend or be construed to extend, to alter, abridge, or take away any of the rights, powers, and privileges conferred upon the Metropolitan Board of Works by the Metropolis Local Management Act, 1855, or any other Act relating to the Board, as to stopping for public traffic any road or street under the jurisdiction of that Board for the purpose of constructing, repairing, and maintaining the sewers along or under any such road or street.

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Traffic to be suspended during works of drainage.

23. If and whenever in the opinion of the Metropolitan Board of Works it shall be necessary or expedient for the purpose of constructing or altering any sewer or drain to interfere with any of the tramways authorised by this Order, or the roadway in which the same shall be made, the said Board may, without any consent or concurrence on the part of the Promoters, enter upon and interfere with such tramways or roadway, after having given, except in case of emergency, at least one month's previous notice in writing to the Promoters of their intention so to do; and the Promoters shall, during the execution of any such works, either suspend the traffic upon such tramway or make provision, at their own expense, for carrying on the same in a manner satisfactory to the engineer of the said Board so as not to interfere with any such work, and shall have no claim for compensation against the said Board.

Motive Power.

Carriages on tramways may be moved by mechanical power.

24. The carriages used on the tramways may, subject to the provisions of this Order, be moved by mechanical power, that is to say, by wire ropes placed underground and worked by stationary engine power upon the system at present known as "the Hallidie system of cable tramways," 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.

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

Penalty for using mechanical power contrary to Order or regulations.

25. The Promoters or any person using 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 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 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.

26. 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 all or any of the tramways for all or any of the following purposes, that is to say;

For regulating the use of the bell, whistle, or other warning apparatus fixed to the carriage;

For regulating the emission of smoke or steam from engines used in working the tramways;

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

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

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

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

As to recovery of penalties.

27. 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.

28. 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 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 so prescribed.

Orders and byelaws to be signed, &c.

29. 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.

30. Before the Promoters or any person use or uses mechanical power under the authority of this Order on the tramways or any part thereof they or he shall give two months previous notice in writing of such intention to every road authority within whose district the tramways or such part thereof are or is situated.

Before using mechanical power on the tramways or any part thereof, and thereafter from time to time, the Promoters or such person and every such road

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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 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 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 mechanical power shall be used on the tramways to which such appeal relates.

No 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.

31. Where 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 mechanical power as aforesaid between the Promoters or such person and any road authority 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, shall continue in force for any period exceeding two years at any one time after the commencement of the use of

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.

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

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

33. 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.

34. In case the Promoters carry animals, goods, minerals, or parcels, they may, and when required by the local authority shall, carry the same in separate carriages or separate parts of carriages set apart for that purpose: Provided that this provision shall not apply to the carriage of passengers luggage.

Tolls.

Tolls for passengers.

35. 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 twopence.

Passengers luggage.

36. 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 any other passengers.

Cheap fares for labouring classes.

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

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

Payment of tolls.

39. 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

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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.

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

Miscellaneous.

Provisions as to arbitration.

41. 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; and the costs of and incidental to the arbitration and award shall, if either party so requires, be taxed and settled as between the parties by any one of the taxing masters of the High Court of Justice; and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters; and all those enactments, including the enactments relating to the taking of fees by means of stamps, shall extend to the fees in respect of the said taxation.

Form and delivery of notices.

42. 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 Promoters, or any local authority, or any road authority shall be signed by their secretary or clerk.

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

43. 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 and along the same.

Agreements between Promoters and road authorities.

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

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

45. 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.

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

46. 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 any mortgage granted by the Promoters shall 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, and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Saving as to powers of borrowing on mortgage.

47. 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.

Saving for general Acts.

SCHEDULE A.

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

Break-power.

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Highgate Hill.

As to fittings of carriages,&c.

Every carriage 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 conductor so placed in front of such carriage as to command the fullest possible view of the road before him.

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 mechanical power 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 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 or in connexion with the tramways, and the machinery therein, and may, whenever they think fit, prohibit the use of any such engine or carriage which in their opinion may not be safe for use on or in connexion with the tramways.

As to speed.

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

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

SCHEDULE B.

Tolls and Charges for Animals, Goods, &c.

	Any distance. 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, slags, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron not otherwise specially classed herein, and for heavy iron castings, including railway chairs - - - - - - per ton	0	4

	s.	d.
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings - - - per ton	0	6
For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton	0	6
For every carriage of whatever description having two wheels -	1	0
For every carriage of whatever description having four wheels -	1	6

Parcels.

For every parcel not exceeding seven pounds in weight - - -	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - - - -	0	5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - -	0	7
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - - - -	0	9

For any parcel exceeding fifty-six pounds in weight, such 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.

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

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

Regulation as to Tolls.

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.

A.D. 1882. ISLE OF AXHOLME AND MARSHLAND TRAMWAYS.

Isle of Axholme and Marshland.

Order authorising the construction of Tramways in the Parts of Lindsey, in the county of Lincoln.

Short title. 1. This Order may be cited as "The Isle of Axholme and Marshland Tramways Order, 1882."

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 term "person" shall include a corporation.

Promoters.

The Promoters. 4. John William Denne Johnson, of Temple Belwood, near Belton, in the county of Lincoln, John Elwis, of Avenue House, Doncaster, in the county of York, Richard Shaw Brundell, of Leicester House, Doncaster, aforesaid, and Thomas Henry Hovenden, of Selhurst Road, Norwood, in the county of Surrey, 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 acquire, for the purposes of the undertaking, such lands as they may require, and may, from time to time, sell and 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 fifteen acres of land under the authority of this Order.

Construction of Tramways.

Construction of tramways. 6. The Promoters may construct and maintain, subject to the provisions of this Order, in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order, as the same have been amended previous to the passing of the Act confirming this Order (which amended plans and sections are in this Order referred to as "the deposited plans" and "the deposited sections") except as is by this Order expressly provided the tramways herein-after described, with all proper rails, sidings, points,

junctions, plates, offices, weigh-bridges, stables, carriage and engine houses, warehouses, works, and conveniences connected therewith or for the purposes thereof, and may work and use the same.

The tramways authorised by this said Order are :—

Tramway No. 1, four miles and one furlong in length, in the parishes of Haxey and Epworth, in the Parts of Lindsey, in the county of Lincoln, commencing at the westernmost corner of a field in the parish of Haxey, belonging to or reputed to belong to and in the occupation of John Brewitt Taylor, and situate partly on the northern side of and abutting upon the Great Northern Railway Hotel at Haxey, and partly on the northern side of Haxey Station yard of the Great Northern Railway and which field abuts on the west side of the highway, or main road leading from Misterton to Haxey, and passing thence to the said highway at a point opposite the north-east corner of the said field along such highway through Craiselound and Haxey, to a point marked three miles three furlongs and three chains on the deposited plans at Low Burnham, and thence on the west and the south side of the Plough Inn, at Low Burnham, passing in and through lands belonging or reputed to belong to William Taylor Hewitt, and Thomas Hewitt, and lands belonging or reputed to belong to John Watkin, parallel to, and abutting on the west side of the said highway and main road for a distance of thirty-five chains or thereabouts, and passing thence into the said highway or main road, to and into the parish of Epworth, and there terminating on the said highway at the point where the occupation road divides the land belonging or reputed to belong to and occupied by William Hurst, from the burial ground of the Epworth Burial Board.

Tramway No. 2, one furlong and three chains in length, in the parish of Haxey, commencing by a junction with Tramway No. 1, at the point where Tramway No. 1 is described as entering the highway or main road, and passing in a southerly direction in front and on the south-west side of the Railway Station Hotel at Haxey, thence into the station yard, and terminating at or near the east end of the goods shed of the Great Northern Railway at Haxey Railway Station aforesaid.

Tramway No. 3, five miles one furlong and nine chains in length, in the parishes of Epworth, Belton, and Crowle, commencing at the point of termination of Tramway No. 1, and passing from thence along the highway from Epworth aforesaid to Crowle Wharf, to, through and into the following parishes, townships or places, viz., Epworth, Belton, Church Town, Braycton, Grey Green, Woodhouse, and Crowle, all in the Parts of Lindsey, in the county of Lincoln, and terminating at the goods yard of the Crowle Station of the Manchester, Sheffield, and Lincolnshire Railway Company, on the wharf of the stable siding, at a point 2·5 chains from the end or termination of that siding.

Tramway No. 4, four miles three furlongs and three chains in length, in the parish of Crowle, commencing in the goods yard of the Crowle Station of the Manchester, Sheffield, and Lincolnshire Railway, at a point on the north side of, and opposite to, the centre of the goods warehouse of the said

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Crowle Station, passing thence into and across the highway leading from Crowle Station to the town of Crowle, thence along the west side of the said highway to the town of Crowle, to a point shown on the deposited plans one mile one furlong two chains, and from a point one mile two furlongs and two chains marked B. on the deposited plans, through the said town, thence along the highway leading from Crowle to, and terminating at the village of Eastoft, in the township of Eastoft, in the said parish of Crowle, on the waste land on the east side of the centre line of the old course of the river Don, at a point, twenty-two yards, or thereabouts, north of the public pump, and sixteen yards or thereabouts, measured in an easterly direction from the centre of the highway leading from Crowle to Goole.

Tramway No. 5, seven chains in length, commencing in the High Street, Crowle, by a junction with Tramway No. 4, at a point twelve yards, or thereabouts, south of the junction of Fieldside Road, with the said High Street passing along the said street in a northerly direction, and terminating in the said street at a point marked A. on the deposited plans.

An additional Tramway in connexion with Tramways Nos. 4 and 5, four chains in length, commencing by a junction with Tramway No. 5 at a point marked A., and terminating by a junction with Tramway No. 4 at a point marked B. on the deposited plans.

All the said tramways will be situate in the said Parts of Lindsey, in the county of Lincoln.

The said tramways shall be single throughout, except in the following places, where they will be double.

Tramway No. 1:—

(*a.*) For five chains from and north of a point two chains or thereabouts from the north side of the barn in Haxey, belonging or reputed to belong to and occupied by Oliver Pitts.

Tramway No. 3:—

(*a.*) For five chains from and north of a point one chain north of the barn belonging or reputed to belong to the trustees of William Pryor Read, and occupied by Clark Turr, at the north end of Belton Gate, in Epworth.

(*b.*) For five chains from and north of a point at Gray Green, in the parish of Belton, four chains or thereabouts from the point where the highway from Epworth to Crowle joins the highway from Grey Green to Westgate.

(*c.*) For five chains from and north of a point six and a half chains south from the bridge which carries the Epworth and Crowle highway over the Folly Drain, in the parish of Belton, and terminating one and a half chains south of the said bridge.

(*d.*) For four chains from and north of a point one chain from the centre line of the Manchester, Sheffield, and Lincolnshire Railway, where that railway crosses the highway leading from Belton to Crowle on the level.

Tramway No. 4:—

(*a.*) For two chains, measured in a northerly direction, from the termination of the last described double line.

(*b.*) For three and a half chains from and north of a point one chain from the junction of Mill Hill Road with Fieldside Road, and the public highway leading from Eastoft to Crowle market place.

(c.) For three chains from and south of the termination of Tramway No. 4 at Eastoft aforesaid.

Special provisions as to construction.

7. The tramways shall be constructed subject to the provisions next herein-after mentioned, that is to say:—

So much of Tramway No. 1 as lies between a point shown on the deposited plans, being six furlongs eight chains from the commencement thereof and the junction of the road leading from Owston Ferry to Newbigg, in Craiselound, shall be constructed in the centre of the road.

So much of Tramway No. 1 in the village of Haxey as lies between a point shown on the deposited plans, being one mile four furlongs and seven chains from its commencement, and a point shown on the deposited plans, being one mile five furlongs and six chains from its commencement, shall be constructed in the centre of the road.

The Promoters shall not construct Tramway No. 3 at a point in Belton Gate in Epworth where the farm buildings belonging, or reputed to belong, to the trustees of W. P. Read, abut upon the road, for a distance of thirty feet or thereabouts, until the width of the road at that point has been increased to twenty feet.

So much of Tramway No. 3 as lies between a point shown on the deposited plans, being two furlongs and five chains from its commencement, and a point shown on the said plans, being three furlongs two chains from its commencement, shall be constructed as a double line, but shall be used as a single line only.

The portion of Tramway No. 4 which lies between a point shown on the deposited plans, one mile two furlongs and one chain from its commencement, and a point shown on the said plans, one mile three furlongs and one chain from its commencement, shall be constructed as a double line, but the said portion shall nevertheless be used as a single line only.

So much of Tramway No. 4 as extends from a point shown on the deposited plans, being seven furlongs and seven chains from its commencement, to a point shown on the said plans, being one mile one furlong and two chains from its commencement, and from a point shown on the said plans, being one mile three furlongs and one chain to a point shown on the said plans, being one mile six furlongs from its commencement, shall be constructed in the centre of the road.

Gauge of tramways.

8. 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 used on the tramways shall exceed six feet in width.

For the protection of the Manchester, Sheffield, and Lincolnshire Railway Company.

9. Wherever any of the tramways cross over or otherwise affect any canal, railway, siding, or works of the Manchester, Sheffield, and Lincolnshire Railway Company (in this section called "the Sheffield Company,") the following provisions shall apply:—

(1.) The Promoters shall not, without the consent of the Sheffield Company, under their common seal first obtained, lay down and construct more than a single line of tramway over the Stainforth and Keadby Canal, or over

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the railway of the Sheffield Company in the parish of Crowle respectively, and such last-mentioned tramway shall be laid down and constructed according to plans and specifications to be reasonably approved by, and under the superintendence, and to the satisfaction of, the principal engineer for the time being of the Sheffield Company, and in all cases at the expense of the Promoters, by such means only as shall not interfere with the free, uninterrupted, and safe user of the canal and railway respectively, or the working, conduct, or passage of the traffic thereon.

