CHAPTER xxi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Bradford Corporation Tramways, Drypool and Marfleet Steam Tramways, City of Oxford and District Tramways, and Stratford, Ilford, and Romford Tramways. A.D. 1886.

[25th September 1886.]

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:

1. This Act may be cited as the Tramways Orders Confirmation (No. 2) Act, 1886. Short title.

2. The several Orders as 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. Confirmation of Orders in Schedule.

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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 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.

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

Drypool and Marfleet Steam Tramways.—Order authorising the construction of tramways in the parishes of Drypool and Marfleet, the township of Southcoates, and the parish or extra-parochial place of Garrison-side, in the borough and town and county of the town of Kingston-upon-Hull.

City of Oxford and District Tramways Extensions.—Order authorising the construction of additional tramways in the county and city of Oxford and in the county of Berks.

Stratford, Ilford, and Romford Tramways.—Order authorising the Stratford, Ilford, and Romford Tramways Company, Limited, to construct tramways in the parishes of Little Ilford, Barking, Dagenham, and Romford, in the county of Essex.

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BRADFORD CORPORATION TRAMWAYS.

Bradford Corporation.

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

Short title.

1. This Order may be cited as "The Bradford Corporation Tramways Order, 1886."

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" 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 Bradford in the West Riding of the county of York acting by the Council:

The expression "the borough" means the said borough of Bradford:

The expression "the Order of 1883" means the Bradford Corporation Tramways Order 1883: and

The term "person" includes a Corporation.

Promoters.

The Promoters.

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

Lands by agreement.

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

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the 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 hereinafter described with all proper rails plates offices weigh-bridges stables carriage-houses warehouses works and conveniences connected therewith or for the purposes thereof;

The tramways authorised by this Order are—

Bradford Corporation.

Tramway No. 1.—One mile four furlongs nine chains twenty-five links in length in the township of Bradford in the said borough commencing with a junction with the existing tramway in Leeds Road at a point 51 feet west of the centre of Harris Street passing thence in a northerly direction along Leeds Road Harris Street Barkerend Road and Otley Road and terminating at the borough boundary at Undercliffe in the last-mentioned road.

Tramway No. 1A.—A passing place three chains eighty-five links in length in the last-named township commencing by a junction with the existing tramway in Leeds Road at a point 51 feet west of the centre of Harris Street passing thence in a northerly direction along Leeds Road and Harris Street and terminating by a junction with Tramway No. 1 at a point 52 feet north of the centre of Green Street.

Provided always that Tramway No. 1A shall not be constructed unless and until the roadway between the curbs throughout the whole length of the said tramway has been widened to a width of not less than 27 feet.

Tramway No. 1B.—One furlong eight chains sixty links in length in the last-named township commencing in Harris Street with a junction with the said Tramway No. 1 at a point 53 feet north of the centre of Peckover Street passing thence in a westerly and northerly direction along Scoresby Street East Parade and Otley Road and terminating in the last-mentioned road by a junction with Tramway No. 1 at a point 45 feet south of the centre of Paper Hall Street.

Tramway No. 1C.—Seven chains eighty links in length in the last-named township commencing in Harris Street with a junction with the said Tramway No. 1 at a point 100 feet south of the centre of Humboldt Street passing thence in a westerly direction along Humboldt Street and terminating in East Parade by a junction with the said Tramway No. 1B at a point 53 feet north of the centre of Humboldt Street.

Tramway No. 1D.—A passing place three chains forty links in length in the last-named township commencing and terminating in Otley Road by a junction with Tramway No. 1 at points respectively 58 feet north of the centre of Airedale Square and 40 feet south of the centre of Tennyson Place.

Tramway No. 1E.—A passing place three chains forty links in length in the last-named township commencing and terminating in Otley Road by a junction with Tramway No. 1 at points respectively opposite to and 224 feet north of the centre of St. Augustine's Terrace.

Tramway No. 1F.—A passing place eight chains sixty links in length in the last-named township commencing and terminating in Otley Road by a junction with Tramway No. 1 at points respectively 50 feet south of the centre of Airedale Road and 42 feet west of the centre of Sydenham Place.

Tramway No. 1G.—A passing place four chains in length in the last-named township commencing and terminating in Otley Road by a junction with Tramway No. 1 at points respectively 160 feet and 424 feet east of the entrance to Undercliffe Cemetery.

Tramway No. 1H.—A tramway two chains eighty links in length in the last-named township commencing in Otley Road by a junction with Tramway No. 1 at a point 203 feet north-east of the centre of Mint Street and

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terminating at a point 125 feet south-east of Otley Road on land known as Bradford Moor belonging or reputed to belong to the Corporation.

Tramway No. 1I.—A tramway one chain seventy links in length in the last-named township commencing by a junction with Tramway No. 1H at a point 50 feet south-east of Otley Road and terminating in Otley Road by a junction with Tramway No. 1 at a point 350 feet north-east of Mint Street.

The whole of the above tramways consist of a single line save as herein-after mentioned (that is to say) a portion of Tramway No. 1 and the whole of Tramway No. 1A form a double line between the points where Tramway No. 1A commences and terminates as aforesaid. The length of such double line is three chains eighty-five links. Another portion of Tramway No. 1 and the whole of Tramway No. 1D form a double line between the points where Tramway No. 1D commences and terminates as aforesaid. The length of such double line is three chains forty links. Another portion of Tramway No. 1 and the whole of Tramway No. 1E form a double line between the points where Tramway No. 1E commences and terminates as aforesaid. The length of such double line is three chains forty links. Another portion of Tramway No. 1 and the whole of Tramway No. 1F form a double line between the points where Tramway No. 1F commences and terminates as aforesaid. The length of such double line is eight chains sixty links. Another portion of Tramway No. 1 and the whole of Tramway No. 1G form a double line between the points where Tramway No. 1G commences and terminates as aforesaid. The length of such double line is four chains. The total length of all the said Tramways No. 1 to No. 1I both inclusive is two miles fifteen links of which the total length of single line is one mile five furlongs six chains ninety links and of double line two furlongs three chains and twenty-five links.

Tramway No. 2.—One mile nine chains fifty links in length. Partly in each of the townships of Manningham and Allerton in the said borough commencing by a junction with the existing tramway in Thornton Road at a point 20 feet east of the centre of Cemetery Road, proceeding thence in a north-westerly direction along Allerton Road and terminating in the last-mentioned road at a point 88 feet south-east of the centre of Grape Street.

Tramway No. 2A.—A passing place six chains in length in the township of Manningham aforesaid commencing and terminating in Allerton Road by a junction with Tramway No. 2 at points respectively 90 feet south-east and 306 feet west of the centre of Squire Lane.

Tramway No. 2B.—A passing place three chains forty links in length in the last-named township commencing and terminating in Allerton Road by a junction with Tramway No. 2 at points respectively 40 feet and 264 feet north-west of the centre of Crow Tree Lane.

Tramway No. 2C.—A passing place three chains forty links in length in the last-named township commencing and terminating by a junction with Tramway No. 2 at points respectively 44 feet south-east and 180 feet north-west of the centre of the entrance to Hedge Side Farm.

Tramway No. 2D.—A passing place four chains in length partly in each of the said townships of Manningham and Allerton commencing by a junction

with Tramway No. 2 in the said township of Manningham at a point 47 feet south-east of the centre of Pearson Lane in Allerton Road and terminating in the said road by a junction with Tramway No. 2 in the said township of Allerton at a [point 217 feet west of the centre of Pearson Lane.

Tramway No. 2E.—A passing place three chains forty links in length in the said township of Allerton commencing and terminating in Allerton Road by a junction with Tramway No. 2 at points respectively 113 and 337 feet south-west of the centre of the entrance to Street Gap Farm.

Tramway No. 2F.—Two chains eighty links in length in the last-named township commencing in Allerton Road by a junction with Tramway No. 2 at a point 50 feet north-east of the centre of Chapel Lane and terminating at a point 148 feet south of the centre of Greenbank Road.

Tramway No. 2G.—One chain fifty links in length in the last-named township commencing by a junction with Tramway No. 2F in Chapel Lane at a point 48 feet south of the centre of Greenbank Road and terminating by a junction with Tramway No. 2 in Allerton Road at a point 53 feet west of the centre of Greenbank Road.

Provided always that Tramway No. 2 shall not be constructed unless and until the roadway has a width between the curbs of not less than twenty-three feet three inches where the line is single and of not less than thirty-one feet three inches where the line is double.

