CHAPTER cii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Dudley and Kingswinford Tramways, Llwynpiod (Carmarthen) Tramways, Paisley Tramways, and Salford Corporation Tramways. [22nd July 1885.]

A.D. 1885.

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, 1885.

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.

Protection of houses of labouring classes.

3. The Promoters mentioned in the said Orders shall not, under the powers of this Act or of the said Orders, without the consent

A.D. 1885.

of the Local Government Board, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which, after the passing of this Act, have been, or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

SCHEDULE.

LIST OF ORDERS.

Dudley and Kingswinford Tramways.—Order authorising the construction of tramways in the parish of Kingswinford, in the county of Stafford, and in the parishes of Dudley and Oldswinford, in the county of Worcester.

Llwynpiod (Carmarthen) Tramways.—Order authorising the construction of tramways in the parish of St. Peter, in the county of the borough of Carmarthen, and the parish of Abergwilly, in the county of Carmarthen.

Paisley Tramways.—Order authorising the construction of tramways in the burgh of Paisley, in the county of Renfrew.

Salford Corporation Tramways.—Order authorising the mayor, aldermen, and burgesses of the borough of Salford to construct tramways in the said borough.

DUDLEY AND KINGSWINFORD TRAMWAYS.

A.D. 1885.

Dudley and Kingswinford.

Order authorising the Construction of Tramways in the Parish of Kingswinford in the County of Stafford, and in the Parishes of Dudley and Oldswinford, in the County of Worcester.

Short title.

1. This Order may be cited as "The Dudley and Kingswinford Tramways Order, 1885."

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 "carriage" shall include truck; and

The term "person" shall include a corporation.

Promoters.

The promoters.

4. John Fell, of Leamington Priors, in the county of Warwick, Contractor, his executors, administrators, and assigns shall be the Promoters for the purpose of this Order, and are in this Order referred to as the Promoters.

Lands by agreement.

5. The Promoters may by agreement from time to time purchase 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 five acres of land.

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order, as the same have been amended previous to the passing of the Act confirming this Order (which amended plans and sections are in this Order respectively referred to as "the deposited plans" and "the deposited sections") the tramways hereinafter described with all proper rails chairs plates sleepers turnouts crossings junctions, passing places weighbridges weighing machines turntables hydrants offices workshops sheds stables carriage-houses engine houses warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same.

A.D. 1885.

Dudley and Kingswinford.

The tramways authorised by this Order are:—

A Tramway, No. 3.—2 miles three furlongs in length, of which 1 mile 6 furlongs 9·50 chains shall be single line, and 4 furlongs ·50 of a chain shall be double line, commencing at a point in the Dudley and Kingswinford Road 2·65 chains west of the intersection of the Wolverhampton and Wordsley Road, and passing in an easterly and north-easterly direction along the Dudley and Kingswinford Road, and terminating in that road at a point 6·70 chains west of the intersection with the road to Holly Hall, being the boundary between the counties of Stafford and Worcester.

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

In the Dudley and Kingswinford Road—

(*a*) From a point 1·40 chains east of the intersection of Cottage Street, for a distance of 3 chains easterly.

(*b*) From a point 3 chains west of the west side of the Old Court House Inn, for a distance of 4·50 chains easterly.

(*c*) From a point 1 furlong 3·30 chains east of the west side of the Old Court House Inn, for a distance of 3 chains easterly.

(*d*) From a point 8·50 chains west of the centre of the culvert conveying Bromley Brook under the road, for a distance of 3 chains westerly.

(*e*) From a point 2·70 chains east of the centre of the aforesaid culvert, for a distance of 3 chains easterly.

(*f*) From a point ·20 of a chain east of the centre of the bridge over the Stourbridge Extension Canal, for a distance of 3 chains easterly.

(*g*) From a point 3·40 chains west of the intersection of Shut End Road, for a distance of 6 chains easterly.

(*h*) From a point ·40 of a chain north-west of the intersection of Tansey Green Road, for a distance of 3 chains north-westerly.

(*i*) From a point ·90 of a chain east of the intersection of New Street, Pensnett, for a distance of three chains westerly.

(*j*) From a point ·90 of a chain west of the intersection of Chapel Street, Pensnett, for a distance of 3 chains easterly.

(*k*) From a point opposite the western side of Albert Street, Pensnett, for a distance of 3 chains easterly.

(*l*) From a point 6·80 chains east of the intersection of Albert Street, Pensnett, for a distance of 3 chains easterly.

A Tramway, No. 4.—1·52 chains in length, commencing by a junction with Tramway No. 3 in the Dudley and Kingswinford Road, at a point 1·10 chains west of the Wolverhampton and Wordsley Road, passing thence in a north-easterly and northerly direction, and terminating in the Wolverhampton and Wordsley Road at a point 1·40 chains north of the intersection of the Dudley and Kingswinford Road.

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

A Tramway, No. 5.—4 furlongs ·35 of a chain in length, of which 3 furlongs 1·90 chains shall be single line, and 8·45 chains shall be double line, commencing at the termination of Tramway No. 3, and passing thence in an easterly and north-easterly direction along the Dudley and Kingswinford Road, and terminating in the Dudley and Stourbridge Road by a

junction with the existing tramway at a point 3 chains north-east of the mineral railway level crossing.

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

In the Dudley and Kingswinford Road—

(*a*) From a point ·50 of a chain south-west of the intersection of the road to Holly Hall, for a distance of 5·45 chains north-eastward.

(*b*) From a point 1 furlong ·25 of a chain west of the termination of the tramway, for a distance of 3 chains westward.

A Tramway, No. 6.—5·50 chains in length, of which 2·17 chains shall be single line, and 3·33 chains shall be double line, commencing at the termination of the existing Dudley and Stourbridge Tramway at the centre of the bridge carrying the Dudley and Stourbridge Road, over the River Stour, passing thence into High Street (Stourbridge), and terminating in that street at a point 2·10 chains south of the south side of Mill Street.

Tramway No. 6 shall be laid as a single line except from a point opposite the centre of Bank Street to the termination of the tramway where it shall be laid as a double line.

Power for Dudley and Stourbridge Steam Tramways Company (Limited) to elect to be substituted for Promoters as to Tramway No. 6.

7. The powers in this Order contained for the construction and maintenance by the Promoters of Tramway No. 6 authorised by this Order shall be suspended for three months from the passing of the Act confirming this Order and the Dudley and Stourbridge Steam Tramways Company (Limited) (in this section called "The Dudley Company") may within a period of three months after the passing of the Act confirming this Order intimate to the promoters by notice in writing the intention of the Dudley Company to be substituted in the place of the Promoters for the purposes of this Order so far as the same relates to the said Tramway No. 6; and thereupon provided that the Dudley Company shall also cause a copy of such notice to be published within the like period once in "The London Gazette" all the rights powers and authorities conferred by this Order upon the Promoters as to the construction maintenance and use of the said Tramway No. 6 and the works connected therewith or incidental thereto shall subject to the provisions herein-after contained be transferred to and vested in and may thenceforward be exercised by the Dudley Company in like manner as if the Dudley Company had been in the first instance authorised by this Order to construct such tramway and works and the Dudley Company shall as to the said Tramway No. 6 be deemed to be the promoters of this Order instead of the Promoters and this Order shall be construed accordingly. Provided always that the provisions of this Order with respect to the traffic and tolls and charges by this Order authorised in relation to the tramways shall be applicable to and shall be observed by and the said tolls and charges may be demanded and taken by the Dudley Company as though they were by this Order made specially applicable to and were authorised to be observed demanded and taken on the said tramway.

Release of part of deposit as to Tramway No. 6.

8. In case the Dudley and Stourbridge Steam Tramways Company (Limited) elect as aforesaid to be substituted in place of the Promoters in respect of the said Tramway No. 6, then on the production of a certificate signed by a secretary or by an assistant secretary of the Board of Trade specifying the length of the said Tramway No. 6 and the portion of the deposit made by the

A.D. 1885.

Dudley and Kingswinford.

Promoters in pursuance of section twelve of the Tramways Act 1870 and the rules made by the Board of Trade under the powers of the said Act in respect of the application for this Order which bears to the whole of the said deposit the same proportion as the length of the said Tramway No. 6 bears to the entire length of the tramways the Chancery Division of the High Court of Justice shall on the application of the Promoters order such portion of the deposit so specified in such certificate as aforesaid to be paid or transferred to the Promoters or as they shall direct and the residue of the deposit shall be treated and dealt with as if it had been the deposit made in respect of the application for this Order with reference to the tramways authorised by this Order other than the said Tramway No. 6 and as if such last-mentioned tramways were the only tramways by this Order authorised.

For protection of Corporation of Dudley, and Dudley, &c. Tramways Company.

9. The sufficiency of all works to be constructed in the borough of Dudley under the powers of this Order shall be settled between the surveyor of the said borough the engineer of the Dudley and Stourbridge Steam Tramways Company (Limited) and the engineer of the Promoters, and in case of difference shall be determined by an engineer to be appointed by the Board of Trade who shall have the power to direct by which of the parties or in what proportion between the parties the costs of the reference to him shall be borne and paid.

For protection of Dudley &c. Tramways Company.

10. (*a.*) No works shall be done by the Promoters under the powers of this Order which will interfere with the tramways and works of the Dudley and Stourbridge Steam Tramways Company (Limited) (in this section called "the Dudley Company,") or any part thereof until after the Promoters shall have delivered to the Dudley Company plans and drawings of so much of the works proposed to be executed at and near the place of interference in accordance with the provisions of this Order as affect the before-mentioned tramways and works of the Dudley Company with specifications in writing describing the proposed manner of executing the same works and substituted works (if any) and shall have obtained from the Dudley Company a certificate under their common seal approving of such plans specifications and proposed manner of executing the said works and substituted works (if any) and the same shall be executed accordingly under the superintendence (such superintendence to be paid for by the Promoters) and to the reasonable satisfaction of the principal engineer of the Dudley Company and in no other manner without the consent in writing of the Dudley Company under its common seal. Provided always that the Dudley Company shall within fourteen days next after the delivery of such plans and specifications signify their approval or disapproval thereof and if disapproved the matter in question shall in such case be referred to and settled by arbitration in manner herein-after mentioned. Provided also that if the Dudley Company shall not within twenty-one days after the delivery of such plans and specifications signify their approval or disapproval thereof in writing as herein-before required they shall be deemed to have approved thereof and the Promoters may thereupon proceed with the works in the same way as if they had obtained such certificate or certificates of approval: and all materials taken up and removed by the Promoters under the provisions of this section shall be deemed to belong to the Promoters.

(*b.*) If any difference arise between the Dudley Company and the Promoters as to such works as are mentioned or referred to in this section or any of them or as to the propriety of or the mode of execution of any work relating to or

affecting the tramways or works of the Dudley Company or required to be done by the Promoters for the protection of such tramways and works the same shall be settled by an engineer or other fit person to be nominated as referee by the Board of Trade on the application of either party and the expenses of the reference shall be borne and paid as the referee directs.