(2.) Wherever any of the tramways shall be constructed over any bridge, across any canal or railway, or work of the Sheffield Company, the Promoters shall not, in any way alter or interfere with the structure of such bridge, or the approaches thereto, and they shall so construct such tramways as not to injuriously affect such bridge, or the approaches thereto, or any part or parts thereof respectively, by the construction of such tramways in or over the same (whether such injury occur either during or after such construction, or in maintaining such tramways) the Sheffield Company may, at the expense of the Promoters, restore such bridge and the approaches or any part or parts thereof which may be injured, to as good a state and condition as they were in before such injury was occasioned, and the Promoters shall recoup the Sheffield Company all costs and expenses which they may pay, or be put to in maintaining and repairing so much of the road over or on any such bridge or approaches as the Promoters are liable to maintain and repair, under the twenty-eighth section of the Tramways Act, 1870, and the Sheffield Company may recover from the Promoters all such costs and expenses as are in this sub-section mentioned, as if the same had been a simple contract debt.

(3.) The Promoters shall, on demand, pay to the Sheffield Company, all reasonable expenses of the employment by that Company during the construction of any of the works by this Order authorised, affecting their railway, of a sufficient number of inspectors and watchmen to be appointed by that Company for watching their railway and the works thereon, with reference to, and during the execution of such works, and for preventing, so far as may be, all interference, danger, and accident, from any of the operations, or from the acts or defaults of the Promoters or their contractors, or any person or persons in the employment of the Promoters or their contractors with reference thereto, or otherwise.

(4.) The Promoters shall be responsible for and make good to the Sheffield Company all costs, losses, damages, and expenses from time to time occasioned to that Company, or to any of their works and property, or to the traffic on their railways, or to any company or persons using the same respectively or otherwise, by reason of the execution or failure of any of the works of the Promoters or incidental thereto, or by any act or omission of the Promoters or any of the persons in their employment, or their contractors or others; and the Promoters shall effectually indemnify and hold harmless the Sheffield Company from all claims and demands upon or against them, by reason of any such execution or failure of any such act or omission as aforesaid.

(5.) If any difference arise between the respective engineers of the Promoters and the Sheffield Company as to the reasonableness of any plans and specifications, such difference shall be referred to and determined by an engineer to be mutually nominated by such respective engineers, or failing agreement, to be appointed by the President of the Institution of Civil Engineers, on the application either of the Promoters or of the Sheffield Company.

(6.) The Promoters shall, if and when required by the Sheffield Company, strengthen the bridge which carries the main road over the Stainforth and Keadly Canal in Crowle in such manner and with such materials as shall be approved of by the engineer for the time being of the Sheffield Company, and such works shall be executed at the expense of the Promoters, and shall be completed to the satisfaction of such engineer.

(7.) The Promoters shall not enter upon, take, or use any land of or belonging to the Sheffield Company without the consent of the Sheffield Company, under their common seal, being first had and obtained.

(8.) Nothing in this Order contained shall extend to prejudice, alter, or take away any of the rights, privileges, or powers of the Sheffield Company otherwise than is herein expressly provided.

For the protection of the Great Northern Railway Company.

10. The Promoters shall not enter upon, take, or use any land of or belonging to the Great Northern Railway Company without the consent of the Great Northern Railway Company, under their common seal, being first had and obtained.

Provisions as to construction of tramways.

11. 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 removing 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.

12. 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 advantange to the ordinary traffic, and the Promoters

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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.

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

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

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

14. 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.

15. 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.

16. 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, engine houses, 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 remake or relay the same in some other position to be specified in the notice, and the Promoters shall comply with such requirements. Provided that the expense of every such removal, remaking, or relaying shall be borne by the 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 is laid, it is in the opinion of the road authority necessary or expedient temporarily to remove or discontinue the use of such tramway, or any part thereof, the Promoters may subject, to such conditions, and in accordance in all respects with such regulations as the road authority may from time to time make, construct in the same or any adjacent road, and with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain so long as occasion may require a temporary tramway or temporary tramways, in lieu of the tramway or part of a tramway so removed or discontinued.

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

Application of road materials excavated in construction of works.

18. Any paving, metalling, or material excavated by the Promoters in the contruction 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 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 such 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.

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Period for completion of tramways.

19. The time within which the tramways shall be completed and ready for public traffic shall be two years from the passing of the Act confirming this Order, unless the road authorities of the districts in which the same are by this Order authorised to be made by writing under their respective seals, approve of such time being prolonged, and such time shall thereupon be prolonged by the special direction of the Board of Trade.

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

20. 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.

As to crossing railways or tramways on the level.

21. In the construction of any of the tramways across the rails of any railway or tramway not belonging to the Promoters, now laid upon the level of any road, the same shall be constructed and maintained in accordance with a plan to be agreed upon by the engineer for the time being of the proprietors of such railway or tramway and the engineer of the Promoters, and under the superintendence and to the reasonable satisfaction of the engineer for the time being of the said proprietors, at the cost of the Promoters, unless after seven days notice given by the Promoters of their intention to commence such works, such superintendence is refused or withheld, and such of the tramways as are laid at such level crossing, shall be maintained and kept in constant and efficient repair to the reasonable satisfaction of the engineer for the time being of the said proprietor. The Promoters shall not stop their engines or carriages on, or otherwise interfere with the traffic upon the railway or tramway of the said proprietors at any such level crossing, and the Promoters shall in respect of the traffic upon the tramways at such level crossings be subject to such rules, byelaws, and regulations relating thereto, as may be agreed upon between them and the said proprietors. In the event of any difference between the said proprietors or their engineer, and the Promoters, the same shall be settled by a referee to be appointed by the Board of Trade in the manner provided by section thirty-three of the Tramways Act, 1870.

Junctions with other tramways.

22. In the event of any tramways being hereafter constructed in any street or road immediately adjoining the tramways of the Promoters, the Promoters may, if they think fit, with the approval of the Board of Trade and of the road authority of the district in which such street or road is situate, either themselves construct or permit to be constructed all necessary and convenient junctions and communications therewith.

Promoters may erect offices, stables, &c.

23. The Promoters may erect or construct on any lands which they may acquire under the authority of this Order, or which they may take on lease, any offices, stables, sheds, workshops, stores, or other buildings, yards, works, and conveniences for the purposes of the undertaking.

Motive Power.

Carriages on tramways may be moved by

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

Board of Trade, during a period of seven years after the opening of the same for public traffic, and with the consent in writing of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any Order to be signed by the secretary or an assistant secretary of the said Board by steam power or any mechanical power.

animal, steam, or 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.

25. 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.

26. 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 on which steam or any mechanical power may be used under the authority of this Order for all or any of the following purposes, that is to say:—

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

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

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

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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.

27. 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.

28. 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.

29. 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.

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

Where at the time of the giving of any such notice any contract, agreement, or arrangement between the Promoters or such person and such road authority 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 any of 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 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.

31. Where steam or any mechanical power is used by the Promoters or any person on any of the tramways, or any part thereof, no contract, agreement, or arrangement made before or after the commencement of the use of steam or me-

Where steam or mechanical power is used, contract with

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chanical power as aforesaid, between the Promoters or such person and any road authority, 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, 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.

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

Traffic upon Tramways.

Traffic upon tramways.

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

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

33. 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.

34. In case the Promoters carry animals, goods, minerals, or parcels, they may 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.

Tolls.

Tolls for passengers.

35. 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 twopence per mile for first-class passengers, and one penny per mile for second-class passengers (and for this purpose the fraction of a mile beyond any 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 sixpence for first-class passengers, and threepence for second-class passengers.

Passengers' luggage.

36. Every passenger travelling upon the tramways may, subject to any bye-laws 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, 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 any other passengers.

Cheap fares for labouring classes.

37. The Promoters at all times after the opening of the tramways, or any part or parts thereof, for public traffic shall, and they are hereby required to run at least one carriage each way every morning in the week and every evening in the week (Sunday, Christmas Day, and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the even-

ing 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): Provided that the Board of Trade may from time to time, for good cause shewn, either authorise the Promoters to discontinue the running of such carriage, or may order the Promoters to run an extra carriage at such hours as aforesaid, and may from time to time revoke, alter, or modify such order, and, 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.

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

Payment of tolls.

39. 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.

40. 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 authorized.

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Miscellaneous.

Isle of Axholme and Marshland. Provisions as to arbitration.

41. 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; and the costs of and incidental to the arbitration and award shall, if either party so requires, be taxed and settled as between the parties by any one of the taxing masters of the High Court of Justice; and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters; and all those enactments, including the enactments relating to the taking of fees by means of stamps, shall extend to the fees in respect of the said taxation.

Form and delivery of notices.

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

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

(2.) Any notice to be delivered by or to the Promoters to or by any local authority or any road authority or other body or any company may be delivered by being left at the principal office of 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 secretary or clerk at such principal office.

Agreements between Promoters and road authorities.

43. The Promoters and any road authority may, subject to the provisions of this Order, from time to time enter into any contracts and agreements with respect to the alteration of widths or levels of any road or street vested in such road authority, and with respect to the construction, maintaining, removing, renewing, repairing and using of the tramways situated within the district of such road authority, and the rails, plates, sleepers and works connected therewith, and the facilitating the passage of the traffic over and along the same.

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

44. 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.

45. 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 any mortgage granted by the Promoters shall 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, and every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Saving for general Acts.

46. 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 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

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As to speed.

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.

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

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

For any parcel exceeding fifty-six pounds in weight, such 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.

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

Regulation of Tolls.

For all animals or goods conveyed on the tramways for a less distance than three miles the Promoters may demand 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 tolls and charges for animals and goods for such fraction in proportion to the numbers of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile, such fraction shall be deemed a quarter of a mile.

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

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

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

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North Shields.

NORTH SHIELDS AND DISTRICT TRAMWAYS EXTENSION.

Order authorising the construction of additional Street Tramways in the parish of Tynemouth in the county of Northumberland, and amending the Tynemouth and District Tramways Order, 1879.

Short title.

1. This Order may be cited as "The North Shields and District Tramways (Extension) Order, 1882."

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 expression "the Order of 1879" shall mean the Tynemouth and District Tramways Order, 1879:

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 Tynemouth and the mayor, aldermen, and burgesses of the borough of Tynemouth acting by the council:

The term "person" shall include a corporation.

Promoters.

The Promoters.

4. Joseph Fyfe Meston, of Number 20, Spring Gardens, Charing Cross, in the county of Middlesex, and John Clowes Bayley, of Number 1, Queen Victoria Street, in the city of London, 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."

Promoters of this Order to be substituted for Promoters of Order of 1879.

5. The Order of 1879 shall, from and after the passing of the Act confirming this Order, be read and construed as though in section four of the Order of 1879 the Promoters of this Order were substituted for the Promoters in the said section mentioned; and from and after the passing of the Act confirming this Order the undertaking authorised by the Order of 1879, together with all the rights, powers, and authorities conferred by the Order of 1879 upon the Promoters, shall, subject to the duties, obligations, and liabilities of the Promoters in relation thereto, vest in and be exercisable and enjoyable by the Promoters of this Order; and the expression "the North Shields and District

Tramways" shall be construed to mean the undertakings authorised by the Order of 1879 and by this Order.

Lands by agreement.

6. 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.

7. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited for the purposes of this Order, the tramways herein-after described, with all proper rails, plates, chairs, sleepers, offices, weighbridges, 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 will be situate within the borough of Tynemouth and the district of Whitley, all in the parish of Tynemouth, in the county of Northumberland, and are—

Tramway No. 1.—A tramway, one mile and three furlongs in length, consisting of seven furlongs and eight chains of single line and three furlongs and two chains of double line, commencing at a point in the main road from Whitley to Cullercoats, distant sixteen yards or thereabouts, measured in a north-westerly direction, from the north-west corner of Edward Road, and proceeding thence in a south-easterly direction into and along the main road from Whitley to Cullercoats aforesaid, into and along John Street, into and along Beverley Terrace, into and along the new road from Cullercoats to Tynemouth, and terminating by a junction with the existing tramway at the south-east end of the last-mentioned road at a point in the said road twenty yards or thereabouts, measured in a north-easterly direction, from the north-east corner of the house forming the north-east end of Percy Park.

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

In the main road from Whitley to Cullercoats, from a point distant twenty yards or thereabouts, measured in a south-westerly direction, from the north-west corner of Edward Road, to a point in the main road aforesaid, distant three chains twenty yards or thereabouts, measured in the same direction, from the said corner of Edward Road.

In the main road from Whitley to Cullercoats and in John Street, from a point distant nineteen yards or thereabouts, measured in a north-westerly direction, from the north end of the parapet wall of the bridge over Marden Burn, to a point in John Street, distant eleven yards or thereabouts, measured in a south-easterly direction, from the south-east corner of the Primitive Methodist Chapel boundary walls.

In John Street and Beverley Terrace, from a point distant eighteen yards or thereabouts, measured in a south westerly direction, from the north-west

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corner of Dove Street to a point in Beverley Terrace distant one chain two yards or thereabouts, measured in a south-easterly direction, from the north corner of Beverley Terrace.

In Beverley Terrace, from a point distant three chains twenty-seven yards, measured in a northern direction, from the corner of the house forming the north-east corner of Cross Street to a point distant twenty-eight yards, measured in a northern direction, from the corner of the last-mentioned house.

In Beverley Terrace and the new road from Cullercoats to Tynemouth, from a point distant twenty-eight yards, measured in a north-easterly direction, from the corner of the palisade forming the south-east corner of Beverley Terrace to a point distant forty-two yards, measured in a south-easterly direction, from the last-mentioned corner of Beverley Terrace.

In the new road from Cullercoats to Tynemouth, from a point distant one furlong one chain fourteen yards, measured in a south-easterly direction, from the corner of the palisade forming the south-east corner of Beverley Terrace to a point distant one furlong four chains fourteen yards, measured in a south-easterly direction, from the last-mentioned corner of Beverley Terrace.

In the new road from Cullercoats to Tynemouth, from a point distant six chains one yard or thereabouts, measured in a north-westerly direction, from the north-west corner of the skating rink, to a point distant three chains four yards or thereabouts, measured in a north-westerly direction, from the said corner of the skating rink.

