CHAPTER cxi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Gosport, Alverstoke, and Bury Cross Tramways, Newport and Parkhurst Tramways, and Oldham, Ashton-under-Lyne, and Hyde District Tramways. A.D. 1889.

[26th July 1889.]

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

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

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

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

Short title.

1. This Act may be cited as the Tramways Orders Confirmation (No. 2) Act, 1889.

Confirmation of Orders in schedule.

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

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Protection of houses of labouring classes.

3. The Promoters mentioned in the said Orders shall not, in the exercise of 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.

Gosport, Alverstoke, and Bury Cross Tramways.—Order authorising the construction of Tramways in the Parish of Alverstoke in the county of Southampton.

Newport and Parkhurst Tramways.—Order authorising the construction of Tramways in the Borough of Newport and Parish of Carisbrooke in the Isle of Wight and County of Southampton.

Oldham, Ashton-under-Lyne, and Hyde District Tramways.—Order authorising the construction of Tramways in the Borough of Ashton-under-Lyne, and the Local Board Districts of Denton and Haughton, and Audenshaw, and the District of the Ashton-under-Lyne Rural Sanitary Authority, all in the County of Lancaster.

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GOSPORT ALVERSTOKE AND BURY CROSS TRAMWAYS.

Order authorising the construction of Tramways in the Parish of Alverstoke in the County of Southampton.

Short title.

1. This Order may be cited as the Gosport Alverstoke and Bury Cross Tramways Order 1889.

Incorporation of Acts.

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

Interpretation.

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

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

The term "person" shall include a corporation.

Promoters.

Promoters.

4. James William Haynes and Henry Davis Poole both of 27 Chancery Lane in the county of Middlesex and the survivor of them and the executors and administrators of such survivor their or his assigns shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters" Provided always that 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.

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 let 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 but nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon lands taken under the powers of this section.

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order as the same have been amended previous to the passing of the Act confirming this Order (which amended plans and sections are in this Order referred to respectively as "the deposited plans" and

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

The tramway authorised by this Order are:—

Tramway No. 1 commencing in Privett Lane Bury Cross at a point at the eastern end thereof opposite the western corner of the road to Alverstoke passing thence eastward through Bury Cross along Bury Road across the railway bridge of the Stokes Bay Railway and continuing along Stoke Road and Walpole Road terminating at a point 7 yards or thereabouts westward from the north-west corner of Upper South Street and forming a junction with the existing tramway at that point.

This tramway shall be laid as a single line except at the passing and other places herein-after described where it shall be laid as a double line viz.:—

Tramway No. 1A a passing place or turnout (3 chains in length) commencing and terminating by junctions with Tramway No. 1 at its commencement and at a distance eastward therefrom of 3 chains or thereabouts:

Tramway No. 1B a passing place (2·35 chains in length) commencing and terminating by junctions with Tramway No. 1 at its commencement and at a point opposite the north corner of the "White Hart Inn" 2·35 chains distant eastward from the commencement:

Tramway No. 1C a passing place (2·33 chains in length) commencing and terminating by junctions with Tramway No. 1 at points respectively distant 19 yards and 71 yards or thereabouts from the termination of the said tramway:

Tramway No. 1D (12 chains in length) commencing at a point opposite the west corner of Stone Lane and terminating at a point opposite the west corner of Brewery Road:

Tramway No. 1E (5 chains in length) commencing at a point in a line with the east wall of Christ Church and terminating at a point opposite the west corner of Oak Street.

Provided always that Tramways Nos. 1D and 1E shall respectively be laid either as double lines so that one only of such lines can be used at one and the same time or in such other way as the Board of Trade may think fit.

The total length of Tramway No. 1 is 1 mile 1 furlong 0·86 chains of which 6 furlongs 6·18 chains are single line and 2 furlongs 4·68 chains are double line.

Tramway No. 2 commencing in Gomer Lane on the western side thereof at a point in a line with the centre of Privett Lane and passing thence eastward along the said Privett Lane and terminating by a junction with Tramway No. 1 at its commencement at the eastern end of the said lane.

Tramway No. 2 shall be laid as a single line throughout and is 4 furlongs 9·71 chains in length.