The whole of the above-named Tramways No. 2 to No. 2G both inclusive consist of a single line save as herein-after mentioned (that is to say) A portion of Tramway No. 2 and the whole of Tramway No. 2A form a double line between the points where Tramway No. 2A commences and terminates as aforesaid. The length of such double line is six chains. Another portion of Tramway No. 2 and the whole of Tramway No. 2B form a double line between the points where Tramway No. 2B commences and terminates as aforesaid. The length of such double line is three chains and forty links. Another portion of Tramway No. 2 and the whole of Tramway No. 2C form a double line between the points where Tramway No. 2C commences and terminates as aforesaid. The length of such double line is three chains and forty links. Another portion of Tramway No. 2 and the whole of Tramway No. 2D form a double line between the points where Tramway No. 2D commences and terminates as aforesaid. The length of such double line is four chains. Another portion of Tramway No. 2 and the whole of Tramway No. 2E form a double line between the points where Tramway No. 2E commences and terminates as aforesaid. The length of such double line is three chains and forty links. The total length of the Tramways No. 2 to No. 2G both inclusive is one mile one furlong three chains eighty links of which the total length of single line is seven furlongs three chains sixty links and of double line two furlongs and twenty links.

Tramway No. 3.—One mile five furlongs seventy chains ninety links in length in the township of Horton in the said borough commencing with a junction with the existing Tramway in Manchester Road at a point 33 feet north of the centre of Park Road proceeding thence in a westerly and south-westerly direction along Park Road Little Horton Lane Horton Park Avenue Great Horton Road and High Street and terminating at a point in

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Ewart Street at Great Horton 148 feet south-east of the centre of High Street.

Tramway No. 3c.—Three furlongs nine chains twenty-five links in length in the last-named township commencing at a point 55 feet south-west of the centre of Laisteridge Lane proceeding thence in a south-westerly and westerly direction along Little Horton Lane and Horton Park Avenue and terminating in the said Avenue by a junction with Tramway No. 3 at a point 130 feet west of the centre of the entrance to Horton Park.

Tramway No. 3e.—A passing place four chains ninety links in length in the last-named township commencing in Horton Park Avenue by a junction with Tramway No. 3 at a point 170 feet east of the centre of Great Horton Road and terminating in Great Horton Road at a point 150 feet north-east of the centre of the road to St. John's Parsonage.

Tramway No. 3f.—A passing place three chains forty links in length in the last-named township commencing and terminating in Great Horton Road with a junction with Tramway No. 3 at points respectively 120 feet north-east and 104 feet south-west of the centre of Hart Street.

Tramway No 3g.—A passing place one furlong two chains thirty links in length in the last-named township commencing and terminating in High Street with a junction with Tramway No. 3 at points respectively 5 feet south-west of the centre of Hunt Yard and 82 feet south-west of the centre of Harris Court.

Provided always that Tramway No. 3 and Tramway No. 3g shall not be used as a passing place between the south-west side of Paternoster Lane and the front entrance of the Bull's Head Hotel, and provided that the remaining portions of the said passing place shall not be constructed unless and until the roadway between the curbs throughout the whole length of such portions shall be of a width of not less than 27 feet.

Tramway No. 3h.—Two chains sixty links in length in the last-named township commencing in Ewart Street by a junction with Tramway No. 3 at a point 47 feet south-east of the centre of High Street, and terminating in High Street at a point 100 feet south-west of the centre of Havelock Street.

Tramway No. 3i.—One chain forty links in length in the last-named township commencing in High Street with a junction with Tramway No. 3 and terminating in the last-mentioned street by a junction with Tramway No. 3h at points respectively 46 feet north-east and 46 feet south-west of the centre of Ewart Street.

Provided always that, save as is hereinbefore provided with respect to Tramway No. 3c, Tramway No. 3 (excepting Tramway No. 3e) shall not be constructed unless and until the roadway between the curbs shall be of a width of not less than 23 feet 3 inches in the case of a single line nor than 31 feet 3 inches in the case of a double line.

The whole of the above-named Tramways No. 3 to No. 3i both inclusive consist of a single line save as herein-after mentioned that is to say a portion of Tramway No. 3 and the whole of Tramway No. 3c form a double line between the points where Tramway No. 3c commences and terminates as aforesaid. The length of such double line is three furlongs nine chains twenty-five links. Another portion of Tramway No. 3 and the whole of Tramway No. 3e form a double line between the points where Tramway

No. 3E commences and terminates as aforesaid. The length of such double line is four chains ninety links. Another portion of Tramway No. 3 and the whole of Tramway No. 3F form a double line between the points where Tramway No. 3F commences and terminates as aforesaid. The length of such double-line is three chains forty links. Another portion of Tramway No. 3 and the whole of Tramway No. 3G form a double line between the points where Tramway No. 3G commences and terminates as aforesaid. The length of such double line is one furlong two chains thirty links.

The total length of all the said Tramways No. 3 to No. 3I both inclusive is one mile six furlongs one chain ninety links of which the total length of single line is one mile two chains five links and of double line five furlongs nine chains eighty-five links.

All the Tramways herein-before mentioned will be situate wholly in the townships of Bradford Manningham Allerton and Horton or some or one of them in the parish and borough of Bradford in the West Riding of the County of York.

For the protection of the Great Northern Railway Company.

7. In addition to any other provisions contained in or made applicable by this Order the following provisions for the protection of the Great Northern Railway Company (in this section referred to as the company) shall have effect that is to say :—

No crossing passing-place siding turnout junction or other work shall be made on any of the tramways for the whole distance extending in front of the Horton Park Station of the company as such station (but exclusive of the platform) is shown on the deposited plan nor for the length of ten yards from each end of that station.

No engine tramcar or other vehicle used on the tramways or any of them shall within the said distance and lengths be stopped except and only so long as shall be absolutely necessary for the purpose of discharging or taking up passengers. The Promoters shall for any and every breach of this provision be liable to a penalty not exceeding forty shillings without prejudice to any remedy of the company for any loss or damage they may suffer by reason of any obstruction to their traffic caused by such breach.

The Promoters shall at their own expense in all things maintain and keep in good condition and repair with such materials and in such manner as the company shall direct and to their satisfaction the whole width of the road on and over the bridge carrying Little Horton Lane over the railway of the company (including the approaches to the said bridge and the footways of the said road and approaches) and shall indemnify the company against all costs charges and expenses to which they might be liable for and in relation to the repair or maintenance of the said road and approaches.

Gauge of tramways and width of carriages.

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

Provisions as to construction of tramways.

9. In addition to the requirements of section twenty-six of the Tramways Act 1870 the Promoters shall 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

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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.

As to rails of tramways.

10. 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.

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

In any case in which it is represented in writing to the Board of Trade by 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 herein-before imposed with respect to offences.

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

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

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

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

Temporary tramways may be made when necessary.

14. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is 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.

15. 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 a manner as they may think fit.

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

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

Motive Power.

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

17. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power and 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 pneumatic power steam power or any mechanical power and with the like consent 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 means of any such motive drawing or propelling power as aforesaid :

Provided always that the exercise of the powers hereby conferred with respect to the use of any such power as aforesaid other than animal 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 on the tramways of any such power as aforesaid other than animal power.

Provided also that the lessees under any lease made by the Promoters shall not use any power other than animal 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 mechanical power contrary to Order or regulations.

18. The lessees or any person using any power other than animal 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

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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 any power other than animal 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 by Board of Trade.

19. Subject to the provisions of this Order the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of the tramways upon which any power other than animal 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 :

For making any other provision which the Board may deem necessary for the protection of the public.

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 byelaws.

20. The Corporation in addition to any other regulations and byelaws which they are authorised to make under the Tramways Act 1870 or under this Order may subject to the provisions of the Tramways Act 1870 with respect to byelaws by the local authority and to penalties in respect of offences against such byelaws from time to time make alter vary and rescind byelaws for the better regulation and control of enginemen drivers conductors and other persons employed in and about the tramways or any of them and for the licensing of the same and as to the penalties which may be enforced for any breach of such byelaws.

Provided always that until any such byelaws are in force all such enginemen drivers conductors and other persons shall be subject to the same laws and byelaws as may be in force in the borough for the licensing and regulation of drivers and conductors of omnibuses plying for hire in the borough.

21. 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 under the authority of this Order.

As to recovery of penalties.

22. 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.

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

23. 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.

Orders and byelaws to be signed, &c.

Traffic upon Tramways.