In the new road from Cullercoats to Tynemouth, from a point distant three chains or thereabouts, measured in a north-westerly direction, from the south-west corner of the aquarium to a point distant thirteen yards or thereabouts, measured in a westerly direction, from the said corner of the aquarium.

In the new road from Cullercoats to Tynemouth, from a point distant one chain twenty yards or thereabouts, measured in a north-westerly direction, from the north-east corner of the house forming the north-east end of Percy Park, to a point distant eighteen yards or thereabouts, measured in a north-easterly direction, from the said corner of the said house.

Tramway No. 2.—A tramway, four furlongs and six chains in length, consisting of three furlongs and four chains of single line, and one furlong and two chains of double line, commencing by a junction with the existing line of tramway at a point in Saville Street distant ten yards or thereabouts, measured in a northern direction, from the north-west corner of the house forming the south-east corner of the junction of Camden and Saville Streets, and proceeding in a westerly direction along Saville Street into and along Saville Street West, across the Borough Road, into and along Prudhoe Street, across Waterville Road, into and along Howdon Road, and terminating at a point in Howdon Road distant three chains sixteen yards or thereabouts, measured in a westerly direction, from the north-east corner of Burdon Main Row.

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

In Saville Street West, from a point distant six yards or thereabouts, measured in a north-westerly direction, from the south-west corner of Saville Street, to a point distant three chains two yards or thereabouts, measured in a westerly direction, from the said corner of Saville Street.

In Saville Street West, across Borough Road, and in Prudhoe Street from a point distant thirteen yards or thereabouts, measured in a north-easterly direction, from the north-west corner of the Ballarat Hotel, to a point distant two chains thirteen yards or thereabouts in a south-westerly direction from the said corner of the Ballarat Hotel.

In Prudhoe Street, across Waterville Road, and in Howdon Road from a point distant twenty-two yards or thereabouts, measured in a north-easterly direction, from the south-west corner of Prudhoe Street, to a point distant two chains six yards or thereabouts, measured in a south-westerly direction, from the said corner of Prudhoe Street.

In Howdon Road from a point distant thirteen yards or thereabouts, measured in a northern direction, from the north-east corner of Burdon Main Row, to a point distant two chains sixteen yards or thereabouts, measured in a westerly direction, from the said corner of Burdon Main Row.

Gauge of tramways.

8. The gauge of three feet shall be the prescribed gauge for the tramways authorised by this Order, and the Order of 1879 shall be read and construed as though such gauge had been thereby prescribed: 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 the carriages used on the tramways authorised by this Order or by the Order of 1879, but no carriage used on such tramways shall exceed six feet and four inches in width.

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.

Provision as to paving roads.

10. Subject to the preceding provisions of this Order, the Promoters shall at their own expense at all times make, maintain, and keep in good condition

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and repair, with such materials and in such manner as the road authority shall approve, so much of the roads within the district of such road authority as extends in alternate paving sets to a maximum of twenty-five and a half inches, and to a minimum of twenty-one and a half inches, from the outer edge of the rails of the tramway, provided that at curves of sidings and other curves the said respective distances shall be increased by eight inches.

As to rails of tramways.

11. 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.

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

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 with respect to offences.

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

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

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.

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

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, engine-houses, 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.

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

16. 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.

Temporary tramways may be made when necessary.

If any difference arises between the Promoters and any road authority with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway or 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.

17. 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 such road authority that the surplus of such paving,

Application of road materials excavated in construction of works.

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metalling, or material is ready for removal, such surplus is not removed by the said surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Promoters and any road authority.

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

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

Motive Power.

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

19. The carriages used on the tramways may be moved by animal power, and the carriages used on the tramways, and on the tramways authorised by the Order of 1879, (both of which are comprised in the expression "the tramways of the Promoters" in the subsequent provisions of this Order,) may, subject to the provisions of this Order, during a period of seven years after the opening of the same for public traffic, and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board, be moved by steam power or any mechanical power.

Provided always, that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the Schedule 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 of the Promoters.

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

20. The Promoters or any person using steam or any mechanical power on any of the tramways of the Promoters contrary to the provisions of this Order, or to any of the regulations set forth in the Schedule to this Order annexed, or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order, 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 of the Promoters 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 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.

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

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

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

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

24. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the

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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.

25. 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 of the Promoters, 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 of the Promoters, 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 between the Promoters or such person and such road authority 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 such 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 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, agree-

ment, 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 of the Promoters or any portion of such tramways unless there is in force, in relation to such tramways, or such portion of such 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 districts, having regard in the first instance to the requirements of the roads upon which such 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.

26. Where steam or any mechanical power is used by the Promoters or any person on the tramways of the Promoters 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 between the Promoters or such person and any road authority 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, 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 and Tolls.

Tramways to form part of tramways authorised by Order of 1879.

27. The tramways authorised by this Order shall, for the purposes of traffic upon the same, and of tolls and charges, be deemed to form part of the tramways authorised by the Order of 1879; and sections seventeen to twenty-six (both inclusive) of the Order of 1879 shall, as far as the same are applicable, apply to the tramways authorised by this Order, in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Order of 1879.

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Miscellaneous.

Provisions as to arbitration.

28. 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; and the costs of and incidental to the arbitration and award shall, if either party so require, be taxed and settled as between the parties by any one of the taxing masters of the High Court of Justice, and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters; and all those enactments, including the enactments relating to the taking of fees by means of stamps, shall extend to the fees in respect of the said taxation.

Form and delivery of notices.

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

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

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

Saving rights of the Corporation.

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

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

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

Saving as to powers of borrowing on mortgage.

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

three of the Tramways Act, 1870, and that any mortgage granted by the Promoters shall 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, and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Saving for general Acts.

33. Notwithstanding anything in this Order contained, the Promoters and any person using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways or the 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.

Break power of engines.

Every engine used on the tramways of the Promoters 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 of the Promoters shall have its number shown on 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 of the Promoters 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 of the Promoters, and may on complaint made by any person, from time to time inspect any engine or carriage used on the tramways of the Promoters, and the machinery therein, and may, whenever they think fit, prohibit the use on the tramways of the Promoters of any such engine or carriage which, in their opinion, may not be safe for use on such tramways.

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North Shields.

As to speed.

The speed at which engines and carriages may be driven or propelled along the tramways of the Promoters 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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PONTYPRIDD AND RHONDDA VALLEY TRAMWAYS.

Order authorising the Construction of Tramways in the respective Parishes of Llanwonno, Llantrisant and Ystradyfodwg, all in the County of Glamorgan.

Short Title.

1. This Order may be cited as "The Pontypridd and Rhondda Valley Tramways Order, 1882."

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; and

The term "person" shall include a corporation.

Promoters.

The Promoters.

4. Thomas Joseph, Esquire, of Tydraw Treherbert, in the county of Glamorgan, one of Her Majesty's Justices of the Peace for the county of Glamorgan; David Evan Williams, Esquire, of Hirwain, in the county of Glamorgan, one of Her Majesty's Justices of the Peace for the counties of Glamorgan and Brecknock; Evan Davies, of Primrose Hill, Ystrad Rhondda, in the county of Glamorgan; Idris Williams, of Brynglas House, Porth, in the county of Glamorgan; John Griffiths, of Porth House, Porth, in the county of Glamorgan; Edmund Thomas, of Maindy Hall, Ystrad Rhondda, in the county of Glamorgan; Edward Skyrme, of Pentre, in the county of Glamorgan; John Lloyd, of Pentre, in the county of Glamorgan; George Knill, of Tonypandy, in the county of Glamorgan; John Walters, of Treherbert, in the county of Glamorgan; Evan Cule, of Treherbert, aforesaid; William Jeffreys, of Treherbert, aforesaid; Evan Williams, of Treherbert, aforesaid; Robert Smyth, of Pontypridd, in the county of Glamorgan; William Griffiths, of Pontypridd, aforesaid; John Evans, of Pontypridd, aforesaid; and

Thomas Francis Olliffe, of 95, Sloane Street, in the county of Middlesex, 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, take on lease, and acquire such lands as they may require for the purposes of the undertaking, and may from time to time sell or dispose of any such lands so acquired by them 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 at the office of the Board of Trade, for the purposes of this Order, as the same have been amended previous to the passing of the Act confirming this Order (which plans and sections so amended as aforesaid are in this Order referred to as "the deposited plans" and "the deposited sections") except as hereinafter expressly provided, the tramways hereinafter described, with all proper rails, plates, points, offices, weighbridges, turntables, 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, wholly situate in the parish of Llanwonno in the county of Glamorgan commencing in Taff Street at a point in line with the northern face of Bridge Street, Pontypridd, proceeding in a southerly direction along Taff Street, in a westerly direction along Mill Street and Rhondda Road, and terminating at a point therein · 4 chains east of the south-east of Glan Rhondda Hotel, Gyfeillon.

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

From a point in Taff Street 1 chain from the commencement of the tramway for a distance of 4 chains to the south.

From a point in Taff Street · 65 chains north of the north-east corner of the New Inn Hotel for a distance of 3 chains to the south.

From a point in Rhondda Road · 5 chains west from a point under the centre of the bridge of the Rhondda Branch of the Taff Vale Railway for a distance of 3 chains to the west.

From a point in Rhondda Road 4 chains east of the Red Cow Inn, Hopkins Town, for a distance of 3 chains to the west.

The total length of Tramway No. 1 will be 1 mile 2 furlongs 9 chains, consisting of 1 furlong 3 chains of double line, and 1 mile 1 furlong 6 chains of single line.

Tramway No. 2, wholly situate in the parish of Llanwonno, in the county of Glamorgan, commencing by a junction with Tramway No. 1 at the ter-

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mination thereof in Rhondda Road, and proceeding in a westerly direction along Rhondda Road, and terminating therein at Trehafod, at a point 4·85 chains north-west of the west corner of Bethel Chapel.

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

From its commencement for 3 chains to the west.

From a point in the Rhondda Road 1·2 chains north-east of the north-east corner of Gyfeillon Chapel burial-ground for a distance of 3 chains to the south-west.

From a point in the Rhondda Road, Trehafod, 1·85 chains north-west of the west corner of Bethel Chapel for a distance of 3 chains to the north-west.

The total length of Tramway No. 2 will be 7 furlongs 8·3 chains, consisting of 9 chains of double line, and 6 furlongs 9·3 chains of single line.

Tramway No. 3, situate partly in the parish of Llantrissant and partly in the parish of Llanwonno, both in the county of Glamorgan, commencing in the Rhondda Road by a junction with Tramway No. 2, at the termination thereof and proceeding in a westerly direction along Eirw Road, otherwise Rhondda Road, Eirw, and terminating therein opposite the northern face of Hannah Street, Porth.

Tramway No. 3 shall be laid as a single line of tramway, except at the following places, where it shall be a double line of tramway:

From a point in the Eirw Road, ·2 chains east of the south-east corner of Vaughan Arms Inn for a distance of 3 chains to the west.

From a point in the Eirw Road, 10·2 chains east of the level crossing of the Eirw Branch of the Taff Vale Railway in the Eirw Road for a distance of 3 chains to the west.

From a point in the Eirw Road opposite the eastern side of dwelling-house No. 33 for a distance of 3 chains to the west.

The total length of Tramway No. 3 will be 1 mile 1·9 chains, consisting of 9 chains of double line, and 7 furlongs 2·9 chains of single line.

Tramway No. 4, situate wholly in the parish of Llanwonno, in the county of Glamorgan, commencing by a junction with Tramway No. 3 at the termination thereof in Eirw Road, otherwise Rhondda Road, Eirw, and proceeding in a westerly direction along the said road, and terminating therein at a point ·7 chains north-east of Cymmer Bridge, Porth.

Tramway No. 4 shall be laid as a single line of tramway except in the following place, where it shall be a double line of tramway:

From a point in Eirw Road from the commencement of the tramway for a distance of 3 chains to the south-west.

The total length of Tramway No. 4 will be 1 furlong 7·5 chains consisting of 3 chains of double line and 1 furlong 4·5 chains of single line.

Tramway No. 5, situate wholly in the parish of Llanwonno in the county of Glamorgan, commencing in Station Street, Porth, at a point 1 chain north-east of Hannah Street, thence proceeding in a south-westerly direction, and terminating by a junction with Tramway No. 4 at the termination thereof.

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Tramway No. 5 shall be laid as a double line of tramway for its whole length, or partly as a double and partly as a single line, or as a single line for its whole length, as the Board of Trade may direct.

The total length of Tramway No. 5 will be 4 · 3 chains.

Tramway No. 6, situate partly in the parish of Llantrissant and partly in the parish of Llanwonno, both in the county of Glamorgan, commencing by a junction with Tramway No. 4 at the termination thereof near Cymmer Bridge, and proceeding in a northerly and then westerly direction along Dinas Road, and terminating therein at a point 4 chains west of the north-west corner of the Red Lion Inn.

Tramway No. 6 shall be laid as a single line of tramway except at the following places, where it shall be a double line of tramway:

From a point in Dinas Road 3 · 4 chains east of the tram-road crossing opposite New Cymmer Colliery for a distance of 3 chains to the west.

From a point in the Dinas Road 3 chains east of the entrance steps to dwelling-house No. 36 for a distance of 3 chains to the west.

From a point in the Dinas Road 3 · 5 chains east of the north-east corner of dwelling-house No. 55 for a distance of 3 chains to the west.

From a point in the Dinas Road 1 chain west of the south-west corner of the Red Lion Inn to the termination of the tramway.

The total length of Tramway No. 6 will be 1 mile 2 furlongs 0 · 3 chains consisting of 1 furlong 2 chains of double line and 1 mile 0 furlong 8 · 3 chains of single line.

Tramway No. 7, situate wholly in the parish of Llantrissant in the county of Glamorgan, and commencing by a junction with Tramway No. 6 at the termination thereof, and proceeding along Dinas Road in a westerly direction, and thence in a southerly direction, and terminating therein at a point opposite the south corner of the Swan Inn, Penygraig.