Tramway No. 3 commencing in Anglesey Road at the point of junction of that road with Clayhall Road and passing thence northward along the said Anglesey Road and Foster Road and terminating by a junction with Tramway No. 1 in Bury Road at or near the point of junction of that tramway with Tramway No. 2 in Bury Road.

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Tramway No. 3 shall be laid as a single line except at the passing places hereafter described where it shall be laid as a double line viz. —

Tramway No. 3A a passing place (2 chains in length) commencing at a point in Tramway No. 3 44 yards distant from its commencement and terminating at a point southward co-terminous with Tramway No. 3 :

Tramway No. 3B a passing place (3 chains in length) commencing and terminating by junctions with Tramway No. 3 at points respectively distant from its commencement 3 furlongs 1 chain and 3 furlongs 4 chains or thereabouts.

The total length of Tramway No. 3 will be 5 furlongs 5·30 chains of which 5 furlongs ·30 chain is single line and 5 chains is double line.

The above tramways will be wholly situate in the parish of Alverstoke in the county of Southampton.

Special provisions as to certain of the tramways.

7. In constructing the tramways herein-after mentioned the following provisions shall in addition to the other provisions of this Order apply and have effect viz. :—

(A.) Before commencing to construct Tramway No. 1 between Bury Cross and Love Lane the portion of the road opposite Bury House shall be widened as shown in the deposited plans to a width of not less than 22 feet 3 inches.

(B.) No portion of Tramway No. 1 between the junction of Stone Lane with Stoke Road and the foot of the railway bridge (a distance of 4 chains or thereabouts) shall be constructed as part of the permanent line as shown on the deposited plans until the said road has been widened between those points in manner indicated on the deposited plans to a width of not less than 22 feet 3 inches and such widening shall be carried out by the Promoters within twelve calendar months after the line has been opened for public traffic but in the meantime the Promoters may lay a temporary tramway between the same points as indicated by the dotted lines on the deposited plans. The said temporary tramway shall be taken up and discontinued and the surface of the road disturbed thereby shall be restored to its original state as soon as the said permanent tramway has been constructed.

(C.) No portion of Tramway No. 1 between Henry Street and Richard Street shall be constructed unless the roadway of Stoke Road shall have been widened so as to be of a width of not less than 22 feet 3 inches.

(D.) Notwithstanding anything shown in the deposited plans no part of Tramway No. 2 shall be constructed unless and until the roadway along Privett Lane shall have been widened so as to be of a width throughout of not less than 22 feet 3 inches and when constructed such tramway shall be laid in the centre of the roadway.

(E.) Notwithstanding anything shown on the deposited plans no portion of Tramway No. 3 shall be constructed unless the roadway of the road marked on the deposited plans as Anglesea Road shall have been widened so as to be of a width of not less than 22 feet 3 inches throughout.

Gauge of tramways.

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

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

Penalty for not maintaining rails and road in good condition.

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

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

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Local authority to have access to sewers.

12. 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.

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

Single lines may be laid as double with consent of the local and road authority and Board of Trade.

14. Any of the tramways by this Order authorised to be laid as a single line may at the option and with the consent in writing of the local and road authority and with the consent in writing of the Board of Trade be laid as a double line. Provided nevertheless that in substituting such double line for such single line as aforesaid no rail shall be so laid that a less space than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road if any owner or occupier of any house shop or warehouse abutting upon the place where such rail is proposed to be laid by notice in writing under his hand addressed to the Promoters express his objection thereto.

Additional passing places and sidings may be made where necessary.

15. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove all such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient for the efficient working of the tramways or any of them or for providing access to any stables 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 any house shop or warehouse abutting on the place where such rail is proposed to be laid by notice in 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 or 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 where necessary.

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

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

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.

Paving and materials of roads.

17. So much of any road in any district upon which the tramways are laid as the Promoters are under the provisions of the Tramways Act 1870 or this Order required to repair shall be paved and maintained with such paving materials and foundation as the road authority of such district may reasonably require and in the case of passing places and of double lines to be used as single lines the whole width of the roadway co-extensive therewith shall be paved and maintained by the Promoters. Provided always that the expenses of the paving and maintaining by the Promoters of so much of any road as they are not by section twenty-eight of the Tramways Act 1870 required to maintain and repair shall be repaid to the Promoters by the road authority.

Application of road materials excavated in construction of works.