(*c.*) If any interruption whatever in the traffic of the Dudley Company, shall at any time be occasioned by the act neglect or default of the Promoters or of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Promoters shall pay to the Dudley Company full compensation in money for all loss of traffic costs, damages, and expenses which the Dudley Company may sustain or be put to by reason of such interruption and shall also forfeit and pay to the Dudley Company in addition thereto for the benefit of the Dudley Company a sum equal to and after the rate of five pounds for every hour during which such interruption shall continue and shall save harmless the Dudley Company from all damages and costs in respect of such interruption, such compensation sum damages and costs to be recoverable by the Dudley Company in any court of competent jurisdiction and the expenses of all repairs or renewals of the tramways and works of the Dudley Company and of all the rails turnouts and works in connexion therewith which may be at any time hereafter rendered necessary by the acts or defaults of the Promoters their contractors agents workmen or servants or any person in the employ of them or any or either of them shall be borne and paid by the Promoters and may be recovered against them by the Dudley Company in manner aforesaid.

For protection of railways of Earl of Dudley.

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

(*a.*) The Promoters shall give fourteen days notice in writing to the said Earl, his heirs or assigns, or other the person or persons for the time being entitled to the said railway or branch railway of their intention to commence any works which may affect or in anywise interfere with the structural works of any such bridge, and shall at the same time send sufficient specifications or other information to show the nature of such works, and such works shall be constructed to the reasonable satisfaction of the said Earl or such person or persons so entitled as aforesaid, and so as not in any way to interfere with the traffic to, from, or upon such railway, or branch railway :

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

For protection of Great Western Railway Company.

12. In constructing and maintaining any tramway by this Order authorised, where it crosses any bridge carrying any road over any railway or canal belonging to the Great Western Railway Company, the Promoters shall be subject to the following conditions.

(*a.*) 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

A.D. 1885.

Dudleyand Kingswinford.

and maintain such tramway over such bridge and the approaches thereto a not to affect the same injuriously :

(*b.*) In the event of any injury being caused to any such bridge or approaches by the construction, maintenance, repairing, user, or removal of any such tramway, the said railway company may, at the expense of the Promoters, restore such bridge and approaches, or the part or parts thereof which may be injured, to as good a state and condition as they were in before such injury was occasioned, and the Promoters shall indemnify the said railway company against all sums, costs, and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge and approaches as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870, and the said 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 of like amount may be recovered :

(*c.*) Whenever and so often as the said railway company shall require to widen, lengthen, strengthen, reconstruct, alter, or repair any such bridge or approaches, or to lift or support any such bridge or approaches, owing to any subsidence thereof, caused by the minerals thereunder having been or being worked or gotten, and they shall find it necessary for effecting any of such purposes that the working and user of such tramway over such bridge or approaches shall be wholly or partly stopped or delayed, or that such tramway shall be temporarily diverted or be wholly or in part taken up or removed, and shall give to the Promoters three clear days notice in writing requiring such stoppage, delay, diversion, taking up, or removal, the working and user of such tramway shall be stopped or delayed, or the tramway shall be diverted or taken up or removed accordingly, at the expense of the Promoters, but only for so long a time as the said railway company find to be absolutely necessary for effecting such purposes and without their being liable for any compensation, claims, demands, damages, costs, or expenses for or in respect of such stoppage or delay, or in any way relating thereto. And in case the principal engineer of the said railway company, shall be of opinion that any such strengthening is necessary, owing to the carriages or other vehicles on any such tramway being or being intended to be moved by steam or any mechanical power, such strengthening shall be effected in all things at the expense of the Promoters, who shall also pay to the said railway company all additional expense which they may incur or be put to in effecting any such widening, lengthening, strengthening, reconstruction, alterations, repairs, lifting or supporting, by reason of the existence of any such tramway, or any of the works connected therewith. The amount of such expenditure shall be recoverable as aforesaid by the said railway company, from the Promoters, with full costs and charges, by all and the same means as any simple contract debt of like amount is recoverable :

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

(*e.*) All works which may be necessary in constructing and maintaining any of the tramways as aforesaid over or under any bridge, works, or property of the said railway company, shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the

principal engineer of the said railway company, or, in case of difference, of an engineer to be appointed by the Board of Trade on the application of the said railway company, or of the Promoters who shall have power to decide by which of the parties or in what proportion between the parties the costs of the reference to him shall be paid.

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

Gauge of tramways.

13. The tramways shall be constructed on a guage 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 carriages used on any tramway beyond the outer edge of the wheels of such carriages shall not apply to the carriages used on the tramways, but no engine or carriage used on the tramways shall exceed five feet six inches in width, or such other width as may from time to time be prescribed by the Board of Trade.

Provisions as to construction of tramways.

14. 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, maintaining, 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 rails.

15. 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.

15. The Promoters shall at all times to the satisfaction of the road authority 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

A.D. 1885.

Dudley and Kingswinford.

such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

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

Access to sewers.

17. 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 without the consent or concurrence of the Promoters and shall have power without such consent or concurrence 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 sewers drains or works as aforesaid as though the same were a pipe for the supply of gas or water laid before the construction of such tramways. Provided always that, if at any time after the passing of the Act confirming this Order any of such sewers or drains whether public or private or any other works of or belonging to or under the control of such local authority shall be or become injured or damaged by reason or in consequence of any act deed matter or thing of or by the Promoters or their servants, it shall be lawful for such local authority immediately thereupon or at any time thereafter at the cost and risk of the Promoters to do all reasonable and proper works for the thorough and efficient repair and reinstatement of such sewer drain or other works 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 of like amount may be recovered.

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

18. 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 the surface of road.

19. 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.

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

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

Temporary tramways may be made when necessary.

21. 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 conditions or 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.

22. 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

A.D. 1885.

Dudley and Kingswinford.

removal such surplus is not removed by the said surveyor or by some other person 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.

Extending provisions of section 26 of Tramways Act, 1870.

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

Paving and materials of roads.

24. 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.

25. If at any time any such part of any road in any district in which any of the tramways is laid as is by the Tramways Act 1870 required to be maintained and kept in good condition and repair by the Promoters shall in the judgment of the road authority of such district be not maintained and kept in such good condition and repair then it shall be lawful for such road authority to repair and amend the same and to recover the cost incurred by them in so doing from the Promoters by all and the same means as any simple contract debt of like amount 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.

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

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

Motive Power.

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

27. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power and during a period of seven years after the opening of the same for public traffic and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board by steam power or any mechanical or other power including haulage by means of wire ropes or chains placed underground and worked by stationary engine 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.

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

Byelaws.

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

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

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

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

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

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

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

A.D. 1885.

Dudley and Kingswinford.

As to recovery of penalties.

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

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

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

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

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

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

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

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

tramways or such part of the tramways are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation of 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 part of the tramways, unless there is in force, in relation to the tramways or such part of the tramways, a contract, agreement, or arrangement in accordance with the provisions of this section.

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

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

34. Where steam or any mechanical power is used by the Promoters or any person on the tramways or any part thereof, no contract, agreement, or arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid 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 the tramways or such part of the tramways are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or any mechanical power as aforesaid, or the making of such contract, agreement, or arrangement: Provided always that any such contract, agreement, or arrangement may from time to time be renewed with or without modification, or a new contract, agreement, or arrangement may be made instead thereof.

A.D. 1885.

Dudley and Kingswinford.

Traffic upon Tramways.

Traffic upon tramways.

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

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

36. 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.

Provisions as to carriage of animals, goods, &c.

37. 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 but 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 size than fifteen feet in length or seven feet in width.

Carriages.

38. The carriages to be used on the tramways within the borough of Dudley and within the district of the Stourbridge Improvement Commissioners, shall subject to the provisions of the Tramways Act 1870 and of this Order be of such width and construction and the wheels and brakes of and attached to such carriages shall subject as aforesaid be of such construction form and dimensions as the corporation of the said borough and the said commissioners may jointly approve or in case of difference as to such approval between the said corporation and the said commissioners as shall be determined by the Board of Trade.

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

39. The corporation of the borough of Dudley and the Stourbridge Improvement Commissioners respectively may from time to time by notice in writing to the Promoters for the purpose of regulating and facilitating the traffic on market and fair days for police or watch purposes for the execution of any works by them respectively or for any other purpose which the said corporation and the said commissioners respectively having regard to the good government of the said borough and of the district of the said commissioners respectively or the safety of the public deem necessary stop delay or suspend the working of the tramways or any of them in the said borough and the said district respectively but so that such stoppages delay or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid or any of them and the Promoters shall not be entitled to claim any compensation for damage in respect thereof.

Running powers over certain portions of tramways of Dudley and Stourbridge Steam Tramways Company (Limited).

40. The Promoters with the consent in writing of the Dudley and Stourbridge Steam Tramways Company (Limited) (in this section called "the Dudley Company") and with the consent of the Board of Trade may run over and use with their horses engines carriages officers and servants for the purposes of passenger traffic only that portion of the tramway belonging to or used by the Dudley Company which is situate between the point of junction of Tramway No. 5 authorised by this Order with that tramway at or near Springsmire and the termination of that tramway at the junction of the Tipton Road with the Birmingham and Dudley Road in the borough of Dudley aforesaid subject to such terms conditions and regulations as shall be mutually agreed upon between the Promoters and the Dudley Company: or as failing such agreement may be from time to time determined by an arbitrator to be nominated by the

Board of Trade in manner provided by section thirty-three of the Tramways Act 1870. Provided that such terms conditions and regulations shall in every case be approved by the Board of Trade and that the powers conferred by this section in respect of the said portion of tramway shall be subject to the user thereof by the Dudley Company for the purposes of their own traffic of all kinds and to the rights already given and granted by the Dudley Company to other tramway companies or promoters to use the same or any part thereof.

Byelaws to be observed by promoters in event of such user.

41. The Promoters in running over or using the said portion of tramway in accordance with the provisions herein-before contained shall at all times observe the regulations and byelaws for the time being in force on the said portion of tramway so run over and used so far as the same shall be applicable to the Promoters in the exercise of the said powers, and shall for their own acts and defaults in respect of such user incur all and the same liabilities as the Dudley Company.

Tolls.

Tolls for passengers.

42. The Promoters may demand and take for every passenger travelling upon any of the tramways or any part thereof including tolls and charges for the use of the tramways and of carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding one penny per mile or the Promoters may fix stages of not less than one mile in length and may demand and take for every passenger travelling as aforesaid any sum not exceeding one penny per stage (and for the purpose of this section a fraction of a mile or a fraction of a stage shall be deemed a mile or a stage as the case may be) but the Promoters nevertheless shall not be required to take any fare less than twopence.