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

From a point in the Dinas Road · 6 chains east of the foot-path leading to Dolyffynnon for a distance of 3 chains to the west.

From a point in the Dinas Road 3 chains north of the termination of the tramway for a distance of 3 chains to the south.

The total length of Tramway No. 7 will be 5 furlongs 0 · 7 chains consisting of 6 chains of double line and 4 furlongs 4 · 7 chains of single line.

Tramway No. 8, situate wholly in the parish of Ystradyfodwg, in the county of Glamorgan, commencing by a junction with Tramway No. 7 at the termination thereof in Dinas Road, Penygraig, proceeding in a northerly direction along the said road north-westerly along Dunraven Street and Pandy Road, Tonypandy, and terminating in Llwynypia Road, Llwynypia, at a point · 1 chain west of the south-west corner of Llwynypia Railway Booking Office.

Tramway No. 8 shall be laid as a single line of tramway, except at the following places, where it shall be a double line of tramway.

From a point in Dunraven Street, opposite entrance to dwelling-house No. 75, for a distance of 3 chains to the north.

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From a point in Dunraven Street, 3·1 chains south of dwelling-house No. 63, for a distance of 3 chains to the north.

From a point in Dunraven Street, opposite south corner of dwelling-house No. 17, for a distance of 3 chains to the north.

From a point in Pandy Road, opposite the south-west corner of dwelling-house or shop No. 15, for a distance of 3 chains to the north.

From a point in Llwynypia Road ·8 chains north of northern corner of Campbell Terrace for a distance of 3 chains to the north.

From a point in Llwynypia Road 3·1 chains west of the south-west corner of Llwynypia Railway Booking Office, for a distance of 3 chains to the east.

The total length of Tramway No. 8 will be 1 mile 4 furlongs 2·75 chains consisting of 1 furlong 8 chains of double line, and 1 mile 2 furlongs 4·75 chains of single line.

Tramway No. 9 situate wholly in the parish of Ystradyfodwg in the county of Glamorgan, commencing by a junction with Tramway No. 8, at the termination thereof in Llwynypia Road, thence proceeding in a westerly and northerly direction along Llwynypia Road along Pont Rhondda Road along Tyntila Road, along Williams Street and along Ystrad Road, and terminating therein at a point ·45 chains south-east of the northern corner of the goods shed at Ystrad railway station.

Tramway No. 9 shall be laid as a single line of tramway except at the following places, where it shall be a double line:

From a point in Pont Rhondda Road 1·4 chains north of the northern corner of Rhondda Terrace, for a distance of 3 chains to the north.

From a point in Pont Rhondda Road, 3·4 chains west of centre of Pont Rhondda Bridge, for a distance of 3 chains to the east.

From a point in Tyntila Road, opposite north corner of dwelling-house No. 36, for a distance of 2·5 chains to the north-west.

From a point in Tyntila Road, ·2 chains north-west of the north-west corner of dwelling-house No. 76, for a distance of 3 chains to the north-west.

From a point in Tyntila Road opposite south corner of dwelling-house, No. 21, for a distance of 3 chains to the north-west.

From a point in Williams Street, opposite the south-west corner of dwelling-house No. 31, for a distance of 3 chains to the west.

From a point in Ystrad Road, opposite west corner of shop No. 150, for a distance of 3 chains to the west.

The total length of Tramway No. 9 will be 2 miles 1 furlong 8·75 chains, consisting of 2 furlongs 1·50 chains of double line, and 1 mile 7 furlongs 8·25 chains of single line.

Tramway No. 10, situate wholly in the parish of Ystradyfodwg in the county of Glamorgan, commencing by a junction with Tramway No. 9, at the termination thereof in Ystrad Road, and proceeding along Ystrad Road, Llewellyn Street, and High Street, Pentre, High Street, and Bute Street, Treorky, and terminating therein, at a point ·3 chains west of Windsor Street.

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Tramway No. 10 shall be laid as a single line of Tramway, except at the following places, where it shall be a double line:

From the commencement of the Tramways in Ystrad Road for 3 chains to the north-west.

From a point in Llewellyn Street, opposite the entrance of Pentre Hotel, for a distance of 3 chains to the north-west.

From a point in Llewellyn Street opposite the north corner of the Queen's Hotel for a distance of 2·5 chains to the north-west.

From a point in High Street, Pentre, opposite the entrance to dwelling-house, No. 139, for 3 chains to the north-west.

From a point in High Street, Treorky, opposite the entrance to dwelling-house, No. 45, for a distance of 3 chains to the north-west.

From a point in Bute Street, opposite Senghenydd Street, for a distance of 3 chains to the north-west.

The total length of Tramway No. 10, will be 1 mile, 4 furlongs, 5·7 chains, consisting of 1 furlong 7·5 chains of double line, and 1 mile 2 furlongs 8·2 chains of single line.

Tramway No. 11, situate wholly in the parish of Ystradyfodwg, in the county of Glamorgan, commencing by a junction with Tramway No. 10, at the termination thereof in Bute Street, and thence proceeding in a westerly direction along Bute Street, Treorky, Treherbert Road, Baglan Street, and Bute Street, Treherbert, and terminating therein at a point opposite the north corner of dwelling-house No. 131.

Tramway No. 11 shall be laid as a single line of tramway, except in the following places, where it shall be a double line:

From the commencement of the tramway for a distance of 3 chains to the north-west.

From a point in Treherbert Road, ·7 chains north-west of the Abergorky Colliery Tramroad where it crosses the said road for a distance of 3 chains to the north-west.

From a point in Treherbert Road, opposite north corner of Yniswen Terrace, for a distance of 3 chains to the north-west.

From a point in Baglan Street, Treherbert, opposite north-west corner of dwelling-house No. 30, for a distance of 3 chains to the north-west.

From a point in Bute Street, Treherbert, opposite the south-east corner of dwelling-house No. 83, for a distance of 3 chains to the north-west.

From a point in Bute Street, opposite the south-east corner of dwelling-house No. 36, for a distance of 3 chains to the north-west.

From a point in Bute Street, opposite the south-west corner of dwelling-house No. 13, for a distance of 3 chains to the north-west.

The total length of Tramway No. 11 will be 1 mile 3 furlongs 1·7 chains, consisting of 2 furlongs 1 chain double line, and 1 mile 1 furlong 0·7 chains of single line.

Tramway No. 12, situate wholly in the parish of Ystradyfodwg, in the county of Glamorgan, commencing by a junction with Tramway No. 11 in Bute Street, Treherbert, at a point opposite the western face of Church Street, and thence proceeding in a south-westerly direction along Station

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Street, and terminating therein at a point 1 chain south-west of the south-west corner of the Public Hall.

Tramway No. 12 shall be laid as a single line of tramway, except at the following place, where it shall be a double line.

From a point in Station Street, opposite the north side of No. 12 dwelling-house, for a distance of 3 chains to the south-west.

The total length of Tramway No. 12, will be 9 chains, consisting of 3 chains double line, and 6 chains of single line.

Provided always, that Tramway No. 12 shall not be constructed without the consent in writing of the Most Noble the Marquis of Bute first had and obtained.

Provisions as to widening, fencing, and metalling certain roads.

7. Where any part of any road (where there are no frontages) is less than eighteen feet wide between the kerbs, no portion of the tramways shall be laid down in such road until such road shall have been made eighteen feet wide between the kerbs, and where any such road is of the width of eighteen feet only, and there is any precipitous ground on either side thereof, no portion of the tramways shall be laid down in such road until such road has been properly fenced from such precipitous ground.

Where in any road there is a greater width than twenty-three feet between the kerbs, and portions only of such road have been formed and metalled, no portion of the tramways on such road shall be opened for public traffic until such road is made and properly metalled so as to form a continuous width of roadway of at least twenty-three feet.

Where in any part of any road the roadway is of a less width than twenty feet between the kerbs and there are frontages on both sides of such road, the Promoters shall lay double lines, or passing places, but only one car at a time shall be upon the tramways in such part of such road.

Provided always, that the Board of Trade may, if they think proper by an order in writing signed by a secretary or an assistant secretary of the said Board, dispense with or modify any of the provisions in this section contained.

For the purposes of this section the term frontages used in relation to any road or any part of any road means houses, shops, or warehouses abutting upon such road or such part of such road.

For protection of railway companies.

8. In constructing and maintaining any of the tramways where such tramway crosses any existing bridge carrying any road over any existing railway or passes under any existing railway bridge, the Promoters shall be subject to the following conditions:—

(1.) Such 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 such 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 such 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 section twenty-eight 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 such railway company shall require to widen, lengthen, strengthen, reconstruct, alter, or repair such bridge or approaches, or to widen or alter their railways 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 any of the tramways over such bridge or approaches or under such bridge 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, or diversion, taking up or removal, the working and user of such tramway shall be stopped or delayed or such tramway shall be diverted or taken up or removed accordingly at the expense of the Promoters, but only for so long as such 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 the strengthening of such bridge or approaches 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 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 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 such 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 railway company:

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(7.) In case of any difference between the Promoters and the principal engineer of any railway company as to any matter under this Order, such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either party in the manner provided by section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

For protection of Taff Vale Railway Company.

9. In the construction of Tramway No. 3 across the rails of the Eirw Branch of the Taff Vale Railway Company upon the level the same shall be constructed and maintained in accordance with plans to be agreed upon by the engineer for the time being of the said railway company and of the Promoters, and under the superintendence and to the reasonable satisfaction of the engineer for the time being of the said Railway Company at the cost of the Promoters, unless, after seven days notice given by the Promoters of their intention to commence such works respectively, such superintendence is refused or withheld, and the said tramway portions so laid at the said level crossings shall be maintained and kept in constant and efficient repair to the reasonable satisfaction of the engineer for the time being of the said Railway Company. The Promoters shall not stop on or otherwise interfere with or obstruct the traffic of the said Railway Company at such level crossing, and the traffic of the Railway Company shall at all times have precedence of the traffic of the Promoters, and the Promoters shall in respect of the traffic upon the tramway at such level crossing be subject to such rules, byelaws, and regulations relating thereto, as may be agreed upon between them and the said Railway Company. If by reason of the execution of any of the works, or any proceedings of the Promoters, or the failure of any such works, or any act or omission of the Promoters or of their servants, the rails or works of the said Railway Company be injured or damaged, such injury or damage shall forthwith be made good by the Promoters at their own expense. In the event of any difference between the Promoters and the said Railway Company or their engineer as to any matter under this Order, the same shall be settled by a referee to be appointed by the Board of Trade on the application of either party in the manner provided by section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

As to crossing over the tramways or railways the property of the Marquis of Bute and others.

10. Where the tramways cross on the level any private tramways or railways belonging to or reputed to belong to the Marquis of Bute, the Great Western Colliery Company Limited, the Coedcae Colliery Company Limited, George Insole and Son, Colonel Hunt, Messrs. D. Davis and Sons, the Glamorgan Coal Company Limited, the Bodringallt Coal Company, Crawshay Bailey, Esq., the Cardiff and Swansea Steam Coal Company Limited, Messrs. Thomas and Griffiths, Burnyeat, Brown, and Company Limited, Samuel W. Kelly, and Messrs. Cope, Lewis and Co., or to any other person or persons, or company or companies, the Promoters shall give seven days notice in writing to the said person or company, or other person or persons, company or companies, 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 person or company, or such other person or persons, company or companies, 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 by reason of the tramways by this order authorised shall be borne by the Promoters. If any question arises between the Promoters, and any of the said persons or companies aforesaid as to any matter under this Order, the same shall be settled by an engineer to be appointed by the Board of Trade on the application of either party in the manner provided by section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

For protection of Burnyeat, Brown, and Company, Limited.

11. In the construction of the tramways across the rails and private railway of Burnyeat, Brown, and Company (Limited), herein-after called the Colliery Company, and in the maintenance of the tramway across the said rails and railroad the following provisions shall apply:—

1. The traffic of the Colliery Company along their said private railway shall at all times have precedence of the traffic along the tramways.
2. The Promoters shall maintain and pay any additional costs and expenses to which the Colliery Company may be put in maintaining the rails and railway of the Colliery Company at the point where the same are crossed by the tramways, which additional costs shall have been incurred solely by reason of the tramways crossing such private railway.
3. The Promoters shall forthwith remedy every defect or want of repair in the said tramway or in the private railway of the Colliery Company occasioned by the construction or user of the tramways at the said crossing directly that notice or information is given to the Promoters or their secretary or other officer appointed to receive such notice of the existence of such defects or want of repair.
4. The Promoters shall not stop their engines, horses, carriages, cars, or trucks on the said crossing.
5. The Promoters shall not move any train, engine, horses, carriages, car, or truck at a greater speed than four miles an hour within fifty yards of such crossing or while passing thereat.
6. Any difference, question, or dispute arising between the Promoters and the Colliery Company as to any matter under this Order shall be settled by an engineer, to be appointed by the Board of Trade, upon the application of either party, in the manner provided by section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

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

12. In the construction of any of the tramways upon any bridge or the approaches thereto under the jurisdiction of the justices of the peace for the county of Glamorgan, the Promoters shall not alter or interfere with the structure of such bridge or approaches, 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

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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 approaches 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.

As to the Pontrhondda Bridge.

13. Before using steam or any mechanical power on the tramways, the Promoters shall, at their own cost and expense, raise the parapets of the Pontrhondda Bridge to the height of six feet from the roadway and erect a wall or other substantial fence of the like height to the satisfaction of the county surveyor for one hundred yards on each side of the said bridge.

Notwithstanding anything shown on the deposited plans or contained in this Order, the tramway on the Pontrhondda Bridge, and the approaches thereto for one hundred yards on each side shall be a single line only, and no turnouts or passing places shall be constructed thereon.

No tramcar shall be allowed to stop on the Pontrhondda bridge or within one hundred yards on either side thereof. Provided that the justices of the peace for the county of Glamorgan may, by an order made in quarter sessions, diminish or dispense with all or any of the requirements in this section mentioned.