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

Traffic upon tramways.

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

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

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

Provisions as to carriage of animals, goods &c.

27. 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.

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

28. 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.

Corporation may use tram ways for sanitary purposes.

29. The Corporation may if they think fit at any time after the passing of the Act confirming this Order grant to any company or person working or about to work any tramways of the Corporation within the borough under any lease agreement or arrangement with the Corporation running powers over any other tramways of the Corporation within the borough and worked or to be worked by any other company or person subject to such terms conditions and regulations as may be mutually agreed upon by and between the Corporation and every such company or person to or against whom such running powers may be

Running powers to be granted by Corporation in certain cases.

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sought to be granted 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 always that such terms conditions and regulations shall in every case be subject to the approval of the Board of Trade and provided further that no running powers shall be granted by the Corporation under this section over any tramways worked by any company or person under a lease or agreement from or with the Corporation and in force at the time of the passing of the Act confirming this Order contrary to the terms of such lease or agreement except with the consent in writing of such company or person first had and obtained. In the event of any such running powers being granted every company and person in using or traversing the tramways run over 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 tramways so run over so far as the same may be applicable to such company or person in the exercise of the said powers and shall for their or his own acts and defaults in respect of such user incur all and the same liabilities as the company or person working such tramways under such lease agreement or arrangement as aforesaid.

Regulations &c. by Corporation as to level crossings &c.

30. The powers of the Corporation 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 as herein-after provided extend and apply to the following matters and purposes (that is to say) :—

(*a.*) For regulating the time manner and other conditions of any kind at under and subject to which any tramways of the Corporation shall be worked or managed at any place where any tramway now or hereafter laid down by the Corporation within the borough crosses or intersects on the level any other tramway now or hereafter laid down by the Corporation within the borough.

(*b.*) For regulating the working of tramcars carriages and engines on any tramway of the Corporation where by reason of any curve in the line of tramway or the proximity of another line of tramway or from any other cause the Corporation deem it necessary for the protection of the public that such regulations should be made.

No tramway laid down by the Corporation under the authority of this Order shall be worked or used at any such place of crossing or intersection as aforesaid unless and until regulations under this section with respect to such crossing or intersection are made and in force.

Provided always that any regulations under this section shall be made only at a meeting of the town council duly convened and shall be of no force or effect until the same have been agreed upon or settled in manner herein-after mentioned and that fourteen days at least prior to such meeting notice in writing of the intention to make such regulations shall be given under the hand of the town clerk to every company or person working any tramways to whom or to whose servants such regulations would apply and that it shall be lawful for any such company or person within such period of fourteen days to give notice in writing to the town clerk of any objection to such intended regulations specifying the grounds of such objection and any such company or person who after receiving such notice from the town clerk as aforesaid does not within such period of fourteen days give such notice of objection as aforesaid shall be deemed

to have agreed to the making of such regulations. In the event of the Corporation and any such company or person not being able to agree as to any of such regulations the same shall be settled by the Board of Trade who may thereupon make such Order in relation thereto as the said Board may think fit.

Tolls.

Tolls and charges.

31. The tolls and charges authorised by this Order to be demanded and taken are 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 distance exceeding one mile and not exceeding two miles any sum not exceeding twopence may be charged.

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

Such tolls 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.

32. 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.

33. The lessees shall at all times during the continuance of the demise of the tramways run carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours 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 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.

34. 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.

35. 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

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

Opening of Tramways to the Public.

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

36. 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 opened to be used by the public.

37. 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.

38. 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.

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

39. 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—

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

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.

Carriages or horses unfit for use may be removed.

40. 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 car 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 car 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 company or person owning or using such engine car carriage or horse prior to any action being taken thereon by the Corporation. Provided always that if any dispute arise between the Corporation and such lessee company or person as to the fitness or unfitness of any such engine car carriage or horse the same shall be settled by two justices.

Engines &c. to be approved by Corporation.

41. No engine carriage or car differing in construction size or weight from any engine carriage or car previously sanctioned or in use on any tramways in the borough shall be used in the borough unless the same shall have been previously approved by the Corporation. If any difference arises thereon between the Corporation and any company or person using such engine carriage or car the same shall

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be determined by the Board of Trade whose decision shall be final and conclusive. In no case shall more than one car or carriage be attached to any engine travelling on any tramway in the borough without the consent of the Corporation. Any company or person acting in contravention of any of the provisions of this section shall for every such offence be liable to a penalty not exceeding ten pounds.

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

42. 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.

43. 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.

44. 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 if given by the Promoters and by their clerk or secretary if given by any local authority or any 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 at the town hall.

Extension of time for completion of tramways authorised by Order of 1883.

45. The time prescribed for the completion and opening for public traffic of the tramways authorised by the Order of 1883 shall be and the same is hereby extended for the further period of two years from the passing of the Act confirming this Order.

The Corporation may borrow fifty thousand pounds to be repaid in thirty years.

46. The Corporation may under and according to the provisions contained in section twenty of the Tramways Act 1870 borrow for the purposes of this Order and of the Order of 1883 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 fifty thousand pounds and the time for which such sum of fifty thousand pounds may be borrowed shall be thirty years and for the purpose of such borrowing

the Corporation may include in any mortgage of the local rate the moneys coming to them out of the rents reserved under any lease made under the authority of this Order and the tolls charges and sums authorised to be taken or received by them under the provisions of this Order.

Audit of accounts.

47. 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 all tramways constructed by the Corporation within the borough as if such accounts related to receipts and expenditure under that Act.

Carrying of mails by lessees.

48. (1.) The lessees or persons by whom any of the tramways are 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—

(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 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 lessees in or upon a carriage conveying or intending to convey passengers but not goods or parcels except in the 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 tramway 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

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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.

For protection of the Postmaster-General.

49. In the event of any tramways of the Promoters being worked by electricity the following provisions shall have effect :—

(1.) It shall not be lawful for the Promoters to lay down any line or rail or to do any act or work for working the tramways by electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected and before any such line or rail is laid down or any such act or work is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing such work shall give written notice to the Postmaster-General specifying the course of the line or rail and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work.

(2.) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by the Board of Trade whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.

(3.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.

(4.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal

telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.

(5.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.

(6.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

Saving for general Acts.

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

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

Goods and Minerals.

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

Single Articles of Great Weight.

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

Parcels.

For any parcel not exceeding seven pounds in weight - -	0 3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - -	0 5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - -	0 7
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - -	0 9
For any parcel exceeding fifty-six pounds in weight such sum as the 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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DRYPOOL AND MARFLEET STEAM TRAMWAYS.

Drypool and Marfleet.

Order authorising the construction of Tramways in the Parishes of Drypool and Marfleet the Township of Southcoates and the Parish or extra-parochial place of Garrison-side in the Borough and Town and County of the Town of Kingston-upon-Hull.

Short title.

1. This Order may be cited as "The Drypool and Marfleet Steam Tramways Order 1886."

Incorporation of Acts.

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

Interpretation.

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

The expression "the borough" shall mean the borough and county of the town of Kingston-upon-Hull;

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

The expressions "surveyor" or "borough engineer" shall mean the borough engineer for the time being of the borough;

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 Drypool and Marfleet Steam 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 respectively referred to as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails chairs points plates sleepers turnouts turntables crossings junctions passing places weighbridges weighing machines 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.

The tramways authorised by this Order are :—

A Tramway No. 1 two miles four furlongs one chain in length of which two miles one furlong 4·20 chains will be single line and two furlongs 6·80 chains will be double line commencing at a point in Great Union Street at the junction of such street with the street or road called Witham passing thence in a south-easterly direction along the centre of Great Union Street and Popple Street and continuing in an easterly direction along the Hedon Road and terminating at a point in the last-mentioned road one chain west of Marfleet Drain.

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

In Great Union Street—

(A) From a point 2 chains eastward from the commencement for a distance of 3 chains.

In Hedon Road—

(A) From a point opposite the junction of Popple Street and Hedon Road for a distance of 3 chains easterly.

(B) From a point in line with the east side of Seward Street for a distance of 3 chains easterly.

(C) From a point opposite the eastern line of Woodhouse Street for a distance of 3 chains easterly.

(D) From a point 6 chains eastward from the boundary of the township of Southcoates for a distance of 3 chains easterly.

(E) From a point opposite the western boundary of the New Cemetery for a distance of 3 chains easterly.

(F) From a point 1 furlong 1·66 chains eastwards from the eastern boundary of the New Cemetery for a distance of 5·80 chains easterly.