Passengers' luggage.

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

Cheap fares for labouring classes.

44. The Promoters at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run 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 and charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny) Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Tolls for animals, goods, &c.

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

A.D. 1885.

Dudley and Kingswinford.

of the tramways and for wagons and trucks and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding the tolls and charges specified in the Schedule B. to this Order annexed subject to the regulations in that behalf therein contained.

Payment of tolls.

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

Periodical revision of tolls.

47. If at any time after three years from the opening for public traffic of 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 be revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

Miscellaneous.

Regulations, &c., by certain local authorities.

48. The powers of the Corporation of the borough of Dudley and the Stourbridge Improvement Commissioners respectively as the local authority under section 46 of the Tramways Act 1870, with respect to regulations and byelaws as to the matters and for the purposes therein mentioned, and with respect to the repeal and alteration of such byelaws, and the making of 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 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, and the entry or leaving of any carriage in any such place.

(*b*) Empowering the local authority to cause to be removed from the tramways any engine carriage or horse harness or fittings which shall be certified by an officer to be appointed by the local authority to be unfit for use on the tramways.

(*c*) For enforcing good conduct, attention and civility from the drivers and conductors of engines and carriages using the tramways.

(*d*) For regulating the user of any of the tramways.

Authentication of byelaws.

49. The Board of Trade may and they are hereby authorised to approve of byelaws and regulations 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 or regulation 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 or regulation purporting to be signed by a secretary or an assistant secretary of the Board of Trade shall be primâ facie evidence of such regulation or byelaw in all courts of justice and in all legal proceedings whatsoever.

Compensation for damage.

50. 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 of any district within which the tramways or any portion thereof are or is situate for all damage sustained by such local authority by reason or in consequence of the exercise of those powers or any of them.

Agreements between promoters and road authorities.

51. 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.

52. 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 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.

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

(*a*) Every notice shall be in writing or print, or partly in writing and partly in print (including lithograph), and if given by the Corporation of the borough of Dudley shall be signed by the town clerk of the said borough and if given by the Promoters or by any local authority or road authority by their secretary or clerk.

(*b*) Any notice to be delivered by or to the Promoters to or by the said 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 the respective clerk or secretary of such authority,

A.D. 1885.

Dudley and Kingswinford.

body, or company at the town hall or such principal office as the case may be.

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

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

Saving as to powers of borrowing on mortgage.

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

Restriction on power to sell Tramway No. 6.

56. In the event of the Promoters constructing Tramway No. 6 by this Order authorised it shall not be lawful for the Promoters to sell the said tramway or any part thereof under the power of sale given by section forty-four of the Tramways Act 1870, until they shall have offered in writing to sell the same or such part thereof as they may propose to sell to the Dudley and Stourbridge Steam Tramways Company (Limited) (in this section called "the Dudley Company"), at as low a price as they shall be willing to accept from any other person corporation or company for the same and the Dudley Company shall have refused or for the space of forty-two days neglected to accept such offer: Provided always that if such offer be accepted by the Dudley Company, the Promoters shall on payment or tender of the sum asked by them sell and assure the tramway or portion of tramway mentioned in their offer with all rights, powers, and authorities of the Promoters in respect thereof to the Dudley Company their successors and assigns and whether such offer be so accepted or not the Promoters shall not except in the case of a sale to the local authority under section forty-three of the Tramways Act, 1870, at any time sell the same tramway or portion of tramway to any person corporation or company at any less price or sum than that at which the same shall have been so offered by the Promoters to the Dudley Company.

Saving rights of Dudley and Stourbridge Steam Tramways Company (Limited).

57. Except as herein otherwise expressly provided nothing contained in this Order shall extend or be construed to take away, abridge, lessen, prejudice, or in any way affect or alter any of the estates, rights, interests, powers, authorities, immunities, advantages or privileges of or belonging or appertaining to or vested in the Dudley and Stourbridge Steam Tramways Company (Limited), and save as aforesaid that company shall and may have, use, exercise, and enjoy the same as fully, freely, and effectually in all respects as they could have done if this Order had not been made and confirmed.

Saving of rights of local authorities.

58. Except as is by this Order otherwise expressly provided, nothing in this Order contained shall extend or be construed to extend to take away, abridge, lessen, prejudice or in 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, within whose district the tramways or any part thereof are or is situate, and save as aforesaid such local authority shall and may have, use, exercise, and enjoy the same as fully, freely, and effectually in all respects as they could or might have done if this Order had not been made and confirmed.

Saving rights of Earl of Dudley.

59. Nothing in this Order contained shall extend or be construed to extend to take away, abridge, lessen, prejudice, or in any way affect or alter any of the estates, rights, interests, powers, authorities, immunities, advantages, or privileges of or belonging to William Earl of Dudley, or the lords for the time being of the respective manors of Dudley and Kingswinford, or his or their lessees, under or by virtue of the two several Acts of Parliament made respectively in the twenty-fourth year of the reign of King George the Third, entitled respectively "An Act for dividing and enclosing certain commons, waste lands and "commonable places within the manor and parish of Dudley in the county of "Worcester" and "An Act for dividing and enclosing the commons, waste lands, "commonable woods, and commonable places within the manor and parish of "Kingswinford in the county of Stafford." And the said Earl and the lord or lords for the time being of the said manors, and his and their lessees shall and may have, use, exercise, and enjoy the same estates, rights, interests, powers, authorities, immunities, advantages and privileges, as fully, freely and effectually in all respects as they could or might have done if this Order had not been made and confirmed.

Certain costs to be paid by promoters.

60. The Promoters shall pay to the corporation of the Borough of Dudley on demand the amount of all reasonable costs charges and expenses incurred by the said corporation in relation to this Order and the preparation of any agreements entered into between the said corporation and the Promoters as to this Order and to the application for and obtaining of this Order and to the confirmation thereof by Act of Parliament including Parliamentary agents and counsels' fees and all costs charges and expenses incurred by the said corporation in connection with or in opposing the making of this Order either with a view of obtaining the insertion in the Order of any provisions or otherwise.

Audit of accounts in event of purchase by local authority.

61. In case the local authority purchase the tramways or any part of the tramways, the provisions of the Public Health Act, 1875, with respect to the audit of accounts of local authorities shall apply to the audit of accounts of the receipts and expenditure of the local authority and their officers with respect to the tramways or such part thereof as if such accounts related to receipts and expenditure under that Act.

Carrying of mails by Promoters.

62.—(1). The Promoters if required by the Postmaster-General shall perform with respect to any tramway owned or worked by them, all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires: provided as follows:—

(*a.*) Nothing in this section shall authorise the Postmaster-General to require mails in excess of the following weight to be carried by the Promoters in or upon any carriage, that is to say,—

(i.) If the carriage is conveying or intended to convey passengers and not goods or parcels, then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and

A.D. 1885.

Dudley and Kingswinford.

(ii.) If the carriage is conveying or intended to convey parcels only, then in excess of such maximum weight as is for the time being fixed for ordinary parcels, or if that maximum appears to the Postmaster-General to be so low as to exclude him from availing himself of the use of any such carriage, then as is for the time being fixed by agreement, or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England; and

(iii.) If the carriage is conveying or intended to convey both parcels and passengers but not goods, then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers, whichever is the greater—

(*b.*) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers, but so nevertheless that the custody of the mails by any officer of the post office in charge thereof shall not be interfered with.

(*c.*) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the Promoters in or upon a carriage conveying or intended to convey passengers but not goods or parcels, except in charge of an officer of the post office travelling as a passenger.

(*d.*) If the Promoters carry goods as well as passengers and parcels, the enactments relating to the conveyance of mails by railway shall, subject to the provisions of this section, apply in like manner as if the Promoters were a railway company, and the tramways were a railway.

(2.) The remuneration for any services which have been performed by the Promoters in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the Promoters, or in default of agreement, by a referee to be appointed by the Lord Chief Justice of England at the request of either party, and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.

(3.) For the purposes of this section, the expression "mails" has the same meaning as in the Regulation of Railways Act, 1873, and includes parcels within the meaning of the Post Office (Parcels) Act, 1882.

(4.) For the purposes of this section, a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General or a Secretary or Assistant Secretary of the Post Office, or the Inspector-General of Mails; and any document purporting to be signed by any such person as aforesaid shall, until the contrary is proved, be deemed, without proof of the official character of such person, to have been duly signed as required by this section.

Saving for general Acts.

63. 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 further 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, electrical power, or any mechanical power by any such general Act as aforesaid.

SCHEDULES referred to in foregoing Order.

SCHEDULE A.

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

Every engine used on the tramways shall have its number shown in some conspicuous part thereof and shall be fitted— As to fittings of engines, &c.

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

With a suitable fender to push aside obstructions;

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

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

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

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

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. Inspection of engines and carriages.

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

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

SCHEDULE B.

TOLLS AND CHARGES FOR ANIMALS, GOODS, &C.

Animals.

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

A.D. 1885.

Dudley and Kingswinford.

Goods and Minerals.

	Per mile. s.	d.
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	6
For all cotton and other wools drugs manufactured goods and all other wares merchandise fish articles matters or things - - per ton	0	6
For every carriage of whatever description having two wheels - -	1	0
For every carriage of whatever description having three wheels -	1	6

Small Parcels.

	Any distance. s.	d.
For any parcel not exceeding seven pounds in weight - - -	0	3
For any parcel exceeding seven but not exceeding fourteen pounds in weight - - - - - - -	0	5
For any parcel exceeding fourteen but not exceeding twenty-eight pounds in weight - - - - -	0	7
For any parcel exceeding twenty-eight but not fifty-six pounds in weight - - - - - - -	0	9
For any parcel exceeding fifty-six but not exceeding five hundred pounds in weight such sum as the Promoters may think fit;		

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

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 sums 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 sums 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 as for three miles may be demanded and taken.

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

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

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

LLWYNPIOD (CARMARTHEN) TRAMWAYS.

Order authorising the construction of Tramways in the Parish of Saint Peter in the County of the Borough of Carmarthen and the Parish of Abergwilly in the County of Carmarthen.

Short title.

1. This Order may be cited as "The Llwynpiod (Carmarthen) Tramways "Order 1885."

Incorporation of Acts.

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

Interpretation.

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

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

The term "person" shall include a corporation.

Promoters.

The Promoters.

4. The Patent Slate Brick and Sanitary Tube 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 take on lease and acquire for the purposes of the undertaking such lands as they may

A.D. 1885.

Llwynpiod (Carmarthen).