Such traffic regulations as may be made by the Local Board for the district of Ystradyfodwg with respect to the user of the roads by the Promoters within their jurisdiction shall apply to and be in force with respect to the traffic over the said Pontrhondda Bridge and the approaches thereto.

For protection of the Pontypridd Local Board.

14. For the protection of the Local Board for the district of Pontypridd, the following provisions shall have effect, that is to say :—

(*a.*) Such portion of Tramway No. 1 as traverses Mill Street in the Pontypridd Urban Sanitary District (herein-after called "the Pontypridd District") shall be laid either as a single or double line of tramway or with interlacing points or otherwise in such manner as shall be directed by the said Local Board, and the Promoters shall construct the remaining portion of the tramways that is upon any road in the Pontypridd District (herein-after called the "Pontypridd Tramways") with such description and system of permanent way (without any wood save where directed by the said Local Board) and lay the tramways and way in such manner and upon such sub-structure of concrete as shall be required by the said Local Board, and shall in all respects construct and execute the Pontypridd Tramways permanent way and sub-structure to the satisfaction of the surveyor for the time being of the said Local Board (herein-after referred to as "the surveyor").

(*b.*) The Promoters shall, subject to the provisions of this Order and the deposited plans, lay the Pontypridd Tramways at all points in the exact position, and to the exact levels required by the surveyor, such levels to correspond with the then existing levels of the road.

(*c.*) Subject to section twenty-six of the Tramways Act, 1870, the Promoters shall not, in the construction, alteration, or relaying of any of the Ponty-

pridd Tramways, stop up or interfere with any street within the Pontypridd district so as to prevent the passage of traffic along such street, or alter the level of the surface of any street or part thereof within the Pontypridd district, except with the previous consent in writing of the said Local Board.

(*d.*) The word drain used in the thirty-first section of the Tramways Act, 1870, shall apply to all drains in the Pontypridd District constructed or used for the purpose of carrying off surface water, and such section shall be so construed for the purposes of this Order.

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

(*f.*) The Promoters shall not, without the consent from time to time of the said Local Board first had and obtained, run, or permit or suffer to run, any carriage upon the said Pontypridd Tramways, or any part or parts thereof, on any Sunday, and the said Local Board shall have power to make from time to time, in accordance with the provision of section forty-six of the Tramways Act, 1870, regulations as to the times and conditions of user of the Pontypridd Tramways on any Sunday to which such consent shall apply.

(*g.*) The said Local Board may, between the hours of eleven o'clock at night and six o'clock in the morning, subject to the byelaws for the time being in force with respect to the Pontypridd Tramways, use the said tramways for sanitary purposes and for the conveyance of scavenging stuff, road metal, and any materials required for any work or undertaking of the said Local

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Board at a toll not exceeding threepence per ton per mile in respect of such scavenging stuff, road metal, or other materials.

(*h.*) The said Local Board 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 Pontypridd district for police purposes, regulating and facilitating traffic on any public occasion, procession, or demonstration, or for any purpose which the said Local Board, in the exercise of their powers respectively, for the good government of the Pontypridd district or for the safety of the public, deem necessary, such stoppage, delay, or suspension to continue only as long as may be reasonably necessary for the purposes aforesaid or any of them, and the Promoters shall not be entitled to claim, nor shall the said Local Board be liable to pay, any compensation or damages in respect thereof.

(*i.*) The said Local Board may cause to be removed from the Pontypridd tramways any carriage or horse which shall be certified by an officer appointed by them to be unfit for use upon the tramways, provided that every certificate to be made by such officer shall be in writing, and shall state fully the particulars in which, in his opinion, such carriage or horse (as the case may be) is unfit for use; and notice of every such certificate, with a copy thereof, shall be served upon the Promoters prior to any action being taken thereon by the said Local Board: Provided further, that if any dispute arise between the said Local Board and the Promoters as to the fitness or unfitness of any such carriage or horse, the same shall be settled by two justices of the peace, who shall have full power and authority to make such order in reference thereto, and as to payment of costs as they may think fit; and such order shall be made and enforced in like manner as orders may be made and enforced under the Summary Jurisdiction Acts, 1848 and 1879.

(*j.*) The said Local Board may cleanse any road in the Pontypridd district 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, who shall, in performing the same, remove the snow or other matter from off the centre of the road into the channel at the side thereof.

(*k.*) The Promoters shall, by excavation or filling up, as the case may require, reduce and bring that portion and so much of the Rhondda Road and Mill Street starting from a point opposite the Welsh Harp Inn to a point in Mill Street, three chains, or thereabouts, on the eastern side of the Taff Vale Railway Bridge, crossing over Mill Street to such a level and gradient as shall be required by the said Local Board before Tramway No. 1 is laid down, such excavation and filling up to be carried out under the direction and to the satisfaction of the surveyor.

(*l.*) If the Promoters construct any of the tramways authorised by this Order it shall be obligatory upon them (unless they otherwise obtain the sanction of the said Local Board not so to do) to construct all the tramways hereby authorised within the Pontypridd district.

(*m.*) In case of any difference or dispute between the Promoters and the said Local Board as to the construction of any of the provisions of this section, or any matter or thing herein contained the same shall, except as in this section expressly provided, or unless the parties agree upon some other reference, be settled by a referee to be appointed by the Board of Trade on the application of the Promoters or the said Local Board, in the manner provided by section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

For the protection of the Ystradyfodwg Local Board.

15. For the protection of the Local Board for the district of Ystradyfodwg the following provisions shall have effect, that is to say—

(*a.*) The Promoters shall not lay any tramway or execute any works, in or on any road within the district of the said Local Board, until they shall have paid into the London and Provincial Bank (Pontypridd Branch) to the joint account of the said Local Board and two of the Promoters, the sum of 250*l.*, to be retained by the said bank until completion to the satisfaction of the said Local Board of the tramways within the said District, as security for the observance and performance, by the Promoters, for such completion within the said district, of the enactments of the Tramways Act, 1870, so far as they affect the said Local Board, and of the stipulations of this section.

(*b.*) On the completion, to the satisfaction of the said Local Board, of the tramways within the said district, the said sum of 250*l.* and the interest thereon shall, if the Promoters have duly observed and performed all the enactments and stipulations aforesaid be repaid to the Promoters by the said Bank at the request of the Promoters.

(*c.*) In case of failure of the Promoters to complete the tramways within the said district to the satisfaction of the said Local Board, or to observe and perform, before such completion, any of the enactments and stipulations aforesaid, the question of the damage accruing to the said Local Board, shall in case of dispute be referred to two arbitrators, one to be named by the said Local Board, and the other by the Promoters, and in case of their disagreement, to an umpire to be named by them, and the amount awarded shall be deducted by the said Local Board from the said sum of 250*l.*

(*d.*) The production of such award shall be a sufficient authority to the said bank to pay to the said Local Board so much of the deposited sum as is mentioned in such award.

(*e.*) The Promoters shall not lay any tramway, or execute any works in or on any road within the said District, which is of a less width than twenty-two feet six inches, without giving at least three months' previous notice to the Local Board of their intention so to do, and if the said Local Board deem it necessary for the public safety, or otherwise, that any of the roads within the said district proposed to be traversed by the tramways, ought to be made of a greater width, and obtain and provide the land necessary for such purpose, and give the Promoters notice thereof, and that the land is at their disposal for such widening, then simultaneously with the laying of the said tramways, and the construction of the said works, the Promoters shall, at their own proper costs and expenses, and to the satisfaction of the surveyor of the said Local Board, make, form, and lay out the said land so provided as aforesaid, to the intent that the same shall be and form part

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of the said road, but this shall not authorise the Local Board to take down any house and charge the Promoters with the cost thereof.

(*f.*) Except as is herein-before otherwise provided, in case of any difference or dispute between the Promoters and the Local Board, or their surveyor, the same shall, unless the parties otherwise agree, be settled by a referee, to be appointed by the Board of Trade, upon the application of either party, in the manner provided by section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Gauge of tramways.

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

Provisions as to construction of tramways.

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

18. 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 roads in good condition.

19. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest, and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall, for every such offence, be subject on information laid, or complaint made, to a penalty not exceeding five

pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

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

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

20. Where in any road in which a double line of tramway is laid there is a 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.

21. 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.

22. The Promoters may from time to time 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, engine houses, carriage houses, sheds, or works of the Promoters, subject to the approval of the road authority: Provided that in the construction of any such works, no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if any owner or occupier of premises abutting on the place where such rail is proposed to be laid by writing under his hand, addressed to the Promoters, express his objection thereto: Provided also, that the number and situation of such crossings, passing places, sidings, junctions, and other works shall be determined by the road authority, and if any difference arises between the Promoters and any road authority with respect to the number and situation of the said crossings, passing places, sidings, junctions, or works, 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

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section mentioned. If any crossing, passing place, siding, junction, or other works 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 remake or relay the same in some other position to be specified in the notice and the Promoters shall from time to time comply with such requirement: Provided that the expense of every such removal, remaking, or relaying shall be borne by the road authority.

Temporary tramways may be made when necessary.

23. Where by reason of the execution of any works 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.

24. 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 reconstruction 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 such 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 26 of the Tramways Act, 1870.

25. 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.

Power to agree as to widening &c. streets along which tramways will be laid.

26. The Promoters may enter into and fulfil contracts and agreements with the owner of any land forming the site or part of the site of any street along or over which any of the tramways, or part of any of the tramways may be laid and with the local authority within whose jurisdiction such street will be or with such owner or local authority for the widening, laying out, forming, and completing of any such street or part of a street.

Compensation for damage.

27. 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.

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

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

Motive Power.

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

29. The carriages used on the tramways may, subject to the provisions of this Order, be moved by animal power, and the carriages on the tramways may, with the consent of the Board of Trade to be signified in writing, during a period of seven years after the opening of the same for public traffic, and, with the like consent, during such further periods of seven years as the Board of Trade may from time to time specify in any order to be signed by a secretary or an assistant secretary of the Board of Trade, be moved by steam power or any mechanical power: Provided always, that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the Schedule A. to this order annexed, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may, and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam or any mechanical power on the tramway.

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

30. The Promoters or any person using steam or any mechanical power on any of the tramways contrary to the provisions of this Order or to any of the regulations set forth in the Schedule A. to this Order annexed or to any 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

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opinion the Promoters or any person using steam or any mechanical power on the tramways under the authority of this Order have or has made default in complying with the provisions of this Order or with any of the regulations set forth in the Schedule A. to this Order annexed, or with any regulation which may have been added thereto or substituted therefor as aforesaid, may by order direct the Promoters or such person to cease to exercise the powers aforesaid and thereupon the Promoters or such person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

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

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

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

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

Orders and byelaws to be signed, &c.

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

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

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

Where at the time of the giving of any such notice any contract, agreement, or arrangement between the Promoters or such person, and the road authority is in force with respect to the user by the Promoters or such person, or the paving or 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 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 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

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the difference with respect to such determination, or the reasonableness of such refusal, or failure, or the terms of such contract, agreement, or arrangement, or any renewal thereof, with or without modification, or any new contract instead thereof, shall from time to time, on the appeal of either of the parties to the Board of Trade, be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Promoters and any road authority, and thereupon the parties shall in all respects conform to such determination, and make and observe any contract, agreement, or arrangement thereby prescribed. Provided always that while any such appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the tramways to which such appeal relates.

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

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

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

36. Where steam or any mechanical power is used by the Promoters or any person on the tramways or any part thereof under the authority of this Order, no contract, agreement, or arrangement, made before or after the commencement of the use of steam or any mechanical power as aforesaid between the Promoters or such person and the road authority 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 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.

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

Promoters not bound to carry goods.

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

Tolls.

Tolls.

39. 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, in respect of passengers any tolls or charges not exceeding one penny per mile (and for the purpose of this section the fraction of a mile shall be deemed a mile).

Passengers luggage.

40. Every passenger travelling upon any of 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.

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

Tolls for animals, goods, &c.

42. 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, 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.

43. 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.

44. 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

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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.

Settlement of disputes.

45. Except where otherwise expressly provided by this Order, 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.

46. 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, and the costs of and incidental to the arbitration and award shall, if either party so requires, be taxed and settled as between the parties by any one of the taxing masters of the High Court of Justice; and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters; and all those enactments, including the enactments relating to the taking of fees by means of stamps, shall extend to the fees in respect of the said taxation.

Form and delivery of notices.

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

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

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

Agreements between Promoters and road authorities.

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

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

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

Power to hold patents.

50. The Promoters may, subject to the provisions of this Order, (but only for the purpose of the undertaking and not so as to acquire any exclusive right therein), acquire, hold, and use any patent or other rights and any licenses to use patent rights in relation to any apparatus, material or motive power used on or in connexion with tramways.

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 any mortgage granted by the Promoters shall 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, and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Saving for general Acts.

53. 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.

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SCHEDULE A.

Brake power of engines.

Every engine used on the tramway 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 on 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 and 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 and carriages may be driven or propelled along the tramways shall not exceed the rate of eight miles an hour.

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

SCHEDULE B.

TOLLS AND CHARGES FOR ANIMALS, GOODS, &c.