(G) From a point 3·50 chains westwards from the termination for a distance of 3 chains easterly.

Provided always that Tramway No. 1 shall not be opened for public traffic in Hedon Road unless and until the paved or macadamised roadway of such road shall be of a clear width of not less than 24 feet.

A Tramway No. 2 4·87 chains in length of which 1·87 chains will be single line and 3 chains will be double line commencing at a point in Clarence Street 2·0 chains from the landing steps leading from the River Hull passing thence in an easterly direction along the centre of Clarence Street and terminating at a point on Tramway No. 1 1 furlong 4 chains from the point of commencement of Tramway No. 1.

Tramway No. 2 shall be laid as a single line except from a point 12 yards eastward from the commencement for a distance of 3 chains.

A Tramway No. 3 1·50 chains in length commencing at a point on Tramway No. 2 4·75 chains from the point of commencement of Tramway No. 2 and terminating at a point on Tramway No. 1 1 furlong 2 chains from the point of commencement of the last mentioned tramway.

Tramway No. 3 shall be laid as a single line throughout.

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For protection of the North-eastern Railway Company.

7. (1) Tramway No. 1 where it is proposed to cross the railway of the North-eastern Railway Company (herein-after referred to as "the railway company") on the level shall be constructed and maintained only in accordance with plans and sections to be agreed upon by the respective engineers of the railway company and of the Promoters or in default of agreement to be settled by arbitration as is herein-after provided for and under the superintendence and to the reasonable satisfaction of such engineer of the railway company and at the costs in all things of the Promoters including all additional signals rendered necessary in the opinion of such engineer of the railway company by the construction and working of such tramway (but as to such superintendence only in case the railway company shall require the same) and such tramway and additional signals at the said level crossing shall be kept in constant and efficient repair to the satisfaction of such engineer of the railway company by and at the cost in all things of the Promoters including all additional signalling expenses caused by such additional signals as are erected under the provisions of this section.

(2) The carriages used on the tramways shall not be stopped on or be otherwise allowed to interfere with or obstruct the traffic passing along the said railway at the said level crossing and such traffic shall at all times have precedence of the traffic on the said tramway the passing and conduct of which traffic in so far as it may appear to the railway company expedient or necessary to guard against or prevent any such interference or obstruction shall be subject to such rules bye-laws and regulations and with such reasonable penalties for the breach or non-observance or non-performance thereof as the railway company may make from time to time.

(3) If by the execution of any of the works or by any operations or proceedings of the Promoters or the failure of any such works or operations or by any act or omission of the Promoters or of their contractors or of their respective agents servants or employés or by the working or user of the said tramway across the said railway and such crossing the said railway or any of the works thereof is or are injured or damaged or any impediment or obstruction arise or be caused to the traffic on the said railway such injury or damage shall be forthwith made good by the Promoters at their cost and in all things to the satisfaction of such engineer of the railway company and on the failure of the Promoters so to do or to keep the said tramway at the said level crossing in such constant and efficient repair the railway company may make good the same and effect such repairs and recover from the Promoters the expense thereof respectively as also compensation for any such impediment or obstruction of traffic and all sums damages losses costs and expenses which they may pay incur or be put unto whether from accident or otherwise caused by or arising out of such working or user together with full costs and charges by all and the same means as any simple contract debt of like amount is recoverable.

(4) In the event of any difference between the railway company or their engineer and the Promoters or their engineer the same shall be settled by a referee to be appointed by the Board of Trade in the manner provided by section 33 of the Tramways Act 1870.

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 maintaining 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 require the Promoters to adopt and apply such improvements in the tramways including the rails thereof and in the engines carriages rolling stock break power and plant of the Promoters or used on or in connexion with the tramways as experience may from time to time suggest having regard to the greater security or convenience of the public and persons using the tramways and advantage to the ordinary traffic and the Promoters shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out 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.

Local authority to have access to sewers.

11. The local authority and their officers and servants shall at all times have free access to and communication with all existing and future sewers and

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drains (whether public or private) under the control of or maintained or repaired by the 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 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 sewers drains or works as aforesaid as though the same were pipes for the supply of gas or water 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 pipes for the supply of water or any other works of or belonging to or under the control of the local authority shall be or become injured or damaged by reason or in consequence of any act omission deed matter or thing of or by the Promoters or their servants it shall be lawful for the 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 pipe 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.

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

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

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

Temporary tramways may be made when necessary.

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

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

If any difference arise between the Promoters and any road authority with respect to the reasonableness of any 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.

14. Any paving metalling or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of 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 after completion of any of the tramways within the district of the 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 at such yard or depôt of the road authority as the borough engineer shall appoint 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.

Extending provisions of section 26 of Tramways Act 1870.

15. 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 Corporation.

Paving and materials of roads.

16. When any of the tramways within the borough are so laid that a less space than nine feet six inches intervenes between the outside of the footpath on either side of the road, and the nearest rail of such tramway the whole of such space shall be paved and maintained and kept in good condition and repair by the Promoters, and so much of any road upon which any of the tramways are laid as the Promoters are under the provisions of the Tramways Act 1870 or this Order required to maintain and keep in good condition and repair shall be paved and maintained by the Promoters with such paving material and foundation as the Corporation shall approve.

Repair of roads.

17. If at any time any such part of any road within the borough in which any of the tramways is laid as is by the Tramways Act 1870 or by this Order required to be maintained and kept in good condition and repair by the Promoters shall in the judgment of the Corporation be not maintained and kept in such good condition and repair then it shall be lawful for the Corporation to repair and amend the same and to recover the cost reasonably 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.

Size and construction of engines &c.

18. Subject to the provisions of this Order the size and construction of all engines and carriages to be used on the tramways and of the wheels and breaks

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and mode of laying tramways to be approved by Corporation and Board of Trade.

attached thereto and of all mechanical appliances and things appertaining to the engines and carriages and the mode of constructing and laying down the tramways and the form material and sizes of the rails sleepers fastenings and other arrangements incidental thereto shall be such as the Corporation and the Promoters may agree upon and as the Board of Trade may approve or failing agreement as shall be determined by the Board of Trade and shall be in accordance with designs plans and specifications to be previously submitted to and approved of by the Corporation.

Promoters to make deposit before opening roads within the borough.

19. Before the Promoters open or break up any road within the borough they shall if required deposit in a bank to be approved by the Corporation to a joint account in the names of the Promoters and the Corporation a sum of money (in this section referred to as "the deposit fund") to be calculated at the rate of five hundred pounds for every mile of tramway (and so in proportion for a part of a mile of tramway) by this Order authorised to be constructed within the borough and of their intention to construct which the Promoters shall have given to the Corporation notice in writing.

The deposit fund shall at the request of the Promoters but at their risk be from time to time invested in the joint names of the Promoters and of the Corporation in such securities as the Corporation may approve and the interest thereon shall from time to time be paid to the Promoters.

On the completion of the tramways to the reasonable satisfaction of the borough engineer the deposit fund shall be paid out or the securities in which the same is invested shall be transferred to the Promoters by the said bank and the certificate of the borough engineer for the time being certifying that such tramways have been completed to his satisfaction as aforesaid shall be a sufficient authority to the said bank to make such payment or for such transfer.

If the tramways within the borough having been commenced are not completed within the time limited by the Tramways Act 1870 or within such extended time as may be duly sanctioned the deposit fund shall be paid out or transferred by the said bank to the Corporation and the same may be applied in payment of the expenses incurred by them in the removal of so much of such tramways as shall have been laid down by the Promoters and in restoring the road to the satisfaction of the borough engineer (the balance of the deposit fund being paid to the Promoters) and for the purpose of such restoration the Corporation shall be at liberty to break up or use any part of the materials of such tramways and the Promoters shall join the Corporation in any deed act matter or thing which may be necessary to effect such application of the deposit fund as aforesaid.

If the deposit fund be insufficient to reimburse the Corporation the expenses so incurred the Promoters shall on demand pay to the Corporation such deficiency and in case of non-payment the same may be recovered by the Corporation by all and the same means as any simple contract debt of like amount may be recovered.

Promoters to contribute to cost of widening bridges.

20. If at any time hereafter the Corporation shall deem it necessary to widen the bridges carrying the Hedon Road over the Holderness and Marfleet Drains and the approaches thereto or either of such bridges or approaches the Promoters shall pay to the Corporation one half the costs of executing such works including if the Corporation consider it desirable the pulling down and rebuilding of the

said bridges Provided that the liability of the Promoters in respect of such bridges shall not exceed the sum of five hundred pounds.