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 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 plates offices weighbridges cranes sheds 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 (Number 1) commencing in the parish of Saint Peter in the county of the borough of Carmarthen on the south-eastern side of the public road from Carmarthen to Lampeter at the entrance to the Dolgwilly brickworks southward of the bridge carrying the said road over the river Gwilii continued thence along or by the side of the said road to and terminating in the parish of Abergwilly in the county of Carmarthen at a point in the said road opposite the Llwynpiod Quarry about fifty feet north-west of the bridge appurtenant or reputed to be appurtenant to the Llwynpiod Quarry which is carried over the said road ;

A Tramway (Number 2) wholly in the said parish of Abergwilly commencing by a junction with the said Tramway Number 1 on the westernmost side of the said public road at a point one hundred feet or thereabouts southward of the said bridge and terminating at a point on the easternmost side of the said road sixty feet or thereabouts from the said bridge ;

The said tramways shall be laid as single lines throughout ;

The total length of Tramway Number 1 will be six furlongs and eight chains ;

The total length of Tramway Number 2 will be 0·75 chains.

Gauge of tramways and width of carriages.

7. The tramways shall be constructed on a gauge of not less than two feet nor more than two feet six inches 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 or waggons used on the tramways but no carriage or waggon used on the tramways shall exceed three feet and six inches in width or such other width as may from time to time be prescribed by the Board of Trade.

Provisions as to construction of tramways.

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 or renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs

until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement 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 road in good condition.

10. The Promoters shall at all times to the satisfaction of the road authority 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.

Access to sewers.

11. 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 without the consent or concurrence of the Promoters and shall have power without such consent or concurrence 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 in the case of any such sewers drains or works as aforesaid as though the same were a pipe for the supply of gas or

A.D. 1885.

Llwynpiod (Carmarthen.)

water laid before the construction of such tramways Provided always that if at any time after the passing of the Act confirming this Order any of such sewers or drains whether public or private or any other works of or belonging to or under the control of such local authority shall be or become injured or damaged by reason or in consequence of any act deed matter or thing of or by the Promoters or their servants it shall be lawful for such local authority immediately thereupon or at any time thereafter at the cost and risk of the Promoters to do all reasonable and proper works for the thorough and efficient repair and reinstatement of such sewer drain or other work as aforesaid and if the Promoters shall not on demand pay to such local authority the reasonable costs and expenses incurred by them as aforesaid they may recover the same from the Promoters by all and the same means as any simple contract debt of like amount may be recovered.

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 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 either of them or for providing access to any 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 requirement: Provided that the expense of such removal remaking or relaying shall be borne by the road authority.

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 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 conditions or 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.

15. Any paving metalling or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters so far as may be necessary in or towards the reinstating of such road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain and the Promoters shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority or to such person or persons as he may appoint to receive the same Provided that if within seven days after notice in writing to the road authority that the surplus of such paving metalling or material is ready for removal such surplus is not removed by the said surveyor or by some other person 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.

Application of road materials excavated in construction of works.

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

Paving and materials of roads.

17. No part of the tramways shall be used for traffic until the same has been inspected and certified to be fit for 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 used for traffic.

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

18. (*a.*) The tramways shall be laid along or by the side of the road in such manner as to reduce the width of macadamised road as little as possible and if by the construction of the tramways or any part of the tramways any part of the macadamised road not occupied by the tramways shall be reduced to less than fifteen feet in width the Promoters shall forthwith at their own expense macadamise any portion of the road not macadamised at the date of the passing of the Act confirming this Order so as to make up so far as the width of the said road will permit the width of macadamised road unoccupied by the tramways to the said width of fifteen feet;

Special provisions as to construction and user of tramways.

(*b.*) Each waggon used on the tramways shall be fitted with steel wheels twelve inches in diameter and steel axles and an efficient hand screw break sufficient to stop on the steepest part of the tramways a waggon carrying a load of two tons or with such other wheels axles break or other appliances as may be from time to time approved by the Board of Trade such approval to be signified by a certificate of the said Board;

(*c.*) No waggon shall travel on any part of the tramways at a speed exceeding three miles an hour or on any part of the Tramway Number 1 authorised by this Order between points one furlong six chains and five furlongs four chains

A.D. 1885.

Llwynpiod (Carmarthen).

respectively from the commencement of the tramway at a speed exceeding two miles an hour;

(*d.*) Not more than two loaded waggons coupled together shall be run down the incline of either of the tramways or any part of such incline at one and the same time and every waggon or where two are coupled together every two waggons shall when running down such incline be under the charge of an efficient brakesman;

(*e.*) No part of either of the tramways shall be used between one hour after sunset and one hour before sunrise;

(*f.*) If the Promoters make default in complying with any of the provisions of this section they shall be liable to a penalty not exceeding twenty pounds for every such default and in the case of a recurring or continuing default to an additional penalty not exceeding five pounds for every day after the first on which such default continues and every such penalty may be recovered in manner provided by this Order as to the recovery of penalties by the road authority of any district within which the tramways or the part of the tramways in relation to which such default shall have occurred is situated or by the surveyor or any other officer of such authority.

Power of the Board of Trade for removal of tramways.

19. If at any time it is represented in writing to the Board of Trade or by or on behalf of not less than twenty inhabitant ratepayers of the parish of Abergwilly that the continued user of the tramways or any of them or any part thereof respectively is dangerous to the public safety the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that the truth of such representation has been proved to his satisfaction the said Board may by order direct the adoption by the Promoters of any further or other precautions in the method of working the same and the provision by the Promoters of any appliances which may in the opinion of the said Board be necessary for or incidental to such adoption and may (if they think fit) until such precautions or appliances are adopted and provided by the Promoters require the Promoters to refrain from making use of the same either wholly or partially and may (if they think fit) by order require the Promoters to discontinue and remove the tramways or any of them or any part thereof respectively. Provided always that the Board of Trade may from time to time after making any such order as aforesaid revoke or modify the same on good cause shown to them. The Promoters shall within six months after the making of any such order as aforesaid requiring the discontinuance and removal of any of the tramways or any part of any of the tramways take up and remove the same and fill in the ground and make level the surface of the road whereon the same were or was situated to the satisfaction of the road authority of the district within which the same were or was situated. If the Promoters shall make default in obeying any order of the Board of Trade made under the authority of this section the Promoters shall for every day during which such default continues be liable in the case of an order requiring the discontinuance and removal of any of the tramways or any part of any of the tramways to a penalty not exceeding fifty pounds and in the case of any other such Order to a penalty not exceeding ten pounds.

As to recovery of penalties.

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

A.D. 1885.

Llwynpiod (Carmarthen).

default in obeying any order made by the Board of Trade under the authority of this Order.

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

21. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Order at which carriages or waggons may travel 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 &c. of Board of Trade to be signed &c.

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

Traffic upon Tramways.

Traffic upon tramways.

23. The tramways may only be used for the purpose of conveying thereon stone slate and other minerals and any substances or articles necessary for the carrying on of the business of stone or slate merchants quarrymen or other like business.

Tolls.

Tolls.

24. The Promoters may demand and take in respect of any stone materials or minerals conveyed by them upon the tramways or any part thereof including tolls and charges for the use of the tramways and of waggons or trucks and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding the tolls and charges specified in the Schedule to this Order annexed subject to the regulations therein contained.

Payment of tolls.

25. 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.

Authentication of byelaws.

26. The Board of Trade may and they are hereby authorised to approve of byelaws and regulations 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 or regulation 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 or regulation purporting to be signed by a Secretary or an Assistant Secretary of the Board of Trade shall be primâ facie evidence of such byelaw or regulation in all courts of justice and in all legal proceedings.

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

A.D. 1885.

Llwynpiod (Carmarthen).

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.

28. With respect to notices and to the delivery thereof by or to the Promoters the following provisions shall have effect namely:—

1. Every notice shall be in writing or print or partly in writing and partly in print and if given by the Promoters or by any local authority or any road authority shall be signed by their secretary or clerk.
2. Any notice to be delivered by or to the Promoters to or by any local authority or any road authority or other body or any company may be delivered by being left at the principal office of such authority body or company or of the Promoters (as the case may be) or by being sent by post in a registered letter addressed to their respective clerk or secretary at such principal office.

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 contracts or agreements with respect to the laying down maintaining renewing removing repairing working and using of the tramways and the rails plates sleepers and works connected therewith and for facilitating the passage of trolleys and traffic over and along the same by means of animal power.

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

30. 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.

31. 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.

32. 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 electrical power or any mechanical power by any such general Act as aforesaid.

Llwynpiod (Carmarthen).

SCHEDULE.

Tolls and Charges for the Conveyance of Materials by the Promoters over the Tramways or any Part thereof.

	Any distance.
	s. *d.*
For all stone materials and minerals per ton not exceeding - -	1 2

Regulations 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.

In respect of stone sixteen cubic feet shall be deemed one ton weight and so in proportion for any smaller quantity.

PAISLEY TRAMWAYS.

Paisley.

Order authorising the construction of Tramways in the Burgh of Paisley in the county of Renfrew.

Short title.

1. This Order may be cited as "The Paisley Tramways Order 1885."

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 burgh" shall mean the burgh of Paisley in the county of Renfrew: and

The term "person" shall include a corporation.

A.D. 1885.

Paisley.

Promoters.

The promoters.

4. The Paisley 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 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 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 plates 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 Provided that no weigh-bridge weighing machine hydrant or works and conveniences connected therewith authorised by this section shall be made and laid down in any public highway except with the consent and subject to the approval of the road authority.

The Tramways authorised by this Order are the following :—

(1) A Tramway (No. 1) one mile four furlongs and 0·95 chains in length to be situated in the Abbey High Church and Middle Church parishes of Paisley all in the burgh of Paisley in the county of Renfrew and commencing in the highway leading from Paisley to Johnstone at a point two chains or thereabouts eastward from the centre of the bridge over the Candren Burn near Chain Road passing thence in an eastwardly direction along the said highway Ferguslie Broomlands Street Wellmeadow Street High Street The Cross and terminating opposite or nearly opposite Gilmour Street.

(2) A Tramway (No. 2) seven furlongs 4·10 chains in length to be situate in the Middle Church Low Church and Abbey parishes of Paisley all in the said burgh and commencing by a junction with the proposed Tramway No. 1 at its termination passing thence eastwardly along High Street St. James Bridge Smithhills Gauze Street Garthland Street Glasgow Road and terminating in the Glasgow Road at a point one chain or thereabouts westward from the junction of the Arkleston and Hawkhead Roads with the Glasgow Road.

The Tramways shall be laid as single lines except in the following instances where they shall be laid as double lines :

Tramway No. 1.

In the highway leading from Paisley to Johnstone—

(*a*) Between points respectively one chain and five chains from its commencement.

(*b*) Between points respectively seven chains and two chains westward from West Lane.

In Broomlands Street—

(*c*) Between points respectively seven chains and two chains south-westward from West Street.

In Wellmeadow Street—

(*d*) Between points respectively two chains and eight chains eastward from Castle Street.

In High Street—

(*e*) Between points respectively five chains and two chains westward from Storie Street.

Provided that this portion of tramway shall not be laid as a double line without the consent in writing of the Board of Trade.