		Per mile. s.	d.
Animals.			
For every horse, mule, or other beast of draught or burden	per head	0	6
For every ox, cow, bull, or head of cattle - -	per head	0	6
For every calf, pig, sheep, or other small animal - -	per head	0	3
Goods and Minerals.			
For all coal, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure, and undressed materials for the repair of public roads or highways	per ton	0	3
For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slags, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron, not otherwise specifically classed herein, and for heavy iron castings including railway chairs	per ton	0	4
For all sugar, grain, corn, flour, hides, dye-woods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings - - -	per ton	0	6
For cotton, and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters or things	per ton	0	6
For every carriage of whatever description having two wheels -		1	0
For every carriage of whatever description having four wheels -		2	0

	Any distance. s.	d.
Small Parcels.		
For every parcel not exceeding 7 pounds in weight each -	0	3
For any parcel exceeding 7 pounds, and not exceeding 14 pounds in weight - - - - - - - -	0	5
For any parcel exceeding 14 pounds, and not exceeding 28 pounds in weight - - - - - - - -	0	7
For any parcel exceeding 28 pounds, but not exceeding 56 pounds in weight - - - - - - - -	0	9
For any parcel exceeding 56 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.

	s.	d.
For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, exceeds four tons, but does not exceed eight tons, such sums as the Promoters may think fit, not exceeding per ton per mile - - - - -	3	0
For the carriage of any single piece of timber, stone, machinery, or other article, the weight of which with the carriage exceeds eight tons, such sum as the Promoters may think fit.		

Regulation of Tolls.

In respect of tolls and charges for animals, goods, and minerals conveyed on the tramways for a less distance than three miles, the Promoters may demand and take 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 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 on in proportion for any smaller quantity.

STAFFORDSHIRE TRAMWAYS (EXTENSION).

A.D. 1882.

Staffordshire.

Order authorising the construction of Tramways in the Parishes of Darlaston, Wednesbury, and Walsall, all in the county of Stafford, and amending the Staffordshire Tramways Order, 1879.

Short title.

1. This Order may be cited as "The Staffordshire Tramways (Extension) Order, 1882."

Incorporation of Acts.

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

Interpretation.

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

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

The expression "the Order of 1879" shall mean the Staffordshire Tramways Order, 1879.

The expression "the tramways of the Promoters" shall mean the tramways authorised by the Order of 1879 and the tramways authorised by this Order.

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

The expressions "the Darlaston Local Board" and "the Wednesbury Local Board" shall mean respectively the Local Boards for the districts of Darlaston and Wednesbury.

The term "person" shall include a corporation.

Promoters.

The Promoters.

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

Lands by agreement.

5. The Promoters may, by agreement, from time to time purchase, and 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 three acres of land.

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited at the

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office of the Board of Trade for the purposes of this Order, as the same have been amended previous to the passing of the Act confirming this Order, the tramways herein-after described, with all proper rails, plates, points, offices, weigh-bridges, stables, engine-houses, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are—

A tramway No. 1, commencing in the parishes of Darlaston and Wednesbury, or one of them, at the eastern end of Penfold Street, by a junction with the tramways Nos. 2 and 2E, authorised by the Order of 1879, and passing thence into and along the high road leading from Darlaston to Walsall, and terminating in the parish of Walsall at the junction of the said high road with the Wednesbury Road.

The said tramway shall be a single line except between the following points, where it shall be a double line:

From the commencement of the tramway to a point twenty-two yards eastward therefrom.

Between two points respectively twenty-six yards west and forty yards east from the centre of Old Park Road.

Between two points respectively one hundred and six yards and forty yards west from the centre of Well Street.

Between two points respectively fifty yards west and one hundred and sixteen yards east from the centre of Hill Street.

Between two points respectively forty-five yards west and twenty-one yards east from the centre of Cook Street.

From a point opposite the centre of Forge Lane to a point sixty-six yards north-eastward therefrom.

Between two points respectively seventy-six yards and ten yards south-west from the centre of the bridge carrying the high road between Darlaston and Walsall over the Darlaston branch of the London and North-Western Railway.

Between two points respectively seventy-six yards and ten yards westward from the "Globe" inn.

Between two points respectively two hundred and ten yards, and two hundred and seventy-six yards eastward from the "Globe" inn.

Between two points respectively six hundred and forty-one yards and four hundred and eighty-seven yards north-west from the centre of the Wednesbury Road.

Between two points respectively three hundred and eighteen yards and two hundred and fifty-two yards north-west from the centre of the Wednesbury Road.

Between two points respectively sixty-six yards and eleven yards north-west from the termination of the tramway.

The total length of Tramway No. 1 will be one mile six furlongs 0·25 chains, of which one mile two furlongs 2·75 chains will be single line, and three furlongs 7·50 chains double line.

A tramway (No. 2) wholly a double line and wholly situate in the parish of Wednesbury, commencing in High Bullen by a junction with the Tramways

Nos. 2 and 2G authorised by the Order of 1879, and passing thence along High Bullen and High Street, and terminating at the junction of High Street with Market Place.

The total length of Tramway No. 2 shall be one furlong and four chains.

A tramway (No. 3) wholly situate in the parish of Wednesbury, in the county of Stafford, commencing in Dudley Street by a junction with the Tramways Nos. 2 and 2G authorised by the Order of 1879, at a point fifteen yards east from the centre of Holyhead Road, and passing thence along Dudley Street across the Holyhead Road, and along Lower Dudley Street, and terminating therein at a point ten yards west from the centre of Great Western Street.

The Tramway No. 3 shall be a single line, except between the following points, where it shall be a double line:

From the commencement of the said tramway to a point eleven yards westward therefrom.

Between two points respectively eighty-eight yards and twenty-two yards east from the termination of the tramway.

The total length of Tramway No. 3 will be one furlong 6·90 chains, of which one furlong 3·40 chains will be single line and 3·50 chains double line.

The tramways herein-before described will be made and pass from, in, through, or into the following parishes, townships, or extra-parochial places, or some of them, that is to say, the parishes of Darlaston, Wednesbury, and Walsall, all in the county of Stafford.

Provided always, that the construction of the portion of Tramway No. 1, situate within the parish of Walsall, shall not be commenced unless and until the Promoters shall have paid to the Corporation of Walsall the sum of 200*l.* as and for a contribution towards the widening and improving of parts of so much of the road leading from Darlaston to Walsall as is within the said parish by the said Corporation nor shall such tramway be commenced until such road has been widened as aforesaid.

Provided also, that no portion of Tramway No. 2 shall be constructed in High Street, Wednesbury, until the said street has been widened, so that there shall be a space of not less than nine feet and six inches between the kerb on each side of the roadway and the nearest rail of the tramway, or such other less space as all the owners and occupiers of all the houses, shops, and warehouses abutting on the part of the said street where such portion of tramways is proposed to be laid may in writing consent to and the Board of Trade may approve.

Gauge of tramways.

7. The gauge of three feet and six inches shall be the prescribed gauge for the tramways authorised by this Order, and the Order of 1879 shall be read and construed as though such gauge had been thereby prescribed: 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 of the Promoters; but no carriage used on the said tramways shall exceed six feet in width.

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Provisions as to construction of tramways.

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

As to rails of tramways.

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

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

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

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

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

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

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

13. The Promoters may from time to time hereafter make all such crossings, passing-places, sidings, junctions, and other works in addition to those particularly specified in and authorised by this Order, as may from time to time be necessary or convenient to the efficient working of the tramways or any of them, or for providing access to any stables, carriage-houses, engine-houses, sheds, or works of the Promoters, subject to the approval of the road authority: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if any owner or occupier of premises abutting on the place where such rail is proposed to be laid, by writing under his hand addressed to the Promoters, express his objection thereto: Provided that the Promoters shall when required by the road authority, by notice in writing, take up and remove any crossing, passing-place, siding, or junction, and substitute therefor another crossing, passing-place, siding or junction upon a site indicated in such notice; but the Promoters shall not be required to comply with any such requisition unless the sanction of the Board of Trade to such substituted site shall be obtained, nor unless the substituted site shall be in such a position as to enable the Promoters properly to work the tramways: Provided further, that a greater space than nine feet six inches shall intervene between the outside of the footpath and the nearest rail of the crossing, passing-place, siding, or junction proposed to be laid in such substituted site, unless the road authority shall procure the consent to any less space of two-thirds of the owners and two-thirds of the occupiers of the houses, shops and warehouses abutting, on the place where such crossing, passing place, siding or junction is proposed to be laid.

Temporary tramways may be made when necessary.

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

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require, a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

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

Application of road materials excavated in construction of Promoters works.

15. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority (but only if and so far as the road authority may deem them satisfactory and proper) may be applied by the Promoters, so far as may be necessary, in or towards the reinstating of such road, and the maintenance for six months after completion of any of the tramways within the district of such road authority, of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same, and at such place or places within the district of such road authority (at a not greater distance than half a mile from the place of excavation) as such surveyor may appoint: Provided that if within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus is not removed by such 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 such 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.

For protection of Corporation of Walsall.

16. For the protection and benefit of the Corporation of Walsall the following provisions shall have effect with respect to so much of the tramways and of the undertaking as is situate within and relates to the borough of Walsall:—

(*a.*) Each line of tramway shall consist of a single pair of grooved rails, and shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road without loose or moveable points (except with the consent of the said Corporation), and in such other manner as regards construction, rails, sleepers, fastenings, width of groove, foundations, and in all other respects as the said Corporation with the consent of the Board of Trade may approve; and in laying down the tramways, the Promoters shall restore the level of the roads in all cases where the same are altered or disturbed.

(*b.*) In constructing the tramways, the Promoters shall pave with sets of a paving material (other than wood or asphalte) and of a quality and size not less than five inches in depth to be from time to time prescribed by the

said Corporation, so much of the roads in which the tramways are to be laid down as is between the rails and for a distance of one foot six inches measured from the outside of each rail in the direction of the kerb, and shall at all times maintain and keep in good condition and repair such part of the roads so paved to the reasonable satisfaction of the said Corporation or their surveyor: Provided always, that the said Corporation and the Promoters may at any time by agreement vary, alter, or repeal the obligation herein contained.

If at any time any such part of the roads in which the tramways are to be laid down as is herein-before ordered to be maintained and kept in good condition and repair by the Promoters, shall, in the judgment of the said Corporation, be not maintained and kept in such good condition and repair and shall so remain out of good condition and repair for the space of seven days after notice given by the said Corporation to the Promoters, then it shall be lawful for the said Corporation to repair and amend the same, and to recover the cost incurred by them in so doing from the Promoters in the same way as if such cost were a penalty incurred by the Promoters under the Tramways Act, 1870; and it shall be lawful for the said Corporation to stop the traffic along the tramways where the said road shall be out of good condition and repair until such road shall have been put into good condition and repair.

(*c.*) 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 said Corporation.

(*d.*) Nothing in this Order contained shall obstruct, hinder, prejudice, or prevent the said Corporation 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 the borough, and for that purpose from stopping the traffic along the tramways respectively, and any extra costs incurred by the said Corporation 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 paid by them to the said Corporation, and in default of such payment such costs shall be recoverable from the Promoters in the same way as if such costs were a penalty incurred by the Promoters under the Tramways Act, 1870.

(*e.*) 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 said Corporation for all damage sustained by the said Corporation

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by reason or in consequence of the exercise of those powers or any of them.

(*f.*) All costs and expenses incurred by the said Corporation in connexion with or incident to the arrangement between the Promoters and the said Corporation in relation to this Order, and in relation to the obtaining of this Order and the passing of the Act confirming the same, shall be paid by the Promoters within three months after the passing of the Act confirming this Order.

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

17. 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 authorities shall approve, but so that such mode and form shall be the same throughout the whole length of the tramways, and in case of difference between the road authorities such mode and form shall be such as the Board of Trade shall determine.

Extension of section 26 of the Tramways Act, 1870.

18. 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.

Cleansing of roads.

19. The road authority having jurisdiction over any road in which any of the tramways are laid may cleanse the same without reference to the tramways; but whatever cleansing owing to snow or other matters impeding the traffic is requisite for the proper working of the tramways shall be executed by the Promoters, who shall, in performing the same, remove the snow or other matter from off the road forthwith, and without first placing it in any other part of the road.

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

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

Promoters to make deposit before opening roads within Darlaston district.

21. Before the Promoters open or break up any road within the district of the Darlaston Local Board, they shall deposit the sum of three hundred pounds in the Staffordshire Joint Stock Bank, Limited, at Darlaston, to a joint account in the names of the said Local Board and the Promoters. The said sum so 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 by the Promoters; such valuation to be ascertained by writing under the hand of the surveyor for the time being of the said Local Board. The said sum of three hundred pounds so 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.

22. Before the Promoters open or break up any road within the district of the Wednesbury Local Board 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 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 by the Promoters, 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 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 crossing tramway on level.

23. In the construction of any of the tramways across the rails of any tramway not belonging to the Promoters, now laid upon the level of any road, the same shall be so constructed and maintained in accordance with a plan to be agreed upon between the engineer for the time being of the proprietors of such tramway and the engineer of the Promoters, and under the superintendence and to the reasonable satisfaction of the engineer for the time being of the said proprietors at the cost of the Promoters, unless, after seven days notice given by the Promoters of their intention to commence such works, such superintendence is refused or withheld; and such of the tramways as are laid at the said level crossing shall be maintained and kept in constant and efficient repair to the reasonable satisfaction of the engineer for the time being of the said proprietors. The Promoters shall not stop on or otherwise interfere with or obstruct the traffic upon the tramway of the said proprietors at such level crossing, and the Promoters shall, in respect of the traffic upon the tramways at such level crossing, be subject to such rules, byelaws, and regulations relating thereto as may be agreed upon between them and the said proprietors. If, by reason of the execution of any of the works or any proceedings of the Promoters, or the failure of any such works, or any act or omission of the Promoters or of their servants, the tramway or works of the said proprietors be injured or damaged, such injury or damage shall be forthwith made good by the Promoters at their own expense. In the event of any difference between the said proprietors or their engineer and the Promoters as to any matter under this section, the same shall be settled by a referee to be appointed by the Board of Trade on the application of either party, in the manner provided by section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Protection of railway companies.

24. In constructing and maintaining the tramways the following provisions for the protection of the London and North-Western Railway Company (in this section called "the Company") shall have full force and effect and be binding upon the Promoters:

(1.) The Promoters shall not in any way vary, alter, or interfere with the structure of any bridges carrying any road over any railway of the Company, or of the approaches thereto, and they shall so construct and maintain the tramways over such bridges and approaches as not injuriously to affect the same.