As to removal of manholes.

21. When any part of the tramways is constructed or intended to be constructed over any manhole or entrance into any sewer of the Corporation or so close to such manhole or entrance as to make the use thereof dangerous or inconvenient in the opinion of the borough engineer the Promoters shall if required by the Corporation construct a side entrance in lieu of such manhole or entrance in such position and according to such plan as may be approved by the borough engineer or the Corporation may at their option construct such side entrance and the Promoters shall repay to the Corporation the costs thereof.

Breaking up streets by Corporation.

22. Nothing in this Order contained shall obstruct hinder prejudice or prevent the Corporation from breaking up any roads within the borough for any purpose for which they are authorised to break up any such road and for such purpose they may stop the traffic along the tramways and any extra cost incurred by the Corporation by reason of the existence of such tramways in the exercise of their powers and in restoring the surface of any such road and any of the tramways laid by the Promoters shall be borne by the Promoters and be paid by them to the Corporation and may be recovered by the Corporation from the Promoters by all the same means as any simple contract debt of like amount may be recovered.

Promoters to alter levels of tramways if levels of road altered.

23. If the Corporation hereafter alter the level of any road along or across which any of the tramways is laid or authorised to be laid or otherwise exercise any of its powers over on under or through any such road 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 without cost or expense to the Corporation.

Traffic not to be impeded during construction &c.

24. The Promoters shall during the construction alteration or repair of the tramways make provision for preventing the traffic along any road from being unnecessarily impeded and shall at their own expense maintain a continuous and efficient road for carriages by the side of their works and provide the requisite materials therefor and if consequent upon any such construction alteration or repair damage or injury be caused by reason of the traffic being diverted to or concentrated on any road or any portion thereof within the borough not actually occupied by the site of any of the tramways then the Promoters shall immediately make good all such damage or injury to the satisfaction of the borough engineer or at the option of the Corporation the Corporation may themselves make good such damage or injury and in such latter case the Promoters shall pay to the Corporation the cost of making good such damage or injury within one calendar month after the same has been incurred.

Cleansing of tramways.

25. The Corporation may cleanse any road within the borough without reference to the tramways and 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 they shall in performing the same remove the snow or other matter from the tramways and from off the road forthwith and without first placing it on any other part of the road.

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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 with the consent in writing of the Board of Trade during a period of seven years after the opening of the same for public traffic and with the like consent 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 Promoters shall not without the consent in writing of the Corporation lay down construct use or maintain within the borough any rails tubes wires ropes chains appliances works or conveniences for the purpose of enabling the tramways to be used by carriages moved by means of electrical power or by such haulage as aforesaid and the Corporation are hereby empowered from time to time to give such consent: Provided that no such consent shall operate for a longer period than five years

Provided also that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the schedule 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 Orders 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 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 to this Order annexed or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters or such person to cease to exercise the powers aforesaid and thereupon the Promoters or such person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of

Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such Order.

Byelaws.

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

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

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

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

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

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

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

As to recovery of penalties.

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

Amendment of 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

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

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or mechanical power is to be used.

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 to such user paving and keeping in repair of such road which they may think fit and the Board of Trade may approve.

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

No steam or mechanical power shall be used on the tramways or any 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.

For protection of the Postmaster-General.

35. In the event of any tramways of the Promoters being worked by electricity the following provisions shall have effect :—

(1) It shall not be lawful for the Promoters to lay down any line or rail or to do any act or work for working such tramways by electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected and before any such line or rail is laid down or any such act or work is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing such work shall give written notice to the Postmaster-General specifying the course of the line or rail and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work.

(2) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by the Board of Trade whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.

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(3) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.

(4) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.

(5) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.

(6) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

Traffic upon Tramways.

Traffic upon tramways.

36. The tramways may be used for the purpose of conveying passengers and parcels only.

Carriages &c. to be subject to approval of local authority.

37. 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.

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

38. The Corporation may from time to time by notice in writing to the Promoters for the purpose of regulating and facilitating the traffic on market and fair days for police or watch purposes for the execution of any works by them or for any other purpose which the Corporation having regard to the good government of the borough or the safety of the public deem necessary stop delay or suspend the working of the tramways or any of them in the borough 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 or damages in respect thereof.

Tolls.

Tolls for passengers.

39. 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 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.

40. Every passenger travelling upon the tramways may subject to any bye-laws for the time being in force take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof Provided that such luggage 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.

41. The Promoters at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run over the whole of the tramways or the part or parts so opened at least two carriages or more if so required by the Board of Trade 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 penny for the journey from any point in one of the tramways to any point either on the same or on any other of the tramways 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 or as to the number of such carriages run by the Promoters the said Board shall have power to fix and regulate the same from time to time.

Payment of tolls.

42. 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.

43. 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.

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Miscellaneous.

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Power to lease tramways to the Hull Street Tramways Company.

44. The Promoters on the one hand and the Hull Street Tramways Company on the other hand may subject to the provisions of this Order and with the approval of the Board of Trade make and carry into effect contracts and agreements for the lease to the Hull Street Tramways Company of all or any of the tramways and the Hull Street Tramways Company may after the making of any such lease work and maintain the tramways leased to them subject to the provisions of this Order.

Working and traffic arrangements with the Hull Street Tramways Company.

45. Subject to the provisions of this Order the Promoters on the one hand and the Hull Street Tramways Company on the other hand may from time to time with the consent of the Board of Trade enter into agreements with respect to the following purposes or any of them (that is to say) :—

The working use maintenance and management of the tramways or any of them ;

The conveyance of traffic on the tramways and the employment of officers and servants ;

The supply and maintenance during the continuance of any such agreement of engines stock and plant necessary for the purposes thereof ;

The regulation management and transmission of the traffic of the Promoters and the said Company respectively ;

The fixing and collecting and apportionment of the tolls rates charges receipts and revenues levied taken or arising in respect of traffic ;

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

Junction may be made with line of Hull Street Tramways Company in Witham by arrangement.

46. If the Promoters on the one hand and the Hull Street Tramways Company on the other hand shall so agree a junction may at any time be made between the line of tramways of the Promoters from the commencement of Tramway No. 1 by this Order authorised with the line of tramways of the Hull Street Tramways Company in Witham Provided always that such junction shall not be made without the previous written consents of the Board of Trade and also of the Corporation and subject to such consent of the Board of Trade and to such terms and conditions as the said Board may think fit to impose such junction shall be made in such manner as the Corporation shall require.

Regulations &c. by local authority.

47. The powers of the Corporation as the local authority under section forty-six 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 and standing or remaining stationary 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 to prohibit 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.

48. The Board of Trade may and they are hereby authorised to approve of regulations and bye-laws made under the authority of section forty-six of the Tramways Act 1870 and of this Order with respect to the undertaking authorised by this Order and no such regulation or byelaw made after the passing of the Act confirming this Order shall have any force or effect unless the same shall have been so approved and the production of a written or printed copy of any such byelaw 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.

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

Agreements between Promoters and road authority.

50. The Promoters and the 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 the 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.

51. 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 ir respect of thes aid taxation.

Form and delivery of notices.

52. 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 shall be signed by the town clerk of the 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 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

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may be) or by being sent by post in a registered letter addressed to the said town clerk or to the respective clerk or secretary of such authority 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.

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 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 of rights of corporation.

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

Carrying of mails by Promoters.

56. (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 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 tramway 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.

57. 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.

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SCHEDULE.

Break-power of engines.

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

As to fittings of engines &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

As to carriages.

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

Inspection of engines and carriages.

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

As to speed.

The speed at which engines 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.

CITY OF OXFORD AND DISTRICT TRAMWAYS EXTENSIONS.

Order authorising the Construction of additional Tramways in the County and City of Oxford and in the County of Berks.

Short title.

1. This Order may be cited as "The Oxford Tramways (Extensions) Order, 1886."

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 Order of 1879," and "the Order of 1883," shall mean respectively the Oxford Tramways Order, 1879, and the Oxford Tramways (Extensions) Order, 1883.