In High Street and The Cross—

(*f*) For a distance of three chains from its termination.

Tramway No. 2.

In Smithhills—

(*a*) Between points respectively three-quarters of a chain westward and two and a quarter chains eastward from New Smithhills.

In Gauze Street and Garthland Street—

(*b*) Between points respectively one chain south-westward and four chains eastward from the junction of Gauze Street with Incle Street Garthland Street and Mill Street.

In Glasgow Road—

(*c.*) Between points respectively one chain and six chains eastward from Greenlaw Road.

Gauge of tramways.

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

Provisions as to construction of tramways.

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 or renewing any of the tramways lay before such road authority and the Board of Trade a plan sections and specification showing such tramways and the proposed mode of constructing laying down maintaining and renewing the same and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan sections specification and statement have been approved by such road authority and by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan sections specification and statement and under the superintendence and to the reasonable satisfaction

A.D. 1885.

Paisley.

As to paving certain streets within the Burgh of Paisley

of the surveyor for the time being of the road authority as provided by section twenty-six of the said Act.

9. In addition to the requirements of section twenty-eight of the Tramways Act 1870 the rails and paving of the tramways shall be laid on a bed of Portland cement concrete of a width of not less than eight feet where the tramways will consist of a single line and seventeen feet where the tramways will consist of a double line and the Promoters shall where the same are laid between West Street and Castle Street and New Street and Lawn Street and also if the local authority shall so require in such other streets as may be already causewayed prior to the laying of the same pave inside the rails and also outside the rails for a space of eighteen inches on each side with granite setts not less than five inches deep nor more than three and three-quarter inches wide and where the tramways are laid along macadamized roads the Promoters shall pave inside the rails and also outside the rails for a space of eighteen inches on each side with Whinstone blocks.

Promoters to pay portion of expense in respect of certain streets.

10. The Promoters shall one month before they commence the construction of any of the tramways pay to the local authority as Burgh Road Trustees the sum of one thousand pounds sterling as a contribution towards the expense which has recently been incurred by the local authority in laying Portland cement concrete in High Street from New Street westward, Wellmeadow Street, and Broomlands Street West to Castle Street.

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 require the Promoters to adopt and apply such improvements in the tramways including the rails and permanent way thereof together with the substructure upon which the same rest 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 to the satisfaction of the road authority 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 or by twenty inhabitant ratepayers of the burgh 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 footpath an 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 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.

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

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

Additional crossings &c. may be made where necessary.

15. The Promoters may from time to time hereafter make all such crossings passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient to the efficient working of the tramways or any of them or for providing access to any stables engine-houses carriage-houses sheds turntables weighbridges offices 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 any house shop or warehouse abutting on the place where such rail is proposed to be laid shall by writing under his hand addressed to the Promoters express his objection thereto.

Temporary tramways may be made when necessary.

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.

If any difference arises between the Promoters and the road authority with respect to the reasonableness of any conditions or 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.

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 the 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

A.D. 1885.

Paisley.

after completion of any of the tramways of so much of the roadway of such road on either side of such tramway as the Promoters are by this Order required to maintain and the surplus paving metalling or material not used or required to be retained for the purposes aforesaid shall belong to the road authority and the Promoters shall remove such surplus paving metalling or material to the depôt for the time being of such road authority or to such other place as the surveyor of such road authority may direct: Provided that if within seven days after notice in writing by the said surveyor to the Promoters the surplus of such paving metalling or material is not so removed the said surveyor or some other person named by him for that purpose may remove the same at the expense of the Promoters. Any difference between the Promoters and the 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.

Repairs to roads.

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

Extension of section 26 of Tramways Act 1870.

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

Access to sewers.

20. The local authority and their officers and servants respectively shall at all times have free access to and communication with all existing and future sewers drains gas pipes and mains (whether public or private) under the control of or maintained or repaired by the local authority and the man-holes ventilating shafts and other works in connection therewith and shall have power without the consent or concurrence of the Promoters to construct any new or additional public or private sewers or drains gas pipes or mains and any man-holes ventilating shafts or other works connected therewith and any lateral or private drains to communicate therewith and the provisions contained in sections thirty-two and thirty-three of the Tramways Act 1870 shall be applicable to the case of any such works as aforesaid as though the same were a pipe for the supply of gas or water laid before the construction of such tramways: Provided always that if at any time after the passing of the Act confirming this Order any of such sewers or drains (whether public or private) or any of the other works of or belonging to or under the control of the local authority as the case may be shall be or become injured or damaged by reason or in consequence of any act deed matter or thing done by the Promoters or their servants it shall be lawful for the

local authority immediately thereupon or at any time thereafter at the cost expense and risk of the Promoters to do what the local authority shall deem necessary for the thorough and efficient repair and reinstatement of such sewer drain or other works as aforesaid and if the Promoters shall not on demand pay to the 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 of like amount may be recovered.

Breaking up streets by local authority.

21. Nothing in this Order contained shall obstruct hinder prejudice or prevent the local authority from breaking up any road in their district for any purpose for which they are authorised to break up any road and for such purpose they may stop the traffic along the tramways for such time as may be reasonably required for the execution of the works authorised by the local authority.

Promoters not to have any claim in respect of interruption of traffic.

22. The Promoters shall have no claim whatever for any interruption of traffic which may necessarily arise from any works executed by the local authority in on under or over any road on which any of the tramways may be laid or from the use of any implements or materials they may use in the maintenance thereof provided such works shall be executed with all reasonable despatch.

Traffic on roads not to be stopped or impeded.

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

As to alterations of sidings, &c.

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

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

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

Motive Power.

Carriages may be moved by animal steam or mechanical power.

26. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power and during a period of seven years after the opening of the same for public traffic and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board by steam power or any mechanical power.

Provided always that no steam or mechanical power shall be used on the tramways without the previous consent in writing of the Board of Trade and the local authority and provided further that the exercise of the powers hereby conferred with respect to the use of steam or other 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

A.D. 1885.

Paisley.

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 and provided further that the local authority in granting such consent may attach such conditions (not being inconsistent with the provisions of this Order) thereto as they may think fit and may thereafter on giving six months previous notice in writing to the Promoters withdraw such consent should the use of steam power or any mechanical power be in their opinion dangerous to the inhabitants of the burgh but the decision of the local authority withdrawing such consent shall be subject to an appeal to the Board of Trade whose decision shall be final.

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

27. 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 or contrary to the conditions subject to which the consent to the user of the same was given 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 or with any such condition 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.

28. 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 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 engine;

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

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

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

For limiting the number of carriages for the conveyance of animals goods minerals and parcels to be drawn or propelled together by steam or other

mechanical power and the hours during which such carriages shall be used on such tramways;

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to such tramways by the 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.

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

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

30. 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 bye-laws to signed, &c.

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

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

32. 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 in writing of such intention to the road authority.

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 and keeping in repair of the whole or any part of the roadway of any road upon which the tramways or such part of the tramways are or is laid or with respect to the payment by the Promoters to the 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 the road authority by notice to be served upon the Promoters or such person not later than forty days after the receipt by the road authority of such first-mentioned notice to determine such contract agreement or arrangement and thereupon such contract agreement or arrangement shall from and after the commencement of the use of steam or any mechanical power upon the tramways or such part thereof be determined and of no effect.

A.D. 1885.

Paisley.

Before using steam or any mechanical power on the tramways or any part thereof and thereafter from time to time the Promoters or such person and the 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 upon which the tramways or such parts of the tramways are or is laid or with respect to the payment by the Promoters or such person to the 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 the road authority and the Promoters or such person as to the determination of any such contract agreement or arrangement or in case the road authority after request in writing by the Promoters or such person or the Promoters or such person after request in writing by the 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 part of the tramways unless there is in force in relation to the tramways or such part of the tramways a contract agreement or arrangement in accordance with the provisions of this section.

Any moneys which may from time to time be received by the 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.

33. Where steam or any mechanical power is used by the Promoters or any person on the tramways or any part thereof no contract agreement or arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid 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 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 the 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.

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

Promoters not bound to carry animals goods &c.

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

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

36. 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 set apart for that purpose and within such hours as the local authority may from time to time prescribe: Provided that this provision shall not apply to the carriage of passengers' luggage: Provided also that nothing in this Order contained shall be construed to oblige the Promoters to provide for the conveyance of or to carry goods of greater length or width than fifteen feet in length or five feet in width.

Passenger cars to be run at prescribed intervals.

37. The Promoters shall on being required so to do by the local authority run passenger cars on the tramways at intervals of not less than fifteen minutes between the hours of eight o'clock in the morning and eight o'clock in the evening.

Carriages to be subject to approval of local authority.

38. All engines and carriages to be used on the tramways shall be subject to the reasonable approval of the local authority and any difference between the Promoters and the local authority under this section shall be settled by the Board of Trade.

Suspension of traffic by order of the local authority.

39. The local authority 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 for police purposes for regulating and facilitating traffic on any public occasion or demonstration or for the execution of any works or repairs by the local authority or for any purpose which the local authority in the exercise of their powers for the good government of their 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 the local authority be liable to pay any compensation or damages in respect thereof.

Regulations &c. by local authority.

40. The powers of the local authority under the Tramways Act 1870 with respect to regulations and byelaws as to the matters and for the purposes therein mentioned and with respect to the repeal and alteration of such byelaws and the making of new byelaws shall subject to the provisions of this Order extend and apply to the following matters and purposes (that is to say)—

Prohibiting the stopping of tramway carriages to take up and set down passengers or for any purpose in any place which the local authority having

A.D. 1885.

Paisley.

regard to the protection safety or convenience of the public may from time to time deem necessary and the entry or leaving of any carriage in any such place ;

Empowering the local authority to cause to be removed from the tramways any engine carriage or horse which in their opinion is unfit for use on the tramways ;

Enforcing good conduct attention and civility from the drivers and conductors of the tramway engines and carriages ;

The numbering of the tramway engines and carriages ;

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

Tolls.

Tolls for passengers.

41. The Promoters may demand and take from every passenger travelling upon the tramways or any part thereof including tolls and charges for the use of the tramways and carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding one penny per mile (and for this purpose the fraction of a mile beyond an integral number of miles shall be deemed a mile) but the Promoters shall not be required to take any toll or charge less than one penny Provided always that the local authority shall have power to fix stations at half-mile distances along the tramways for the computation of the said tolls and charges.

Passengers' luggage.

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

Cheap fares for labouring classes.

43. The Promoters at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run carriages each way every morning in the week and every evening (except Saturday evening) in the week (Sundays always excepted) at such hours not being later than seven in the morning or earlier than five in the evening respectively and on Saturday afternoon between the hours of one and three in the afternoon as the Promoters may think most convenient for artisans mechanics and daily labourers at tolls or charges not exceeding one halfpenny per mile (and for this purpose a fraction of a mile shall be deemed a mile but the Promoters shall not be required to take any toll or charge less than one penny) Provided that in case of any complaint made to the local authority as to the number of such carriages or as to the hours appointed by the Promoters for the running of such carriages the local authority shall have power to fix and regulate the same from time to time.