18. Any paving metalling or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters so far as may be necessary in or towards the reinstating of such road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Promoters are by section twenty-eight of the Tramways Act 1870 or 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 the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice thereof duly given to the road authority such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material or so much thereof as may not have been removed by such surveyor or person 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 differences between the Promoters and any road authority.

Special provision for protection of Alverstoke Local Board.

19. As security to the Alverstoke Local Board (in this section referred to as "the local board") for the due fulfilment by the Promoters of the obligations to which under the provisions of this Order they are liable the Promoters shall in addition to complying with the provisions of section twelve of the Tramways Act 1870 and of the rules made by the Board of Trade under the authority of the said Act before commencing the works authorised to be constructed by this Order invest to the satisfaction of the clerk to the local board the sum of five hundred pounds in the joint names of themselves and the said clerk to the

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local board (in this section referred to as "the trustees") or at the option of the local board shall assign to the trustees such other security of not less value as the local board may consider sufficient and the said sum so invested or any such security to be substituted in lieu thereof shall be held by the trustees upon trust to pay and make good to the local board any claim which may arise and be established at their instance against the Promoters and if any difference arises between the local board and the Promoters in relation to any such claim the matter in difference shall be settled in manner provided by section thirty-three of the Tramways Act 1870. Provided that so long as no claim is established at the instance of the local board against the Promoters the interest or dividends on the sum invested or secured shall be payable to and receivable by the Promoters. Provided also that when and as soon as the tramways authorised by this Order to be constructed are certified by the Board of Trade as fit to be opened for public traffic the said sum or the securities representing the same shall be released and may be received back by the Promoters unless by such time any claim has been made and is pending against the Promoters at the instance of the local board in respect of the failure of the Promoters to fulfil any of the obligations to which they are liable under the provisions of this Order.

For the protection of the London and South-western Railway Company.

20. For the protection of the London and South-western Railway Company (in this section referred to as "the South-western Company") the following provisions shall apply and have effect viz. :—

(A.) Before commencing the construction of any portion of Tramway No. 1 between Stoke Lane and Foster Road (herein-after referred to as "the Stoke Lane and Foster Road section") the Promoters shall widen the bridge by which Bury Road is carried over the railway of the South-western Company (herein-after referred to as "the Bury Road Bridge") to the extent of not less than 10 feet and notwithstanding anything shown on the deposited plans in such manner as may be approved by the Alverstoke Local Board and by the South-western Company and the widened portion shall be of such span as the engineer of the South-western Company (herein-after referred to as "the railway engineer") shall require and the cost of any additions or alterations of the existing structure rendered necessary in consequence of the widening of the said bridge shall be borne by the Promoters :

(B.) The Promoters shall not commence or execute any work whatever in connexion with the widening of the Bury Road Bridge or the construction of the Stoke Lane and Foster Road section until plans drawings and specifications (herein-after referred to as "the said plans") describing the manner of and materials to be used in executing the works intended to be executed in connexion with the widening of the Bury Road Bridge and the construction of the Stoke Lane and Foster Road section shall have been delivered to the South-western Company and have been examined and approved in writing by the railway engineer :

(C.) In the event of the railway engineer failing to approve the said plans for one calendar month after delivery thereof the same shall be referred for settlement to an engineer to be agreed upon between the Promoters and the South-western Company or failing agreement by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers

and the expenses of such reference shall be paid and the said works executed and subsequently maintained by the Promoters at their sole expense and under the superintendence and to the satisfaction of the railway engineer:

(D.) If and whenever the Promoters fail to maintain the said works in accordance with the said plans the South-western Company may in case such failure continues at the expiration of one month's notice in writing to the Promoters to execute the requisite repairs and maintenance (or in case of emergency without notice) make do and execute any works which they from time to time may think requisite in that behalf and the sums from time to time certified by the railway engineer to be the amount of the expenditure in that behalf shall be repaid to them by the Promoters and in default of full repayment the amount of such expenditure may be recovered with full costs by the South-western Company from the Promoters in any court of competent jurisdiction:

(E.) The South-western Company may if they think fit employ an inspector or watchman to inspect and watch the said works during their execution and the wages of such inspector or watchman shall be borne by the Promoters and shall be paid by them to the South-western Company and the Promoters shall indemnify the South-western Company against and compensate them for any injury which may from time to time happen to the property or works of the South-western Company or to any person or persons using their railway in consequence of or during the construction and maintenance of the said works or the working of the Stoke Lane and Foster Road section but the appointment by the South-western Company of such inspector shall not relieve the Promoters from any liability in connexion with the construction of the works:

(F.) The Stoke Lane and Foster Road section shall be constructed and maintained as a single line without any passing place or passing places unless the South-western Company in writing under their common seal consent to the doubling thereof or to the construction of a passing place or passing places:

(G.) The Promoters shall not in working the Stoke Lane and Foster Road section obstruct or interfere with the free ingress or egress of passengers carriages or goods at the entrance to or exit from the Gosport Road Station of the South-western Company and cars shall not be permitted to stand or pull up opposite to or within ten feet of either side of such entrance or exit:

(H.) If the Bury Road Bridge shall be deemed by the South-western Company to be of insufficient strength to carry any engine or weight used or carried on the Stoke Lane and Foster Road section the Promoters shall upon notice from the South-western Company to that effect and before driving or carrying any such engine or weight on or over the Bury Road Bridge execute at the cost of the Promoters all such works as may be required to prevent injury to the Bury Road Bridge by the driving or carrying thereon or thereover of such engine or weight but notwithstanding the last preceding provisions the Promoters shall make good to and compensate the South-western Company for all damage that may be occasioned to any bridge work or property of the South-western Company by the driving or carrying on or over the Bury Road Bridge of any such engine or weight or by or in consequence

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of the construction by the Promoters of any work or otherwise by any act or default of the Promoters:

(I.) From and after the commencement of the said works any additional expense of the maintenance of the Bury Road Bridge and the roadway on or over the same and of the approaches thereto occasioned thereby shall be borne and paid by the Promoters as also the expense of maintaining and keeping in good condition and repair so much of the said roadway as lies between the rails of the tramway and extends eighteen inches beyond the rails on either side and also the widened portion of the road as mentioned in sub-section (A) of this section:

(J.) Any difference which may arise between the South-western Company and the Promoters touching any of the matters referred to in this section and not otherwise provided for shall be decided by a single arbitrator to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the costs of such arbitration and of the parties thereto shall be in the discretion of the arbitrator:

(K.) Except as is by this Order otherwise provided this Order or anything herein contained shall not take away lessen or prejudicially affect any of the estates rights interests powers or privileges of the South-western Company.

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

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

Motive Power.

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

22. 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 from the time specified in such consent and with the like consent during such further periods not exceeding seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board by electrical or any mechanical power.

Provided always that the exercise of the powers hereby conferred with respect to the use of electrical 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 electrical or any mechanical power on the tramways.

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

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

Byelaws.

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

25. 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.

26. 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.

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

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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 byelaw or certificate purporting to be signed as aforesaid shall be primâ facie evidence of such order byelaw or certificate in all courts of justice and in all legal proceedings.

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

28. Where the Promoters or any person intend or intends to use electrical 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 electrical or any mechanical power upon the tramways or such part thereof be determined and of no effect.

Before using electrical 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 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 electrical or mechanical power shall be used on the tramways to which such appeal relates.

No electrical 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 electrical or any mechanical power is used contract with road authority not to be for longer period than two years at a time.

29. Where electrical 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 electrical 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 electrical 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.

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

Railway carriages not to be used on tramways.

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

Promoters not bound to carry animals goods &c.

32. 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.

33. 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.

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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 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 any 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 in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as the Promoters think most convenient for artizans mechanics and daily labourers at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny). Provided that the Board of Trade may from time to time for good cause shown either authorise the Promoters to discontinue the running of such carriage or may order the Promoters to run an extra carriage at such hours as aforesaid and may from time to time revoke alter or modify such order and in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Tolls for animals goods &c.

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

Payment of tolls.

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

Periodical revision of tolls.

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

all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they may 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. Provided also that a copy of this section shall be annexed to every table or list of tolls published or exhibited by the Promoters.

Miscellaneous.

Power to hold patents.

40. The Promoters may subject to the provisions of this Order (but only for the purposes of the undertaking and not so as to acquire any exclusive right therein) acquire hold and use any patent or other rights and any licenses to use patent rights relating to the construction or working of tramways or the engines and carriages used thereon.

Provisions as to arbitration.