(2.) In the event of any injury being caused to any such bridges or approaches

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by the construction, maintenance, repairing, user, or removal of the tramways, the Company may, at the expense of the Promoters, restore such bridges 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 Company against all sums, costs, and expenses which they may pay or be put to in repairing and maintaining so much of the roads over such bridges and approaches as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870, and the Company may recover from the Promoters all such sums, costs, and expenses, with full costs and charges, by all and the same means as any simple contract debt of like amount may be recovered.

(3.) Whenever and so often as the Company require to widen, lengthen, strengthen, reconstruct, alter, or repair any such bridges or approaches, or to widen or alter their railway, or to lift or support any such bridges 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 tramways over such bridges or approaches shall be wholly or partially stopped or delayed, or that such tramways 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 three clear days notice in writing requiring such stoppage, delay, or diversion, taking up or removal, the working and user of such tramways shall be stopped or delayed accordingly, or such tramways shall be diverted or taken up or removed accordingly at the expense of the Promoters, and under the superintendence of the Company's engineer, if such engineer shall give such superintendence, but only for so long as the Company may find it 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, delay, diversion, taking up, or removal, or in any way relating thereto; and in case the principal engineer of the Company shall be of opinion that any such strengthening, alteration, or reconstruction is desirable or necessary owing to the carriages or other vehicles on any such tramways being or being intended to be moved by steam or any mechanical power, such strengthening, alteration, or reconstruction shall be effected in all things at the expense of the Promoters, who shall also pay to the 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 tramways so passing or any of the works connected therewith, the amounts of such expenditure to be recoverable by the Company from the Promoters with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered.

(4.) Whenever the tramway on either side of any such bridges or approaches is a single line there shall only be a single line over such bridges and approaches and no turnouts or passing-places shall be constructed thereon.

(5.) All works which may be necessary in constructing and maintaining any of the tramways over any bridges and approaches of the 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 Company, or in case of difference of an engineer to be appointed by the Board of Trade on the application of either the Company or the Promoters.

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

For protection of the Company of Proprietors of the Birmingham Canal Navigations.

25. The provisions of sections 9, 10, 11, and 12 of the Order of 1879 for the protection of the Company of Proprietors of the Birmingham Canal Navigation shall extend and apply to the tramways authorised by this Order as if such tramways formed part of the tramways in the said sections referred to.

Period for completion of tramways.

26. The prescribed period within which the tramways (except Tramway No. 1) shall be completed and opened for public traffic shall be two years from the passing of the Act confirming this Order, and the prescribed period within which the said Tramway No. 1 shall be completed and opened for public traffic shall be two years from the completion of the widening by the Corporation of Walsall of the portion of road from Darlaston to Walsall in which the said Tramway No. 1 is by this Order authorised to be laid.

Extension of time for completion of tramways of 1879.

27. The period within which the tramways authorised by the Order of 1879 shall be completed and opened for public traffic, which period was extended by certificate of the Board of Trade to the eleventh day of August 1882 is hereby further extended to the eleventh day of August 1883, and the Order of 1879 shall be read and construed as if such period so extended by this Order were the period prescribed by the Order of 1879.

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

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

Motive Power.

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

29. The carriages used on the tramways may be moved by animal power, and the carriages used on the tramways and on Tramway No. 2 authorised by the Order of 1879 may, subject to the provisions of this Order, during a period of seven years after the opening of the same for public traffic, and with the consent of the Board of Trade, during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a Secretary or an Assistant Secretary of the Board of Trade, be moved by steam power, or any mechanical power.

Provided, that no steam or mechanical power shall be used on any portion of the tramways within the borough of Walsall for any such period of seven years without the consent in writing of the Corporation of Walsall.

Provided, also, that no steam or mechanical power shall be used on the portion of the tramways laid down in High Street, Wednesbury, or on the Tramway No. 2 authorised by the Order of 1879 without the consent of the Board of Trade.

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Provided also, that not more than one engine shall be on so much of the tramways laid down in High Street, Wednesbury, as is situate between High Bullen and Market Place at one and the same time, and that not more than one engine shall be on the Tramway No. 2 authorised by the Order of 1879 in Towse Lane between Hall End and High Bullen, in Dudley Street, between High Bullen and Lower Bullen, and between Lower Bullen and the termination of the said Tramway No. 2, at one and the same time.

Provided also, that no steam or mechanical power shall be used on the tramways within the borough of Walsall on any portion of any road where there are passing places, and the road is of a less width than twenty-six feet between the kerbs until such road has been widened to the width of twenty-six feet between the kerbs.

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 said tramways.

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

30. The Promoters or any person using steam or any mechanical power on any of the tramways of the Promoters 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 of the Promoters under the authority of this Order have or has made default in complying with the provisions of this Order, or with any of the regulations set forth in the Schedule A. to this Order annexed, or with any regulation which may have been added thereto or substituted therefor as aforesaid, may, by order, direct the Promoters or such person to cease to exercise the powers aforesaid, and thereupon the Promoters or such person shall cease to exercise the powers aforesaid, and shall not again exercise the same or any of the same unless with the authority of the Board of Trade; and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

31. Subject to the provisions of this Order, the Board of Trade may from time to time make, and when made may rescind, annul, or add to, byelaws with regard to all or any of the tramways of the Promoters 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.

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

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

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

Orders and byelaws to be signed, &c.

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

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

35. Where the Promoters or any person intend or intends to use steam or any mechanical power under the authority of this Order on any of the tramways of the Promoters, or any part thereof, they or he shall give two months previous notice of such intention to every road authority within whose district such tramways or such part thereof on 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 between the Promoters or such person and such road authority 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

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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 on such tramways or such part thereof, be determined and of no effect.

Before using steam or any mechanical power on any of the tramways of the Promoters 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 such tramways or such part thereof 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 the 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 of the Promoters or any portion of the tramways unless there is in force in relation to such tramways or such portion of such 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 of the Promoters are laid.

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

36. Where steam or any mechanical power is used by the Promoters or any person on any of the tramways of the Promoters 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 between the Promoters or such person and any road authority 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 thereof 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.

Traffic on tramways.

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

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

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

Suspension of traffic by order of the local authority.

39. 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 during the continuance of any market or fair, 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 damage in respect thereof.

Suspension of traffic by order of Corporation of Walsall.

40. The Corporation of Walsall may from time to time by notice in writing to the Promoters for the purpose of regulating and facilitating the traffic on market and fair days for police or watch purposes, for the execution of any works by the said Corporation or any water company, or for any other purpose which the Corporation having regard to the good government of the borough or the safety of the public deem necessary, stop, delay, and suspend the working

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of the tramways within the borough of Walsall, or any of them, but so that such stoppage, delay, or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid, or any of them, and the Promoters shall not be entitled to claim any compensation for damages in respect thereof.

As to number of carriages on tramway No. 1.

41. The Promoters at all times after the opening for public traffic of Tramway No. 1 shall, and they are hereby required to run carriages at least twelve times each way along the said tramway at suitable intervals between six o'clock in the morning and ten o'clock at night on each working day, and the Corporation of Walsall may from time to time, and for such time as they think fit, authorise the Promoters to run carriages along the said tramway a less number of times, and in all cases one carriage only shall be run at a time, unless with the consent of the Corporation: Provided always, that in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of the carriages along Tramway No. 1, the said Board shall have power to fix and regulate the same from time to time.

As to carriages within borough of Walsall.

42. The carriages to be used on the tramways in the borough of Walsall shall, subject to the provisions of the Tramways Act, 1870, and this Order, be of such width and construction, and the wheels of such carriages shall be of such construction, form, and dimensions as may from time to time be approved by the Corporation of Walsall in writing certified under the hand of their town clerk, and it shall not be lawful for the Promoters to use on any of the tramways any carriage or wheel in contravention of the foregoing provisions. Any difference between the Promoters and the said Corporation 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.

Tolls.

Tolls for passengers.

43. 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.

44. 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.

45. 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) 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 two in the afternoon, as the Promoters think most convenient for artisans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the Promoters, nevertheless, not being required to take any fare less than one penny): Provided that, in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such carriages, the said Board shall have power to fix and regulate the same from time to time.

Tolls for animals, goods, &c.

46. Section thirty-five of the Order of 1879 and the Schedule to the said Order annexed shall be and the same are hereby repealed, and from and after the passing of the Act confirming this Order the Promoters may demand and take in respect of any animals, goods, minerals, or parcels conveyed by them on the tramways of the Promoters, 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.

47. The tolls and charges by this Order authorised shall be paid to such persons, and at such places upon or near to the tramways of the Promoters, 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.

48. If at any time after three years from the opening for public traffic of the tramways of the Promoters, or any portion of the said tramways, or after three years from the date of any order made in pursuance of this section in respect of the said tramways or any portion of the said 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 said 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 said tramways, or on such portion of the said 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 said tramways, or on such portion of the said tramways, in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

Miscellaneous.

Provisions as to arbitration.

49. 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

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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; and the costs of and incidental to the arbitration and award shall, if either party so requires, be taxed and settled as between the parties by any one of the taxing masters of the High Court of Justice; and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters; and all those enactments, including the enactments relating to the taking of fees by means of stamps, shall extend to the fees in respect of the said taxation.

Making of byelaws by Corporation of Walsall.

50. The powers of the Corporation of Walsall under the Tramways Act, 1870, with respect to the making of regulations and byelaws as to the matters and for the purposes therein mentioned, and to the repealing or altering of such byelaws and the making of new byelaws, with respect to such of the tramways as are situate within the borough of Walsall, shall, subject to the approval of the Board of Trade thereto being first obtained, extend, and apply to the following matters and purposes, namely:

(1.) Prohibiting the stopping of carriages to take up and set down passengers or for any other purpose, and the entry or leaving of any carriage in any place which the said Corporation, having regard to the protection and safety of the public may from time to time deem necessary.

(2.) Empowering the said Corporation to cause to be removed from the tramways any carriage or horse which shall be certified by an officer appointed by the said Corporation to be unfit for use on the tramways; and

(3.) Prescribing from time to time the break power, to be applied to the carriages used on the tramways, and whether carriages shall be used on the tramways singly, and not in connexion with, or attached to any other carriage, or otherwise.

Purchase of tramways by Corporation of Walsall.

51. The powers of purchase given by the forty-third section of the Tramways Act, 1870, may be exercised by the Corporation of Walsall as to so much of the undertaking as lies within or relates to the borough of Walsall, at any time after the expiration of twelve years, and before the expiration of twenty-one years from the passing of the Act confirming this Order, upon six months notice in writing being given by the said Corporation to the Promoters, notwithstanding that the periods of twenty-one years or of seven years mentioned in the said section, or either of them, may not have elapsed: Provided that, in case of difference as to the amount of purchase money to be paid by the said Corporation, the referee nominated by the Board of Trade to determine such difference shall take into consideration allowance for past or future profits of the undertaking, and compensation for compulsory sale.

Power of sale.

52. The Promoters at any time after the passing of the Act confirming this Order, notwithstanding that the tramways may not have been opened for traffic for a period of six months or completed or commenced, may with the consent of the Board of Trade sell the tramways and undertaking within any district to any person, or to the local authority of such district, under and in accordance with section forty-four of the Tramways Act, 1870, as varied by this Order.

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53. The Promoters shall, except as by this Order otherwise provided, pay to the Wednesbury Local Board and to the Darlaston Local Board respectively within two months after the date of the passing of the Act confirming this Order, 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 counsel's fees, and all costs, charges, and expenses incurred by the said local boards respectively 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 that such costs, charges, and expenses shall not in the case of either of such local boards exceed the sum of fifty guineas.

Promoters to pay to the Wednesbury and Darlaston Local Boards certain costs incurred by them.

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

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

(2.) Any notice to be delivered by or to the Promoters to or by any local authority or any road authority, or other body, or any company, may be delivered by being left at the principal office of 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.

Form and delivery of notices.

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

Agreements between Promoters and road authorities.

56. The Promoters and any person lawfully using the tramways authorised by the Order of 1879, or this Order, or any of such tramways may, subject to the provisions of the Order of 1879 and this Order, respectively pass over and use with their engines, carriages, and servants, and for the purposes of traffic of every description any of the tramways authorised by the South Staffordshire Tramways Order, 1881, the Walsall and District Tramways Order, 1880, and the Wednesbury and West Bromwich Tramways Order, 1881, subject to the provisions of such last-mentioned Orders respectively, on such terms as may be agreed on between the Promoters and such person and the Promoters of the said last-mentioned Orders respectively, or in case of difference as may be determined by a referee to be appointed on the application of either party by the Board of Trade in manner provided by section thirty-three of the Tramways Act, 1870, and the parties using any tramways under this section shall respectively at all times observe the regulations and byelaws for the time being in force on the tramways so used by them.

Running powers.

57. The Promoters, or any person using the tramways of the Promoters under the authority of this Order on the one hand, and any person on the other

Power to enter into agreements

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with respect to traffic, &c.

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

Working and traffic arrangements.

58. The Promoters on the one hand, and the Promoters for the time being of the tramways authorised by the South Staffordshire Tramways Order, 1881, the Walsall and District Tramways Order, 1880, and the Wednesbury and West Bromwich Tramways Order, 1881, may, with the approval of the Board of Trade, from time to time enter into agreements with respect to the following purposes, or any of them; (that is to say,)

The maintenance and management of the tramways authorised by the said last-mentioned Orders respectively and of the tramways of the Promoters, and the works connected therewith, or any of them:

The use or working of such tramways, or any of them, or of any part thereof, and the conveyance of traffic thereon, and the employment of officers and servants:

The supply, during the continuance of such agreement, of stock, plant, and machinery necessary for the purposes thereof:

The fixing and collection and apportionment of the tolls, rates, charges, receipts, and revenues levied, taken, or arising in respect of traffic:

The payments and allowances to be made, and the conditions to be performed with respect to the matters aforesaid.

Provided always, that no such agreement shall be contrary to or inconsistent with the provisions of the South Staffordshire Tramways Order, 1881, the Walsall and District Tramways Order, 1880, the Wednesbury and West Bromwich Tramways Order, 1881, the Order of 1879, or this Order.