Tolls for animals, goods, &c.

44. The Promoters may demand and take in respect of any animals goods minerals or parcels conveyed by them on the tramways or any part thereo 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 in that behalf therein contained.

Payment of tolls.

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

Periodical revision of tolls.

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

Miscellaneous.

Promoters answerable for acts and defaults of contractors.

47. The provisions of section fifty-five of the Tramways Act 1870 shall extend and apply to all cases of accident damage and injury happening through the act or default of any contractors or sub-contractors engaged or employed by the Promoters or through the act or default of any person in the employment of such contractors or sub-contractors and for the purposes of this Order the said section shall be read and construed accordingly.

Cleansing of tramways.

48. The road authority may cleanse any road without reference to the tramways but whatever cleansing owing to snow or other matter impeding the traffic is requisite for the proper working of the tramways shall be executed by the Promoters at their own risk and cost and the Promoters shall in performing the same remove the snow or other matter to such place as the road authority may reasonably prescribe not exceeding half a mile from some part of the tramways and the Promoters shall not use salt or other unsuitable material for the thawing of the snow on any road.

Form and delivery of notices.

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

(1.) Every notice shall be in writing or print or partly in writing and partly in print and if given by the Promoters shall be signed by their secretary or clerk and if given by the local authority shall be signed by the town clerks of the burgh or one of them and if given by the road anthority shall be signed by such town clerks or one of them or by the clerk to the Commissioners of Police of the burgh.

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

A.D. 1885.

Paisley.

company or of the Promoters (as the case may be) or by being sent by post in a registered letter addressed to the town clerks at the Council Chambers or to the clerk to the Commissioners of Police at his office or to the secretary of such other body or company or of the Promoters at such principal office as the case may be.

Agreements between promoters and road authority.

50. The Promoters and the road authority may subject to the provisions of this Order from time to time enter into any agreement with respect to the construction maintaining removing renewing repairing and using of the tramways and the rails plates sleepers and works connected therewith and the facilitating of the passage of the traffic over the same.

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

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

Compensation for damage.

52. 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 road authority for all damage sustained by them by reason or in consequence of the exercise of those powers or any of them.

Approval of Board of Trade to sale &c.

53. 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.

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

Amendment of section 43 of Tramways Act 1870.

55. Section forty-three of the Tramways Act 1870 shall with respect to the undertaking be read and construed as if in lieu of the words "twenty-one years "from the time when such Promoters were empowered to construct such "tramway" the words "ten years from the opening of such tramway for public traffic" were therein contained.

Provided further that in case the local authority shall within six months after the expiration of a period of ten years from the completion and opening for public traffic of the tramways decide pursuant to the said forty-third section of the Tramways Act 1870 as amended by this section to require the Promoters to sell to them the undertaking the price to be paid by the local authority upon such sale shall be the amount of the original cost of the construction of the tramways

and of all lands buildings and other permanent works comprised in or used for the purposes of the undertaking (but exclusive of any amount in respect of any sums which may have been paid as promotion money in respect of the undertaking) and the then value of all works not being permanent works and of all materials and plant of the Promoters suitable to and used by them for the purposes of the undertaking such cost and value respectively to be in case of difference determined by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party and the expenses of the reference to be borne and paid as the referee directs.

Provided also that upon such sale as aforesaid the Promoters shall allow the local authority to inspect and make copies of and extracts from all contracts entered into by the Promoters in relation to the construction and execution of such tramways buildings and permanent works as aforesaid.

In event of sale under section 44 of the Tramways Act 1870 Promoters to give local authority option of purchase.

56. In the event of the Promoters desiring to exercise the power of sale conferred by section forty-four of the Tramways Act 1870 they shall if such sale is intended to be made to any person or persons other than the local authority before completing such sale give to the local authority two calendar months' previous notice in writing of such their intention specifying therein the price and the terms upon which they propose to make such sale and the local authority may thereupon if by resolution passed at a special meeting of the members constituting such local authority in accordance with the provisions of section forty-three of the Tramways Act 1870 they so decide within the said period of two months by notice in writing require the Promoters to sell to them the undertaking at the price and upon the terms specified in such first-mentioned notice or if the terms shall be inconsistent with the constitution or powers of a local authority the equivalent in money of such terms and upon payment or tender of such price and upon the local authority undertaking to comply with such terms (or on payment or tender by the local authority of such equivalent as the case may be) the Promoters shall forthwith sell the undertaking to the local authority accordingly and all the Provisions of the Tramways Act 1870 with respect to the purchase of the undertaking by the local authority save and except so much thereof as regulates the terms of sale shall extend and apply to any sale to the local authority under this section and in case any difference arises as to the equivalent of any terms or otherwise in relation to such purchase 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.

Carrying of mails by Promoters.

57. (1) The Promoters if required by the Postmaster-General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires provided as follows :—

(*a*) Nothing in this section shall authorise the Postmaster-General to require mails in excess of the following weights to be carried by the Promoters in or upon any carriage that is to say :—

(i.) If the carriage is conveying or intended to convey passengers and not goods or parcels then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and

(ii.) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster-General

A.D. 1885.

Paisley.

to be so low as to exclude him from availing himself of the use of any such carriage then as is for the time being fixed by agreement or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England ; and

(iii.) If the carriage is conveying or intended to convey both parcels and passengers but not goods then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers whichever is the greater.

(*b*) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with.

(*c*) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the Promoters in or upon a carriage conveying or intended to convey passengers but not goods or parcels except in charge of an officer of the Post Office travelling as a Passenger.

(*d*) If the Promoters carry goods as well as Passengers and parcels the enactments relating to the conveyance of mails by railway shall subject to the provisions of this section apply in like manner as if the Promoters were a railway company and the tramways were a railway.

(2) The remuneration for any services which have been performed by the Promoters in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the Promoters or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.

(3) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

(4) For the purposes of this section a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General or a secretary or assistant secretary of the Post Office or the Inspector-General of Mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

Saving for general Acts.

58. Notwithstanding anything in this Order contained the Promoters and any person using the tramways shall be subject and liable to the provisions of any general Act now in force or which may hereafter be passed during this or any future session of Parliament relating to tramways or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon and to any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges authorised by this Order and to any condition regulation or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power steam power electrical 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 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 exit from and accommodation in such carriage and their protection from the machinery of any engine used for drawing or propelling such carriage.

Inspection of engines and carriages.

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

As to speed.

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

The speed at which engines and carriages may pass through movable 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 - - -	0	6
For every ox cow bull or head of cattle - - - -	0	6
For calves pigs sheep and small animals per head - - -	0	3
Goods and Minerals.		
For all coal culm cannel limestone chalk lime slate clay iron-stone undressed or scrubbed stones for building pitching and paving slag stone salt sand cinders and all undressed materials for the repair of public roads timber or wood - - - per ton	0	3

A.D. 1885.

Paisley.

	Per Mile s.	d.
For all iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron wrought iron not otherwise specifically classed herein and for heavy iron castings (including railway chairs) tiles bricks coke charcoal dung manure and compost per ton	0	3
For all sugar grain corn flour hides dye-woods earthenware staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - - per ton	0	4
For all cotton and other wools drugs manufactured goods and all other wares merchandise fish articles matters or things per ton	0	4
For every carriage of whatever description - - - -	0	10

Any distance.

Small Parcels.

	s.	d.
For any parcel not exceeding in weight seven pounds - -	0	3
For any parcel exceeding seven but not exceeding fourteen pounds in weight - - - - - - - -	0	5
For any parcel exceeding fourteen but not exceeding twenty-eight pounds in weight - - - - - - - -	0	7
For any parcel exceeding twenty-eight but not exceeding fifty-six pounds in weight - - - - -	0	9
For any parcel exceeding fifty-six pounds and not exceeding five hundred pounds in weight, such sums as the Promoters think proper.		

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

Single Articles of great Weight.

	Per Mile s.	d.
For the carriage of any boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons per ton - - - - - - - -	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 the Promoters may demand and take such sum as they 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 as for three miles may be demanded and taken.

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

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

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

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

SALFORD CORPORATION TRAMWAYS

Salford Corporation.

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

Short title.

1. This Order may be cited as "The Salford Corporation Tramways Order 1885."

Construction of Order.

2. The Salford Tramways and Improvement Act 1875 (in this Order referred to as "the Act of 1875") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Incorporation of Acts.

3. 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.

4. 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" mean respectively the tramways and works and the undertaking by this Order authorised;

The expression "the Corporation" means the mayor aldermen and burgesses of the borough of Salford in the county palatine of Lancaster acting by the council;

The expression "the borough" means the said borough of Salford; and

The term "person" includes Corporation.

Promoters.

The Promoters.

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

Lands by agreement.

6. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell or dispose of any such lands which may

A.D. 1885.

Salford Corporation.

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 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 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 sheds buildings works and conveniences connected therewith or for the purposes thereof.

The tramways authorised by this Order will be situate wholly within the borough and in the parishes of Manchester and Eccles and are the following:—

Tramway No. 1—1 mile 2 furlongs 0·92 chains or thereabouts in length wholly situated in the Bury New Road in the township of Broughton and parish of Manchester commencing by a junction with the existing tramways in the Bury New Road at a point 2 chains south-east of the ornamental lamp situated in the carriage-way where Moor Lane joins that road and terminating by a junction with the existing tramways at the point where they cross the boundary between the city of Manchester and the borough of Salford;

Tramway No. 2—1 mile 4·66 chains or thereabouts in length wholly in the said township of Broughton and parish of Manchester commencing in the Bury New Road by a junction with Tramway No. 1 at a point opposite to Broom Lane proceeding thence along Lower Broughton Road and Great Clowes Street and terminating by a junction with the existing tramways in Great Clowes Street at a point about 0·5 of a chain south of the junction of Broughton Lane with that street;

Tramway No. 3—4 furlongs 2·3 chains or thereabouts in length wholly in the said township of Broughton and parish of Manchester commencing by a junction with the existing tramways in Great Clowes Street at a point about 1·33 chains north of the centre of Broughton Bridge passing along Great Clowes Street and Lower Broughton Road and terminating by a junction with the existing line of tramways in Lower Broughton Road at a point 1 chain north of the junction of Camp Street with that road;

Tramway No. 4—1 furlong 0·65 chains or thereabouts in length wholly in the township of Salford and parish of Manchester commencing in the centre of Trafford Road at a point 0·65 of a chain south-west of the junction of Regent Road with Trafford Road passing thence along the centre of Trafford Road and terminating at a point opposite the production of the north side of Tatton Street in a westerly direction;

Tramway No. 5—1·21 chains or thereabouts in length wholly in the said township of Salford and parish of Manchester commencing in Trafford Road by a junction with Tramway No. 4 at its commencement and terminating

in Regent Road by a junction with the existing tramway at a point 0·75 of a chain east of the junction of Cross Lane with Regent Road;

Tramway No. 6—1 furlong 3·70 chains or thereabouts in length wholly in the said township of Salford and parish of Manchester commencing by a junction with the existing tramways in Regent Road at a point 0·56 of a chain eastward of the junction of Goodiers Lane with Regent Road and passing into and along Goodiers Lane to the end of Tatton Street and terminating at a point 1 chain east of the centre of Trafford Road being the commencement of Tramway No. 8;

Tramway No. 8—1·86 chains or thereabouts in length wholly in the said township of Salford and parish of Manchester commencing at the termination of Tramway No. 6 at a point 1 chain east of the centre of Trafford Road and terminating by a junction with Tramway No. 4 at a point opposite the production of the north side of Tatton Street;

Tramway No. 9—2·25 chains or thereabouts in length wholly in the said township of Broughton and parish of Manchester commencing in the Bury New Road by a junction with the existing tramways of the Corporation at a point about 1·58 chains south of the junction of Moor Lane with that road and terminating at a point 2·27 chains north of its commencement by a junction with the Manchester Bury and Rochdale Tramways in Bury New Road aforesaid;

The Tramways No. 1 and No. 9 shall be laid as double lines and the remainder of the tramways shall be laid as single lines except between the following points where they shall be laid as double lines that is to say:—

Tramway No. 2—.