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 City of Oxford and District 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 for the purposes of this Order at the office of the Board of Trade, as the same have been amended previous to the passing of the Act confirming this Order (which amended plans and sections 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, works and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

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The tramways authorised by this Order will be situate within the county and city of Oxford, and in the county of Berks, and are—

Tramway No. 11, forming a tramway route 6 furlongs and 2 chains in length, consisting of 1 furlong 9 chains and 35 links of double line, and 4 furlongs 2 chains 65 links of single line, situated partly in the parish of St. Aldate, in the county and city of Oxford, partly in the parish of North Hinksey, in the county of Berks, and partly in the parish of St. Aldate, in the liberty of Grandpont, in the county of Berks, commencing in St. Aldate's Street, in the said parish of St. Aldate, in the county and city of Oxford, by a junction with the existing tramway of the Promoters at a point 4 chains 40 links south of the centre of Carfax, and passing along St. Aldate's Street, over Folly Bridge, and along Abingdon Road, terminating in the said Abingdon Road, at a point opposite the south side of Lake Street, in the village of New Hinksey, in the parish of St. Aldate, in the liberty of Grandpont, in the county of Berks.

Portion A.—A single line, 1 furlong in length, wholly in the parish of St. Aldate, in the county and city of Oxford, commencing by a junction with the existing tramway of the Promoters at a point 4 chains 40 links south of the centre of Carfax and terminating at a point about 1 chain 54 links south of Brewer's street.

Portion B.—A double line, 10 chains in length, wholly in the parish of St. Aldate, in the county and city of Oxford, commencing by a junction with Portion A at a point 1 chain 54 links south of Brewer's Street, and terminating at a point about 2 chains 64 links south of English Row.

Portion C.—A single line, 5 chains 21 links in length, partly in the parish of St. Aldate, in the county and city of Oxford, and partly in the parish of St. Aldate, in the liberty of Grandpont, in the county of Berks, commencing by a junction with portion B at a point about 1 chain south of English Row, and terminating at a point opposite the south side of Isis Street.

Portion D.—A double line 6 chains in length, partly in the parish of North Hinksey, in the county of Berks, and partly in the parish of St. Aldate, in the liberty of Grandpont, in the county of Berks, commencing by a junction with Portion C at a point opposite the south side of Isis Street, and terminating at a point in Abingdon Road, 6 chains southerly from its commencement.

Portion E.—A single line, 1 furlong and 45 links in length, wholly in the parish of St. Aldate, in the liberty of Grandpont, in the county of Berks, commencing by a junction with Portion D, at a point in Abingdon Road, 6 chains south of Isis Street, and terminating at a point 1 furlong 45 links southerly from its commencement.

Portion F.—A double line 3 chains 35 links in length, wholly in the parish of St. Aldate, in the liberty of Grandpont, in the county of Berks, commencing by a junction with Portion E, at a point about 7 chains south of Western Road, and terminating at a point 3 chains 35 links southerly from its commencement.

Portion G.—A single line 1 furlong 6 chains 99 links in length, wholly in the parish of St. Aldate, in the liberty of Grandpont, in the county of Berks,

commencing by a junction with Portion F, at a point about 10 chains 35 links south of Western Road, and terminating at a point opposite the south side of Lake Street, in the village of New Hinksey.

7. Those portions of the tramways which are by this Order authorised to be laid as double lines, and are herein-before described as Portions D, B, and F, shall be laid and maintained as follows:—The Promoters shall take up the whole width of the roadway, and shall pave with 3 inch by 5 inch granite setts upon a foundation of 4½ inches of cement concrete, and shall afterwards maintain the spaces between the rails of each line of tramway and the spaces between the outer rails and the kerb stones on either side, and shall also lay and maintain any wood paving which may be required on either side of each rail. The road authority shall similarly pave and afterwards maintain the central space between the up and down lines, and shall also in the first instance supply to the Promoters granite setts and cement concrete sufficient to pave a space of roadway not exceeding 160 square yards, as a contribution towards the cost of the works required to be done by the Promoters.

8. That portion of the tramways which is by this Order authorised to be laid as a single line, and is herein-before described as Portion G, and so much of Portion E as lies to the north of Western Road shall be laid and maintained as follows:—The Promoters shall, in addition to those portions of the road which they are by section twenty-eight of the Tramways Act, 1870, required to maintain and repair, pave the space between the said portions of tramway and the footpath on the western side of the road. The road authority shall however provide the requisite granite setts and concrete for so paving this space, and shall afterwards maintain the same.

Promoters to pay to road authority certain paving expenses.

9. Wherever, in any road within any district along which any of the tramways (other than the portions of tramway referred to in the two next preceding sections) are authorised to be laid, there is a less space than seven feet six inches between the outer edge of the paved water channel and the nearest rail of such tramway, so much of such space as is not by the Tramways Act, 1870, or this Order required to be maintained and kept in good condition and repair by the Promoters, may be paved by the road authority of such district in the same way as the space between the rails of such tramway; and the Promoters shall pay to such road authority one third of the expense incurred by such road authority in carrying out such paving.

Gauge of tramways.

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

Provisions as to construction of tramways.

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

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

As to rails of tramways.

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

Alteration of private cellars, vaults, &c.

13. If in constructing any of the tramways it is necessary to alter or reconstruct any vault, cellar, archway, or culvert under any road, or to execute any work for properly maintaining the same, the Promoters shall, at their own expense, execute all such works to the reasonable satisfaction of the owners of such vaults, cellars, arches, and culverts respectively, and shall save harmless and indemnify the road authority and all other bodies and persons from all claims for damages or injury or otherwise in respect of any such alteration or reconstruction of any such vault, cellar, archway, or culvert.

Removal of manholes and ventilators.

14. The road authority may remove, at the sole cost in all respects of the Promoters, any man-hole, ventilator, or other communication with any sewer which is situate under that part of any road which the Promoters are by section twenty-eight of the Tramways Act, 1870, or this Order required to maintain and repair, and may, at the like cost, re-construct and relay any such man-hole, ventilator, and other communication respectively in other parts of the said road.

Penalty for not maintaining rails and road in good condition.

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

In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district, that the Promoters have made any such default as aforesaid, the Board of Trade may,

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

Local authorities to have access to sewers.

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

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

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

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

Power to construct junctions adjoining premises.

19. The Promoters may, with consent of the road authority and of the owners, lessees and occupiers of any lands, buildings, or premises adjoining or abutting on any of the tramways, construct junctions from such of the tramways, to such lands, buildings or premises.

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

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

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Promoters and the road authority with respect to the number or situation of such crossings, passing places, sidings, junctions, or works, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

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 such notice, and the Promoters shall comply with such requirement. Provided that the expense of every such removal, remaking, or relaying shall be borne by the road authority.

Temporary tramways may be made when necessary.

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 arises 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, shall be and remain the property of the road authority, and the Promoters shall, save as by the next succeeding section provided, allow the same to be removed, and the same shall, save as aforesaid, be removed by the road authority, or by any such person or persons as they may appoint.

Expenses of road authority in altering level of streets to be repaid by Promoters.

23. Any expense of raising, lowering, or adjusting the surface of the carriage way to suit the levels of the tramways not herein-before provided for, shall be borne by the Promoters, but they shall be at liberty to use so much of the old macadam as is requisite, and in the case of a paved road, the Promoters may, subject to the provisions of this Order, take up and relay so much of the paving on the sides of the road as may be necessary for the purpose.

As to cleansing of tramways.

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

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.

Traffic and Tolls.

Tramways to form part of tramways authorised by Orders of 1879 and 1883

26. The tramways authorised by this Order shall, for the purposes of traffic upon the same, and of tolls and charges (except as by this Order expressly provided), be deemed to form part of the tramways authorised by the Order of 1879 and the Order of 1883, and sections 23 to 28 (both inclusive), and sections 30, 31 and 32 of the Order of 1879, and the schedule annexed to the Order of 1879 shall, as far as the same are applicable, apply to the tramways authorised by this Order in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Order of 1879 and the Order of 1883, and for the purposes of such application the expressions "the tramways," "the Promoters," and "this Order," in the said sections and schedule, shall be construed to mean respectively the tramways, as defined by this Order, the Promoters of this Order, and this Order.

Cheap fares for labouring classes.

27. The Promoters at all times, after the opening of the tramways or any part or parts thereof for public traffic, shall, and they are hereby required, to run carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than five in the evening respectively, as the Promoters, with the approval of the road authority, think most convenient, for artisans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any toll or charge less than one penny). And the Promoters shall be liable to a penalty not exceeding one pound for every day, except as aforesaid, in which they do not run such number of carriages as aforesaid, in accordance with the provisions of this section, provided that in case of any dispute between the Promoters and the road authority, or of any complaint made to the Board of Trade as to the number of such carriages run by the Promoters, 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.