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

59. 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.

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

Saving for general Acts.

61. Notwithstanding anything in this Order contained, the Promoters and any person using the tramways of the Promoters shall be subject and liable

to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls and charges authorised by the Order of 1879 or 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 of the Promoters 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 of the Promoters 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 of the Promoters 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 of the Promoters and the machinery therein, and may whenever they think fit prohibit the use on the said 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 of the Promoters shall not exceed the rate of eight miles an hour.

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

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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	per head	0	6
For every calf, pig, sheep, or other small animal	per head	0	3
Goods and Minerals.			
For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fireclay, cinders, dung, compost, and all sorts of manure and all undressed materials for the repair of public roads or highways	per ton	0	3
For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fireclay), and for wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs	per ton	0	4
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and 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 and 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 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 weight 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.

SUNDERLAND TRAMWAYS (EXTENSION).

Sunderland.

Order authorising the construction of Tramways in the Borough of Sunderland, in the County of Durham.

Short title.

1. This Order may be cited as "The Sunderland Tramways (Extension) Order, 1882."

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

The expression "the Order of 1878" shall mean the Sunderland Tramways Order, 1878.

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

The term "person" shall include a corporation.

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The Promoters.

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

Lands by agreement.

5. The Promoters may, by agreement, from time to time purchase, and 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 one acre of land.

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited for the purposes of this Order, except as by this Order expressly provided, the tramways herein-after described, with all proper rails, plates, points, 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:—

A Tramway (No. 1) wholly situate in the borough of Sunderland, commencing in High Street West, in the parish and township of Bishopwearmouth, by a junction with the existing tramway of the Corporation at the termination thereof, and passing thence along High Street West and High Street East, and terminating in such last-named street in the parish of Sunderland, at a point twelve yards or thereabouts south-west from the centre of Burleigh Street.

Tramway No. 1 shall be a single line, except between the following points, where it will be a double line, viz.:—

Between two points respectively thirty-nine yards and one hundred and fourteen yards south-westward from the termination of the said tramway.

The total length of Tramway No. 1 will be two furlongs 9·45 chains, of which two furlongs 6·07 chains will be single line, and 3·38 chains double line.

A Tramway (No. 2) wholly in the parish of Sunderland, in the borough of Sunderland, commencing by a junction with the termination of Tramway No. 1 in High Street East, at a point twelve yards or thereabouts south-west from the centre of Burleigh Street, and passing thence along High Street East and North Moor Street, and terminating in the last-mentioned street at the north-east end thereof.

Tramway No. 2 shall be a double line throughout, but so laid that one line only can be used at one and the same time.

The total length of Tramway No. 2 will be one furlong 7·43 chains.

The tramways will be made and pass from, in, through, or into the following townships, parishes, or extra-parochial places, or some or one of them (that is to say): the township of Bishopwearmouth, and the parishes of Bishopwearmouth and Sunderland, all in the county of Durham.

Provided that the portion of Tramway No. 1 in High Street East from Villiers Street to a point forty yards east of Drury Lane shall be laid in

accordance with a certain plan deposited at the office of the Board of Trade on the twenty-fifth day of February eighteen hundred and eighty-two, and signed on the part of the Corporation by R. S. Roundthwaite, their engineer, and by William Snowball, the town clerk of Sunderland, provided also that such portion shall not be laid unless there is throughout its length a space of nine feet six inches between the nearest rail and the kerb on the south side of the street.

For the protection of the River Wear Commissioners.

7. The Promoters shall not construct or maintain any tramways in or so as to interfere with the access to North Moor Street, except with the previous consent of the River Wear Commissioners under their common seal.

Parts of authorised tramways and works to be abandoned.

8. The Promoters shall abandon and remove the portions of Tramways Nos. 2 and 2A authorised by the Order of 1878 as lies between the east end of Cousin Street and the terminus of those lines in the open space between the South Dock Yard and the "Welcome" Inn at the corner of Barrack Street; and from and after the passing of the Act confirming this Order, and the removal of the said portions of the said tramways, the Promoters shall be absolutely freed from all obligations with respect to the maintaining and working of the said portions of the said Tramways Nos. 2 and 2A, and all their powers in respect thereof shall cease and 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.

As to rails 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 part of the tramways 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

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section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

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

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

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 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 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 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 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 such road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus is not removed by such surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor, or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Promoters and any road authority.

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

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

Traffic and Tolls.

Tramways to form part of tramways authorised by Order of 1878.

18. The tramways authorised by this Order shall, for the purposes of traffic upon the same and of tolls and charges, be deemed to form part of the tramways authorised by the Order of 1878; and sections sixteen to twenty-three (both inclusive) of the Order of 1878 (except so much of section nineteen of the said Order as relates to the revision of the tolls and charges by the said section authorised), and Schedule A. to the said Order annexed, shall, as far as the same are applicable, apply to the tramways authorised by this Order, in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Order of 1878.

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Periodical revision of tolls.

19. 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 the Order of 1878 authorised.

Miscellaneous.

Provisions as to arbitration.

20. 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; and the costs of and incidental to the arbitration and award shall, if either party so requires, be taxed and settled as between the parties by any one of the taxing masters of the High Court of Justice; and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters; and all those enactments, including the enactments relating to the taking of fees by means of stamps, shall extend to the fees in respect of the said taxation.

Form and delivery of notices.

21. 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 Promoters or any local authority or any road authority shall be signed by their secretary or clerk.

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

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Agreement between Promoters and road authorities.

22. 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 and along the same.

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

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

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

24. 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 power of borrowing on mortgage.

25. 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 any mortgage granted by the Promoters shall 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, and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Saving for general Acts.

26. 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.

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WESTON-SUPER-MARE TRAMWAYS.

Weston-super-Mare.

Order authorising the construction of Tramways in the parish of Weston-super-Mare, in the county of Somerset.

Short title.

1. This Order may be cited as the Weston-super-Mare Tramways Order, 1882.

Incorporation of Acts.

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

Interpretation.

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

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

The expression "the local board" shall mean the Local Board of Health for the district of Weston-super-Mare;

The term "person" shall include a corporation.

Promoters.

The Promoters.

4. The Weston-super-Mare 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 at the office of the Board of Trade for the purposes of this Order as the same have been amended previous to the passing of the Act confirming this Order, (which amended plans and sections are in this Order referred to as "the deposited plans" and "the deposited sections"), the tramways herein-after described, with all proper rails, points, junctions, plates, offices, weighbridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are—

(1.) A single line of tramway (No. 1), with passing-places, commencing in the centre of Locking Road, opposite the Prince of Wales public-house, and passing along the said Locking Road and thence into Regent Street,

and terminating at or near the point in the street or roadway where Regent Street forms a junction with the esplanade.

The said tramway is distinguished on the deposited plans by the No. 1, and the said passing places are respectively 2·5 chains in length and situated at either end of and parallel to tramway No. 1.

The total length of the said tramway is 2 furlongs 7·70 chains, of which 2 furlongs 2·70 chains shall be single-line, and 5 chains shall be double-line.

(2.) A single line of tramway (No. 2), with a passing-place, commencing by a junction with tramway No. 1 at or near a point in the street or roadway where Locking Road joins Regent Street, and passing along Regent Street, and thence into Walliscote Road, and the road (at present not known by any name) leading to the Great Western Railway yard and terminating in the centre of the last-mentioned road, opposite to the gate of the said yard.

The said tramway is distinguished on the deposited plans by the No. 2, and the said passing-place is distinguished on the said plans by the number 2A.

The total length of the said tramway No. 2 is 1 furlong 5·90 chains, of which 1 furlong 3·40 chains shall be single-line, and 2·50 chains shall be double-line;

(3.) A single line of tramway (No. 3), with passing-places, commencing by a junction with tramway No. 1 at a point in the street or road where Locking Road forms a junction with Regent Street, and passing along Regent Street, and thence into Orchard Street, the Boulevard, Waterloo Street, South Parade, Knightstone Road, Birnbeck Road, and Pier Road, and terminating in the said Pier Road at a point nine feet or thereabouts east from the centre of the northern toll-house of the Weston-super-Mare pier.

The said tramway is distinguished on the deposited plans by the No. 3, and the said passing-places are respectively distinguished on the said plans by the numbers 3A, 3B, and 3C;

The total length of the said tramway (No. 3) is 1 mile 2 furlongs 2 chains, of which 1 mile 1 furlong 4·50 chains shall be single-line and 7·50 chains shall be double-line.

(4.) A single line of tramway (No. 4), commencing by a junction with tramway No. 3 at or near a point in the Knightstone Road 1 chain or thereabouts east from the junction of the Knightstone Road with the road leading to the Knightstone baths, and passing along the said Knightstone Road, and thence into and across the foreshore, and terminating in the said foreshore at or near a point 9 chains and 40 links, or thereabouts south-west from its point of commencement, herein-before described, adjoining the wall of the aforesaid road leading to the said Knightstone baths.

The total length of the said tramway (No. 4) is 9 chains 40 links.

Gauge of tramways.

7. 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 used on the tramways shall exceed six feet in width.

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For protection of the Great Western Railway Company.

8. Nothing in this Order or in the Acts wholly or partially incorporated with this Order contained shall take away, diminish, or affect any of the rights, privileges, or powers vested in the Great Western Railway Company (in this section referred to as the "Great Western Company"), and the Promoters shall not, without the consent of the Great Western Company in writing, under their common seal, first had and obtained, enter upon, take, use, or in any manner interfere with any land, approaches, roads, or works belonging to the Great Western Company, and, notwithstanding anything in this Order contained, the Promoters shall not, without the consent of the Great Western Company in writing, under their common seal, first had and obtained, construct tramway No. 2 or tramway No. 2A.

As to works on sea-shore.

9. Notwithstanding anything in this Order contained, the Promoters shall not at any time under the authority of this Order construct any work on any part of the shore or bed of the sea where and so far up the same as the tide flows and reflows without the previous consent of the Board of Trade, to be signified in writing under the hand of a secretary or an assistant secretary of the said Board, and then only according to such plan and under such restrictions and regulations as the said Board of Trade shall approve, such approval being signified as aforesaid, and when any such work has been constructed with such consent as aforesaid the Promoters shall not at any time alter or extend the same without obtaining previously to making such alteration or extension the like consent or approval; and if any such works shall be commenced without such consent or approval, the Board of Trade may abate and remove the same, and restore the site thereof to its former condition, at the cost of the Promoters, and the amount of such costs shall be a debt due from the Promoters to the Crown, and shall be recoverable against the Promoters accordingly.

Nothing contained in this Order shall authorise the Promoters to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of her Crown under the management of the Board of Trade, without the previous consent of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may and are hereby authorised to give).

Provisions as to construction of tramways.

10. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall, at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or 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.

This Order shall not operate to take away, abridge, or prejudice such right, title, or interest, if any, as Cecil Hugh Smith Pigott, or other the lord for the time being of the manor of Weston-super-Mare, may have in, to, or over the foreshore within the limits of this Order: Provided always, that nothing herein contained shall be held to recognise or confirm any right, title, or claim of the said Cecil Hugh Smith Pigott, or other the lord for the time being of the said manor, to the foreshore aforesaid, but the right and title to such foreshore shall remain in the same state as if this Order had not been made.

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As to rails of tramways.

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

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

12. Subject to the preceding provisions of this Order, the mode of laying down the tramways within any district and the form of the rails, sleepers, fastenings, and grooves (if any) shall be such as the road authority of such district shall approve.

Paving and materials of roads.

13. 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.

14. If at any time any 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, in accordance with the provisions of this Order, 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.

Penalty for not maintaining rails and road in good condition.

15. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist and the 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 exceeeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

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In any case in which it is represented in writing to the Board of Trade by 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.

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

16. 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.

17. 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 ten 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.

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

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

Application of road materials excavated in construction of works.

19. 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 26 of Tramways Act, 1870.

20. Sub-sections two, three, and four of section twenty-six of the Tramways Act, 1870, as incorporated with this Order, 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.

21. 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

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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.

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

Traffic upon Tramways.

Traffic upon tramways.

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

Promoters not bound to carry goods unless as provided in Order.

24. 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.

25. 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.

Tolls.

Tolls for passengers.

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

Passengers luggage.

27. Every passenger travelling upon the tramways may, subject to any bye-laws 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 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.

28. The Promoters, at all times after the opening of the tramways or any part or parts thereof for public traffic, shall and they are hereby required to run 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 artisans, mechanics, and daily labourers, at tolls or charges not exceeding one half-penny 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.

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

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

Periodical revision of tolls.

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

Miscellaneous.

Byelaws.

32. The powers of the local board 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 board to cause to be removed from the tramways any carriage or horse, harness or fittings, which shall be certified

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by an officer to be appointed by the local board 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 of the tramways.

Authentication of byelaws.

33. 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.

34. 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.

35. 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.

Provisions as to arbitration.

36. 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, and the costs of and incidental to the arbitration and award shall, if either party so require, be taxed and settled as between the parties by any one of the taxing-masters of the High Court of Justice, and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters; and all those enactments, including the enactments relating to the taking of fees by means of stamps, shall extend to the fees in respect of the said taxation.

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

37. 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 power of borrowing on mortgage.

38. 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 any mortgage granted by the Promoters shall 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, and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Form and delivery of notices.

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

(2.) Any notice to be delivered by or to the Promoters to or by the local board 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 respective clerk or secretary of such local board, authority, body, or company, at the town hall or such principal office.

Saving of rights of local authority.

40. 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 for general Acts.

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

SCHEDULE.

Tolls and Charges for Animals, Goods, &c.

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

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	s.	d.
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, 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

	Any distance. s.	d.
Small Parcels.		
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 fifty-six pounds in weight - - - - - -	0	9
For any parcel exceeding fifty-six but not exceeding five hundred pounds in weight, the person conveying the same under the provisions of this Order may demand and take any sum he thinks proper.		

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 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.

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.