In Bury New Road and Lower Broughton Road—

For a distance of 2 chains south of the commencement of the tramway: Provided that the last-mentioned part of the said Tramway No. 2 shall not be laid as a double line except with the consent in writing of the Board of Trade;

In Lower Broughton Road and Great Clowes Street—

For a distance of 2·5 chains north from the northerly corner of the grounds of Broughton Bank and a point 0·5 of a chain south of that corner—the length of such double line will be 3 chains;

In Great Clowes Street—

Between points respectively 1·5 chains north and 1·5 chains south of the junction with Hope Street—the length of such double line will be 3 chains;

Between points respectively 1·5 chains north-east and 1·5 chains south-west of the junction with Back Duncan Street—the length of such double line will be 3 chains;

Between a point 0·5 of a chain north-east of the gate of "The Priory" and a point 2·5 chains south of the same—the length of such double line will be 3 chains;

Between points respectively 1·5 chains north-west and 1·5 chains south-east of the junction with Wellington Street—the length of such double line will be 3 chains;

.D. 1885.

Salford orporation.

Between a point 0·5 of a chain north-west of Murray Street and a point 2·5 chains south-east of the same—the length of such double line will be 3 chains ;

Between points respectively 1·5 chains north-west and 1·5 chains south-east of the junction with Great Cheetham Street West—the length of such double line will be 3 chains ;

Between points respectively 1·5 chains north-west and 1·5 chains south-east of the junction with Fenney Street—the length of such double line will be 3 chains ;

Between a point 0·5 of a chain north of the northern end of Northern Terrace and a point 2·5 chains south of the same—the length of such double line will be 3 chains ;

Between points respectively 2·05 chains north and 0·44 chains south of the junction with Broughton Lane—the length of such double line will be 2·51 chains ;

Tramway No. 3—

In Great Clowes Street and Lower Broughton Road—

For a distance of 1·59 chains north-west of the commencement of the tramway ;

In Lower Broughton Road—

Between a point 0·33 of a chain east of Armitage Street and a point 0·60 of a chain north-west of the junction with Hough Lane—the length of such double line will be 3 chains ;

Between points respectively 1 chain south-east and 2 chains north-west of the junction with Montague Street—the length of such double line will be 3 chains ;

Between points respectively 1·5 chains south-east and 1·5 chains north-west of the junction with Heath Street the length of such double line will be 3 chains ;

Between a point 3·15 chains south-east of the junction of Camp Street and a point opposite the production of the south-east side of that street —the length of such double line will be 3 chains ;

The total length of the several tramways herein-before mentioned will be 3 miles 1 furlong 7·55 chains of which the total length of double line will be 1 mile 6 furlongs 8·27 chains and of single line 1 mile 2 furlongs 9·28 chains.

Provided that the Promoters shall not lay down any portion of Tramway No. 1 along the Bury New Road unless and until such road shall have been made of sufficient width to allow a space of not less than 9 feet 6 inches to intervene between the outside of the footpath on both sides of the road and the nearest rail of the tramway.

Gauge of tramways and width of carriages.

8. The tramways shall be constructed on a gauge of four feet eight inches and a half : 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.

Provisions as to construction of tramways.

9. In addition to the requirements of section twenty-six of the Tramways Act 1870 the Promoters shall before they proceed to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the

tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement.

For the protection of Daniel Busby and William Turton.

10. For the protection of Daniel Busby and William Turton or others the lessees for the time being under an indenture of lease dated the twenty-seventh day of July one thousand eight hundred and seventy-seven (in this section referred to as "the lessees") the following provisions shall have effect (that is to say):—

(1.) For the purpose of calculating the further rent to be paid to the Corporation by the lessees in respect of Tramway No. 1 an estimate shall be prepared jointly by the engineer of the Corporation and the engineer of the lessees of the expense which would have been incurred in constructing the existing Tramways in the Bury New Road if the same had been originally constructed as a double line between the points of commencement and termination of Tramway No. 1 and such further rent shall be calculated after the rate of ten pounds per centum per annum upon the excess which such estimate shows over and above the sum actually expended in the laying down the said existing Tramways in Bury New Road and the cost of the works comprised in such estimate shall in case of difference be settled in the manner provided by Section 33 of the Tramways Act 1870;

(2.) Tramway No. 1 shall for all purposes be deemed to be the same as existing Tramway No. 1 and shall be considered as being included in the lease and subject to the same terms and conditions as are therein mentioned;

(3.) If by reason of the construction of any of the works by this Order authorised the full use and enjoyment of any of the Tramways comprised in the said lease are in any way interrupted or interfered with the Corporation shall pay to the lessees compensation for such interruption or interference and the amount of such compensation shall unless agreed on be determined by a referee to be appointed by the Board of Trade under the provisions of Section 33 of the Tramways Act 1870;

(4.) The Corporation before they commence to make any junction between the Tramways and their existing Tramways shall (if the said lease be then subsisting) give notice in that behalf in writing to the lessees and every such junction shall be made to their reasonable satisfaction;

(5.) As to any of the Tramways which are not leased to or agreed to be worked by the lessees and which shall not be so worked the Corporation shall not complete the same for a distance of at least twenty-five feet from any tramway leased to the lessees or agreed to be worked by them so as to form a through communication between the Tramways and the existing Tramways without the previous consent in writing of the lessees but on the giving of

A.D. 1885.

Salford Corporation.

such consent or on the determination of the said lease the Corporation may complete the said communication in manner shown on the deposited plans and sections;

(6.) The present termination of the Tramway along Bury New Road already leased shall not be altered during the existence of the lease for a distance of thirty yards without the consent of the lessees.

(7.) Except as in this section expressly provided nothing in this Order contained shall prejudice abridge or affect the provisions of the said lease or the rights or interests of the lessees thereunder;

(8.) If any question arise between the Corporation and the lessees under or in relation to this section such question shall be determined in manner provided by the Tramways Act 1870.

As to rails of tramways.

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

Penalty for not maintaining rails and roads 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 twenty inhabitant ratepayers of the Borough that the Promoters have made any such default as aforesaid the Board of Trade may if they think fit direct an 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 footpath 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 road and the nearest rail of the Tramway than nine feet six inches the Promoters shall and they are hereby required to construct a passing-place or passing-places connecting the one Tramway with the other and by means of such passing-place or passing-places the traffic shall when necessary be diverted from one Tramway to the other.

Additional crossings &c. may be made where necessary.

14. The Promoters may from time to time hereafter make all such crossings passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient to the efficient working of the Tramways or any of them or for providing access to any stables carriage-houses sheds or works of the Promoters

or their lessees or licensees: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid by writing under his hand addressed to the Promoters express his objection thereto.

Temporary Tramways may be made when necessary.

16. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the Tramways are laid it is in the opinion of the Promoters necessary or expedient temporarily to remove or discontinue the use of such Tramway or any part thereof the Promoters may from time to time construct in the same or any adjacent road and maintain so long as occasion may require a temporary Tramway or temporary Tramways in lieu of the Tramway or part of a Tramway so removed or discontinued.

Application of road materials excavated in construction of works.

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

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

18. 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.

Abandonment of portions of authorised Tramways.

19. The Promoters shall abandon discontinue and remove the following portions of Tramways authorised by the Act of 1875 (that is to say):—

The whole of Tramway No. 44; and

So much of Tramway No. 1 as is laid in the Bury New Road;

And all the sidings and passing-places connected therewith respectively.

Motive Power.

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

20. The carriages used on the Tramways may subject to the provisions of this Order be moved by animal power and 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 by means of haulage with wire ropes or other appliances placed underground or by means of electrical power steam power or any mechanical power and (with the like consent during such further period of seven years as the said Board may from time to time specify in any order to be signed by a Secretary or an Assistant Secretary of the said Board) by electrical power steam power or any mechanical power (including such haulage as aforesaid).

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

A.D. 1885.

Salford Corporation.

this Order conferred with respect to the use of electrical steam or any mechanical power on the Tramways:

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

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

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

Byelaws.

22. Subject to the provisions of this Order the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of the Tramways upon which electrical 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.

Further powers to Corporation as to making byelaws.

23. The powers of the Local Authority under the Tramways Act 1870 with respect to the making regulations and byelaws as to the matters and for the purposes therein mentioned and with respect to the repeal and alteration of such byelaws shall for the purposes of and subject to the provisions of this Order extend and apply to regulations and byelaws for prohibiting any engine or carriage from running on the Tramways (except Tramways Numbers 1 and 2) or any part or parts thereof on Sunday Christmas Day and Good Friday respectively and on any day or days on which from the condition of the roads in which the Tramways or any of them are laid or from any other cause whatsoever the Corporation may consider the Tramways or any of them unfit for traffic.

As to recovery of penalties.

24. 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.

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

Orders and byelaws to be signed &c.

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

As to use of steam &c. on existing Tramways.

27. The provisions contained in this Order with respect to the motive power to be used on the Tramways shall with the consent in writing of the Board of Trade to be signified by a certificate of the said Board extend and apply to the Tramways authorised by the Act of 1875 such consent to be given only after notice of the intention of the Promoters to apply therefor shall have been advertised once at least in some local newspaper published in the Borough.

Traffic upon Tramways.

Traffic upon Tramways.