Miscellaneous.

Costs of Oxford Local Board and the Corporation of the City of Oxford.

28. The Promoters shall pay all reasonable costs, charges, and expenses incurred by the local board for the district of Oxford, and by the corporation of the city of Oxford respectively, in relation to the preparation, promotion, and passing of this Order and of the Act confirming the same.

Provisions as to arbitration.

29. Where, under the provisions of the Tramways Act, 1870, and this Order, any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive, and binding on all parties, and the costs of and incidental to the arbitration and award shall, if either party so requires, be taxed and settled as between the parties by any one of the taxing masters of the High

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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 these 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.

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

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

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

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

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

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

32. 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.

33. 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.

As to application of balance of deposit made in respect of Order of 1879.

34. The sum of three hundred and three pounds twelve shillings and tenpence, forming part of the sum paid as a deposit into the Chancery Division of the High Court of Justice, pursuant to the Tramways Act, 1870, and to the rules made by the Board of Trade under the authority of the said Act, with respect to the undertaking authorised by the Order of 1879, and now standing to the credit of the said undertaking in the said Chancery Division, shall be deemed to have been deposited in pursuance of the provisions of section twelve of the Tramways Act, 1870, and of the said rules made by the Board of Trade, with

respect to the undertaking by this Order authorised, and the same shall be subject to the prescribed conditions as to interest, repayment, or forfeiture in the same manner in every respect as if the same had been actually paid by way of deposit with respect to the undertaking by this Order authorised. A.D. 1886. *City of Oxford and District.*

Carrying of mails by Promoters.

35.—(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 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 tramway 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.

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(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.

36. 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.

Stratford Ilford and Romford.

STRATFORD ILFORD AND ROMFORD TRAMWAYS.

Order authorising the Stratford Ilford and Romford Tramways Company Limited to construct Tramways in the Parishes of Little Ilford Barking Dagenham and Romford in the County of Essex.

Short title.

1. This Order may be cited as "The Stratford Ilford and Romford Tramways Order 1886."

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

The term "person" includes a corporation.

Promoters.

The Promoters.

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

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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 respectively referred to as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates curves points offices weigh-bridges carriage-houses engine-sheds warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same.

The tramways authorised by this Order are:—

A tramway 5 miles 7 furlongs and 3·20 chains or thereabouts in length commencing in the parish of Little Ilford in the county of Essex at a point in the centre of the Stratford and Romford Road at the boundary dividing the parish of East Ham from the parish of Little Ilford passing along the aforesaid road in an easterly direction over the Ilford bridge into the High Street at Great Ilford thence in the same direction into and along the Romford Road into the High Street at Romford and terminating in that street at a point opposite to the north corner of the public-house known as the "New Mill."

The said tramway shall be laid as a single line throughout except at the following places at which it shall be laid as a double line viz.:—

In the Stratford and Romford Road from a point 1 chain from the commencement of the said tramway for a distance of 2·50 chains measured in an easterly direction:—

In the Stratford and Romford Road at a point 20 chains from the commencement of the said tramway for a distance of 10 chains measured in an easterly direction:

In the same road and in High Street Great Ilford from a point distant ½ chain from the junction of the aforesaid road with Bessborough Road measured in an easterly direction for a distance of 16·50 chains in the same direction:

Provided always that so much of the said tramway as is authorised to be laid over the two river bridges at Ilford shall be so laid as a double line that one only of such lines can be used at one and the same time:—

In the Romford Road from the point of junction of Green Lane with the aforesaid road for a distance of 5 chains measured in an easterly direction:

In the same road from a point distant about 3½ chains west of the pillar-post situate at the west end of Aldborough Cottages for a distance of 5 chains in an easterly direction:

In the same road from a point of junction of Water Lane with the aforesaid Romford Road for a distance of 5 chains measured in a westerly direction:

In the same road from a point distant about 1 chain west of the junction of the aforesaid Romford Road with Brickhill Lane for a distance of 6 chains measured in a westerly direction:

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In the same road from a point distant 6 chains 70 links east of the junction of the aforesaid Romford Road with Judson's Lane for a distance of 3 chains measured in an easterly direction:

In the High Street Romford from a point distant 1 chain from the termination of the said tramway measured in a westerly direction for a distance of 3 chains in the same direction:

The total length of the single portion will be 5 miles 1 furlong 7 chains and 70 links:

The total length of the double portion will be 5 furlongs 5 chains and 50 links:

Provided always that the said tramway shall not be laid in any of the roads hereinafter mentioned so that for a distance of 30 feet or upwards a less space than 9 feet 6 inches will intervene between the nearest rail of the tramway and the outside of the footpath on either side of the road without the consent in writing of the Board of Trade :—

In the Romford Road from a point distant about 40 feet from the point of junction of Gordon Road with the aforesaid Romford Road for a distance of about 2 chains both measured in an easterly direction:

In the same road on the bridges over the River Roding and its tributary for the whole length of the bridges:

In the same road from a point distant about 1 chain 80 links from the fence on the north-west corner of the orchard next Seven Kings Cottage measured in a westerly direction to a point 40 links from the aforesaid corner measured in an easterly direction:

In the same road from a point distant about 4 chains 80 links from the same aforesaid corner measured in an easterly direction for a further distance of 5 chains in the same direction:

In the same road from a point distant about 4 chains 80 links from the west corner of the "Greyhound" public house measured in a westerly direction for a distance of about 3 chains measured in an easterly direction:

In the same road from the centre of the culvert over Mayesbrook Stream for a distance of 5 chains 20 links measured in an easterly direction for a distance of about 30 links measured in a westerly direction on the north side of the road only.

The tramways and passing places hereinbefore described will pass or be made from in or through the following parishes or some or one of them (that is to say): Little Ilford Barking Dagenham and Romford all in the county of Essex.

Width of engines and carriages.

7. 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 engine or carriage used on the tramways shall exceed six feet six inches in width.

Provisions as to construction of tramways.

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

As to rails of tramways.

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

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

Local authority to have access to sewers.

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

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

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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 alter or amend all such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient to the efficient working of the tramways or any of them or for providing access to any stables engine-houses carriage-houses sheds or works of the Promoters subject to the approval of the road authority. Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid by writing under his hand addressed to the Promoters express his objection thereto: Provided also that the number and situation of such crossings passing places sidings junctions and other works shall be determined by the road authority and if any difference arise between the Promoters and the road authority with respect to the number and situation of any such crossings passing places sidings junctions or works the same shall be settled in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

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 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.

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 the 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.

For the protection of the vestry of Little Ilford.

16. For the protection of the vestry of the parish of Little Ilford the following provisions shall apply and have effect with respect to the tramways within the said parish (that is to say) :—

(A.) In constructing the tramways along so much of the Stratford and Romford Road as passes through the parish of Little Ilford the Promoters shall at their own expense raise the crown of the road six inches above its present level throughout the whole length and shall make up the sides with broken Guernsey granite from the present level of the edge of the said road to the edge of the tramways so as to form a uniform sweep from side to side :

(B.) In addition to the provisions contained in section twenty-eight of the Tramways Act 1870 the Promoters shall pave that part of the road which by the said section they are required to maintain and repair with such paving or materials and in such manner as the road authority shall direct and to their satisfaction and further if the tramways are abandoned or discontinued the Promoters shall not remove such paving or materials without the consent of such road authority but the paving shall be reinstated and made good where disturbed for the purpose of taking up the rails.

For the protection of the vestry of Barking.