28. The Tramways may but only with the consent of the Corporation be used for the purpose of conveying passengers animals goods minerals and parcels.

Lessees not bound to carry animals goods &c.

29. Unless so required by the terms of the lease the lessees 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.

Provisions as to carriage of animals goods &c.

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

A.D. 1885.

Salford Corporation.

separate parts of carriages set apart for that purpose: Provided that this provision shall not apply to the carriage of passengers' luggage.

Heavy traffic between 8 a.m. and 8 p.m.

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

Corporation may use Tramways for sanitary purposes.

32. The Corporation may at such times and in such manner as they think fit but subject to the provisions of this Order and to any byelaws for the time being in force with respect to the Tramways use the Tramways for sanitary purposes and for the conveyance of scavenging stuffs road metal and other materials required for the works of the Corporation free of all tolls and charges in respect of such use.

Tramways to form part of undertaking authorised by Salford Tramways &c. Act 1875 while leased to same person.

33. The Tramways authorised by this Order so long as they are leased to the same lessees as the Tramways or any part thereof authorised by the Act of 1875 shall for the purposes of tolls and charges (except as by this Order otherwise expressly provided) be deemed to form part of the Tramways authorised by the said Act and Sections eighteen to twenty-four (both inclusive) of that Act and the first schedule annexed thereto shall during the period aforesaid and so far as the same are applicable apply to the Tramways by this Order authorised in like manner in every respect as if the Tramways by this Order authorised formed part of the Tramways authorised by the said Act and for the purposes of such application the expression "the Tramways" in the said sections shall be construed to mean the Tramways as defined by this Order.

Tolls.

Tolls and charges.

34. The tolls and charges authorised by this Order to be demanded and taken are except as in the next preceding section of this Order specially provided as follows, viz. :—

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

For all animals goods minerals and parcels conveyed upon the Tramways or any part thereof any tolls or charges not exceeding the tolls and charges specified in the Schedule B to this Order annexed subject to the regulations in that behalf therein contained ;

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

Passengers' luggage.

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

Cheap fares for labouring classes.

36. The lessees shall if and when required by the Corporation or by the Board of Trade at all times during the continuance of the demise of the Tramways run at least two carriages each way every morning in the week and every evening in the week (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 as the Promoters think most convenient for artizans mechanics and daily labourers at tolls or charges not exceeding one halfpenny per mile (and for this purpose a fraction of a mile shall be deemed a mile) but the lessees shall not be required to take any toll or charge less than one penny and the lessees shall be liable to a penalty not exceeding five pounds for every day except as aforesaid on which they do not run such number of carriages as aforesaid in accordance with the provisions of this section: Provided always that the lessees shall not be liable to any such penalty if the failure to run such number of carriages as aforesaid arises from circumstances over which the lessees have no control: Provided always that in case of any complaint made to the Board of Trade as to the number of such carriages or as to the hours appointed by the Promoters for the running of such carriages the said Board shall have power to fix and regulate the same from time to time. Every lease to be granted by the Promoters shall imply a condition of re-entry if the lessees at any time after the expiration of twenty-one days' notice requiring them to run such carriages at such times and at such tolls or charges as hereinbefore mentioned make default in complying with such notice unless such default be occasioned by unavoidable accident.

Payment of tolls.

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

Periodical revision of tolls.

38. If at any time after three years from the opening for public traffic of the Tramways or any portion of the Tramways or after three years from the date of any order made in pursuance of this section in respect of the Tramways or any portion of the Tramways it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the Borough or by the lessees that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the Tramways or on such portion of the Tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the Tramways or on such portions 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.

A.D. 1885.

Salford Corporation.

Opening of Tramways to the Public.

As to user of Tramways and tolls thereon when open to be used by the Public.

39. Subject to any lease or agreement for a lease the Promoters may from time to time by resolution declare the Tramways or any part thereof to be open to be used by the public and for such periods and subject to such conditions and restrictions as to motive power and otherwise as the Promoters may subject to the provisions of this Order and the approval of the Board of Trade think fit and such user may be either concurrently with the lessees or otherwise and so soon as the Promoters have passed such resolution and the same has been approved by the Board of Trade by writing signed by a Secretary or an Assistant Secretary of the Board of Trade any person may use the Tramways or any part thereof in accordance with the terms of such resolution and subject to the provisions of this Order with carriages having flange wheels or other wheels suitable only to run on the rail of the Tramways and may demand and take for the like purposes for which tolls or charges are authorised to be demanded and taken by this Order any tolls or charges not exceeding the tolls and charges by this Order authorised to be demanded and taken for such purposes.

Tolls if Tramways open to be used by the Public.

40. If the Tramways or any part thereof be declared to be open to be used by the public the Promoters may demand and take from any person so using the Tramways or any part thereof the following tolls and charges in respect of such user (namely) :—

For every passenger travelling in or upon any of the carriages of such person any tolls or charges not exceeding one-half of the tolls and charges by this Order authorised to be demanded and taken by such person for such passenger ;

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

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

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

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

Certain provisions of Tramways Act 1870 as to licensees extended to persons using Tramways when open to Public.

42. The provisions contained in the following sections of the Tramways Act 1870 (namely) :—

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

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

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

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

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

shall so far as the same are applicable in this behalf extend and apply mutatis mutandis to the person or persons so using the Tramways or any part thereof

declared to be open to be used by the public and in construing those sections for the purposes aforesaid—

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

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

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

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

Miscellaneous.

Engines carriages or horses unfit for use may be removed.

43. The Corporation or any committee of the council or any officer of the Corporation appointed for the purpose may cause to be removed from the Tramways any engine carriage or horse which is certified by any officer appointed by the Corporation to be unfit for use upon the Tramways. Provided that every certificate made by the said officer to the Corporation shall be in writing and shall state fully the particulars in which in the opinion of the said officer the engine carriage or horse (as the case may be) is unfit for use and notice of every such certificate setting forth the particulars contained in the said certificate shall be served upon the lessee or other person owning or using such engine carriage or horse prior to any action being taken thereon by the Corporation: Provided further that if any dispute arise between the Corporation and such person as to the fitness or unfitness of any such engine carriage or horse the same shall be settled by two Justices.

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

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

Provisions as to arbitration.

45. 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.

46. 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 shall be signed by the town clerk of the borough if given by

A.D. 1885.

Salford Corporation.

the Promoters and by their clerk or secretary if given by any local or road authority;

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

Corporation may borrow £35,000 to be repaid in 30 years.

47. The Corporation may under and according to the provisions contained in section twenty of the Tramways Act 1870 or in manner provided by the Local Loans Act 1875 borrow for the purposes of this Order in addition to any sum or sums of money they are already authorised to borrow any sum or sums of money not exceeding in the whole thirty-five thousand pounds and the time for which such sum of thirty-five thousand pounds may be borrowed shall be thirty years and for the purpose of such borrowing the Corporation may include in any mortgage of the local rate the moneys coming to them out of the rents reserved under any lease made under the authority of this Order and the tolls charges and sums authorised to be taken or received by them under the provisions of this Order.

Borrowing under Local Loans Act.

48. If the Corporation decide to borrow in manner provided by the Local Loans Act 1875 any moneys which they are authorised by this Order to borrow they may create and issue debenture stock and may secure the discharge of any moneys borrowed by any of the methods provided by that Act including a sinking fund and for the purposes of such discharge thirty years shall be deemed to be the prescribed period.

Audit of accounts.

49. Sections two hundred and forty-six and two hundred and fifty of the Public Health Act 1875 shall apply to the audit of the accounts of the receipts and expenditure of the Corporation and their officers with respect to the tramways as if such accounts related to receipts and expenditure under that Act.

Carrying of mails by lessees.

50. (1.) The lessees or persons by whom any of the tramways may be worked (who are in this section referred to collectively as "the lessees") if required by the Postmaster-General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires: Provided as follows:—

(A) Nothing in this section shall authorise the Postmaster-General to require mails in excess of the following weights to be carried by the lessees in or upon any carriage (that is to say):—

(1) If the carriage is conveying or intended to convey passengers and not goods or parcels then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and

(2) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster-General to be so low as to exclude him from availing himself of the use of any such carriage then as is for the time being fixed by agreement or in

default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England ; and

(3) If the carriage is conveying or intended to convey both parcels and passengers but not goods then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers whichever is the greater ;

(B) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with ;

(C) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the lessees in or upon a carriage conveying or intending to convey passengers but not goods or parcels except in charge of an officer of the Post Office travelling as a passenger ;

(D) If the lessees carry goods as well as passengers and parcels the enactments relating to the conveyance of mails by railway shall subject to the provisions of this section apply in like manner as if the lessees were a railway company and the tramways were a railway.

(2.) The remuneration for any services which have been performed by the lessees in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the lessees or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.

(3.) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster General may be signified by writing under the hand of any person who is at the time either such Postmaster-General or a Secretary or Assistant Secretary of the Post Office or the Inspector-General of Mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

Saving rights of Corporation.

51. Nothing in this Order shall be construed to take away abridge alter or prejudically affect any rights powers jurisdiction authorities privileges or remedies of the Corporation.

Saving for general Acts.

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

A.D. 1885.

Salford Corporation.

this Order and to any condition regulation or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power electrical power steam power or any mechanical power by any such general Act as aforesaid.

SCHEDULE A.

Break power of engines.

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

As to fittings of engines &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

As to carriages.

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

Inspection of engines and carriages.

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

As to speed.

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

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

SCHEDULE B.

TOLLS AND CHARGES FOR THE CONVEYANCE OF ANIMALS GOODS &c.

Animals.

	Any distance. £	s.	d.
For every horse mule or other beast of draught or burden - -	0	0	6
For every ox cow bull or head of cattle - - -	0	0	6
For every calf pig sheep or other small animal - - -	0	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 manures and all undressed materials for the repair of public roads or highways per ton - - - - - - - - -	0	0	3
For all iron iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fire-clay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs per ton - - - - - - - -	0	0	3
For all timber or wood per ton - - - - -	0	0	3
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	0	4
For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things per ton -	0	0	4
For every carriage of whatever description not weighing more than one ton ten pence and the additional sum of two pence for every additional quarter of a ton above one ton.			

Single Articles of Great Weight.

For the carriage of any boat iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage shall not exceed four tons per ton - - - - - - - -	0	0	8
For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage shall exceed four tons such sum as the person or persons entitled to demand and take tolls and charges in respect of the same may think fit.			

A.D. 1885.

Salford Corporation.

Parcels.

	Any distance. £	s.	d.
For any parcel not exceeding seven pounds in weight - -	0	0	3
For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight - - - - -	0	0	5
For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight - - - - -	0	0	7
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - -	0	0	9
For any parcel exceeding fifty-six pounds in weight such sum as the person or persons entitled to demand and take tolls and charges in respect of the same may think fit.			

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

Regulations as to Tolls.

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

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

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

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