17. The following provisions for the protection of the vestry of the parish of Barking (hereinafter referred to as "the said vestry") shall apply and have effect with respect to the tramways within the said parish that is to say :—

(A.) The Promoters shall at the time of breaking up any road in the parish of Barking construct at approved places proper channels on both sides of such road under the footpath and provide the same with proper drain pipes of sufficient size to carry off the surface water into the ditches or drains constructed for that purpose and shall keep the same in good condition and repair for a period of six months from the opening of the tramways for public traffic and shall make the cambre of the road in such form and manner as may be required. All works of the Promoters under this sub-section and all materials used for the purposes of such works shall be executed to the satisfaction of and be subject to the approval of the said vestry :

(B.) At the time of breaking up any portion of the road between Ilford Bridge and the green lane in the Ilford Ward of the parish of Barking and when laying any of the tramways thereon the Promoters shall place and properly fix kerbs of approved stone upon such portions of the road on each side as are not already kerbed :

(C.) In addition to any other provisions of this Order the Promoters shall always maintain and keep the tramways within the parish of Barking in good condition and repair to the satisfaction of the said vestry and if the Promoters fail at any time to maintain and keep the same in good condition

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and repair to such satisfaction as aforesaid they shall for every such default be subject to a penalty not exceeding five pounds for every day on which such default continues and such penalty may be recovered in manner provided by section fifty-six of the Tramways Act 1870 but by the said vestry only:

(D.) Before breaking up any road in the parish of Barking and before laying down any of the tramways in the said parish the Promoters shall deposit at the Romford Branch Bank of the London and County Banking Company to a joint account in the names of William Blewitt and George Davis a sum of six hundred pounds as an indemnity fund for the protection of the said vestry against all costs charges and expenses they may sustain incur or be liable to in or for (1) the reparation reinstatement or making good of the road or any part thereof or (2) by reason of any of the tramways or works of the Promoters and (3) for the superintendence control or inspection of the tramways and in the event of such costs charges and expenses not being paid to the said vestry on demand the amount thereof shall be paid to the said vestry out of the said indemnity fund by the said bank. All moneys forming part of the said indemnity fund and standing to the joint account aforesaid at the expiration of three months from the opening for public traffic of the tramways within the said parish shall be paid out to the Promoters by the said bank and the certificate of the surveyor of highways for the time being of the said parish certifying that such tramways have been completed to his satisfaction shall be a sufficient authority to the said bank to make such payment:

(E.) If any dispute or difference shall arise between the said vestry and the Promoters respecting the exercise of or in any way relating to the powers or provisions of this section or otherwise such dispute or difference shall except where otherwise expressly provided be settled in manner specified in section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

For protection of the Great Eastern Railway Company.

18. The Promoters shall construct the tramways over the bridge which carries the Romford Road over the Colchester main line of the Great Eastern Railway Company in the parish of Barking and over the approaches thereto by means of a single line of rails and according to such plans and sections as shall be submitted to the engineer for the time being of the Great Eastern Railway Company and approved by him in writing before any part of the tramways over the said bridge and approaches is commenced. Provided that if the engineer of the Great Eastern Railway Company does not signify his approval or disapproval of such plans within one calendar month after they are so submitted to him they shall be deemed to be approved by the Great Eastern Railway Company and the tramways so far as they affect the said bridge and approaches shall be constructed in accordance with such plans and under the superintendence and to the reasonable satisfaction of the said engineer of the Great Eastern Railway Company. And the Promoters shall in constructing the tramways interfere as little as possible with the said bridge and shall not injure or affect the structure of the said bridge and shall pay the reasonable costs and expenses of the Great Eastern Railway Company of and incidental to the approval of such plans and superintending the laying down of the tramways over the said bridge and approaches.

If at any time after the tramways are constructed over the said bridge and approaches the Great Eastern Railway Company require to widen alter or improve their said main line and the works and conveniences connected therewith or to make additional works or to alter widen or improve the said bridge and the approaches thereto and for those purposes or any of them or for any purposes incidental thereto require to take up the tramways over the said bridge and approaches or any part thereof or to stop the traffic along the same they shall be at liberty to do so upon giving fourteen clear days' notice in writing for such reasonable period as may be necessary without being liable to the Promoters for any compensation claim demand damages costs or expenses in respect of such stoppage or for loss of revenue or otherwise.

The Promoters shall keep and maintain the tramways over the said bridge and approaches and the sub-structure upon which the same rests and the metalling of the roadway in connexion therewith at all times in good and efficient repair and condition.

Any difference arising between the Promoters and the Great Eastern Railway Company under this section shall be settled by arbitration in manner provided by the Railway Companies Arbitration Act 1859.

Powers of local authority with respect to laying down mains &c. reserved.

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

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

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

Motive Power

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

21. 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 in writing of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board by steam power or any mechanical power.

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

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

22. 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

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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 excrcise 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.

23. 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 bye-laws with regard to any of the tramways upon which steam or any mechanical power may be used under the authority of this Order for all or any of the following purposes that is to say —

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

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

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

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

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

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

As to recovery of penalties.

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 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 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.

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Orders and byelaws to be signed &c.

26. All orders and bye-laws 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 bye-law purporting to be signed as aforesaid shall be primâ facie evidence of such order or bye-law in all courts of justice and in all legal proceedings.

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

27. 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 situate.

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

In case any difference arise between any such road authority and the Promoters or such person as to the determination of any such contract agreement or arrangement or in case any such road authority after request in writing by the Promoters or such person or the Promoters or such person after request in writing by any such road authority during a period of one month after such request refuse or fail to enter into any such contract agreement or arrangement or to renew the same with or without modification or to make a new contract instead thereof or in case of any difference as to the terms of any such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof then and in every such case the difference with respect to such determination or the reasonableness of such refusal or failure or the terms of such contract agreement or arrangement or any renewal thereof

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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 period than two years at a time.

28. 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.

Traffic upon Tramways.

Traffic upon tramways.

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

Promoters not bound to carry animals goods &c.

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

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

31. 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.

Railway carriages not to be used on tramways.

32. No carriages or trucks adapted for use upon railways shall be used upon the tramways.

As to traffic over bridges over River Roding.

33. No tramway car shall remain stationary or stop on either of the bridges carrying the Stratford and Romford Road over the River Roding

and its tributary or any part thereof for the purpose of taking up or setting down passengers animals goods minerals or parcels or for any other purpose whatsoever.

Tolls.

Tolls for passengers.

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

Passengers' luggage.

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

Cheap fares for labouring classes.

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

Tolls for animals goods &c.

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

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

Periodical revision of tolls.

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

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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 to this section. Provided always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

Miscellaneous.

Provisions as to arbitration.

40. 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.

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

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

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

Agreements between Promoters and road authorities.

42. 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.

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

43. 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.

As to sale to local authority.

44. Notwithstanding the provisions of section forty-three of the Tramways Act 1870 it shall not be obligatory on the Promoters to sell a portion only of the tramways to any one local authority through whose district they are to be laid nor shall they be compelled to sell less than the whole undertaking.

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

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

Saving as to powers of borrowing on mortgage.

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

For protection of the Postmaster-General.

47. In the event of any tramways of the Promoters being worked by electricity, the following provisions shall have effect:—

(1.) It shall not be lawful for the Promoters to lay down any line or rail or to do any act or work for working such tramways by electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected and before any such line or rail is laid down or any such act or work is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents, not more than twenty-eight nor less than fourteen days before commencing such work shall give written notice to the Postmaster-General specifying the course of the line or rail and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work:

(2.) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by the Board of Trade whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act:

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(3.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:

(4.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:

(5.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work:

(6.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

Carrying mails by Promoters.

48. (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 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

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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 tramway 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.

49. 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.

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As to fittings of engines &c.

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

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

With a suitable fender to push aside obstructions:

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

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

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

As to carriages.

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

Inspection of engines and carriages.

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

As to speed.

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

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

SCHEDULE B.

Tolls and Charges for Animals, Goods, &c.

Animals.

		Per mile. s.	d.
For every horse mule or other beast of draught or burden -	each	0	4
For every ox cow bull or head of cattle - - -	,,	0	3
For every calf pig sheep or other small animal - -	,,	0	1½

Goods and Minerals.

For all coals coke culm charcoal cannel limestone chalk lime salt and fire-clay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways	per ton	0	2
For all iron iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slags and stone stones for building pitching and paving tiles slates and clay (except fire clay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs - -	per ton	0	2½
For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - -	per ton	3	0

	Per mile. s.	d.	A.D. 1886.
For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things - - per ton	0	4	*Stratford Ilford and Romford.*
For every carriage of whatever description having two wheels - -	0	6	
For every carriage of whatever description having four wheels -	1	0	

Parcels.

	Any distance. s.	d.
For any parcel not exceeding in weight 7 lbs. - - - each	0	3
For any parcel exceeding 7 lbs. but not exceeding 14 lbs. in weight - - - - - - - - „	0	5
For any parcel exceeding 14 lbs. but not exceeding 28 lbs. in weight - - - - - - - - „	0	7
For any parcel exceeding 28 lbs. but not exceeding 56 lbs. in weight - - - - - - - - „	0	9

For any parcel exceeding 56 lbs. but not exceeding 100 lbs. in weight such sum as the Promoters may think fit.

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

For the Carriage of Single Articles of Great Weight.

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

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

Regulation as to Tolls.

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

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

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

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1886.