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

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

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

43. The Promoters and any road authority may subject to the provisions of this Order from time to time enter into agreements with respect to the construction maintaining removing renewing repairing and using of the tramways

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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.

44. 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.

Saving as to powers of borrowing on mortgage.

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

Carrying of mails by Promoters.

46. (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 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 purpose 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.

47. In the event of the 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

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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.

For the protection of the Western Counties and South Wales Telephone Company Limited.

48. For the protection of the Western Counties and South Wales Telephone Company Limited its successors and assigns (in this section called "the Telephone Company") the following provisions shall have effect in the event of any tramways of the Promoters being worked by electricity otherwise than by electrical power carried along with the carriages that is to say:—

(1.) The Promoters shall so construct their electric circuits and other works of all descriptions and shall so work their tramway in all respects as to prevent any injurious interference by induction or otherwise with the electric circuits from time to time used or intended to be used by the Telephone Company for the purpose of telephonic communication or with the currents in such circuits: Provided that as regards electric circuits erected or laid down by the Telephone Company after the construction of the works of the Promoters this sub-section shall only apply if reasonable and proper precautions have been taken in the erection or laying down of such circuits and if they have not been erected or laid down in unreasonably close proximity to the lines or works of the Promoters.

(2.) Seven days before commencing to lay down any electric line or to supply electricity through any electric line in any manner whereby the work of telephonic communication through any wires or lines belonging to the Telephone Company and lawfully laid down or placed in any position by them may be injuriously affected the Promoters shall unless otherwise

agreed with the Telephone Company give to that Company notice in writing specifying the course nature and gauge of such electric line and the amount and nature of the current intended to be sent along the same and the Promoters shall conform with such reasonable requirements as may from time to time be made by the Telophone Company for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid.

(3.) If any difference arises between the Promoters and the Telephone Company with respect to anything in this section contained such difference shall be determined by the Board of Trade whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters and the Telephone Company were companies within the meaning of that Act.

(4.) Nothing in this section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current sent along the same are not altered.

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.

SCHEDULES.

SCHEDULE A.

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

As to speed.

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

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

SCHEDULE B.

TOLLS AND CHARGES FOR ANIMALS GOODS &c.

Animals.	Per Mile. s.	d.
For every horse mule or other beast of draught or burden - -	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 coal coke culm charcoal cannel limestone chalk lime salts and fireclay cinders dung compost and all sorts of manures 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 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	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	0	3
For all cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things - per ton	0	4
For every carriage of whatever description having two wheels -	0	6
For every carriage of whatever description having four wheels -	1	0

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

	Any Distance. s. d.
For any parcel exceeding fourteen and not exceeding twenty-eight pounds in weight - - - - - - - -	0 7
For any parcel exceeding twenty-eight and not exceeding fifty-six pounds in weight - - - - - - - -	0 9
For any parcel exceeding fifty-six pounds in weight such sum as the Promoters may think fit.	

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

Single Articles of Great Weight.	Per Mile. s. d.
For 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 any single piece of timber stone machinery or other single article the weight of which including the carriage exceeds eight tons such sum as the Promoters may think fit.	

Regulations as to Tolls.

In respect of tolls and charges for animals goods and minerals conveyed upon the tramways for any less distance than three miles the Promoters may demand and take tolls and charges as for three miles.

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

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

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

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NEWPORT AND PARKHURST TRAMWAYS.

Newport and Parkhurst.

Order authorising the construction of Tramways in the Borough of Newport and Parish of Carisbrooke in the Isle of Wight and County of Southampton.

Short title.

1. This Order may be cited as the Newport and Parkhurst Tramways Order 1889.

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 corporation" shall mean the mayor aldermen and burgesses of the borough of Newport in the Isle of Wight:

The expression "the borough" shall mean the said borough of Newport:

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.

Promoters.

4. James William Haynes and Henry Davis Poole both of 27 Chancery Lane in the county of Middlesex and the survivor of them and the executors and administrators of such survivor their or his assigns shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters." Provided always that 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.

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 let 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 but nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for

nuisance in the event of any nuisance being caused by them upon lands taken under the powers of this section.

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order as the same have been amended previous to the passing of the Act confirming this Order (which amended plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates curves points junctions offices weighbridges carriage-houses engine-sheds warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same.

The tramways authorised by this Order are :—

Tramway No. 1 wholly in the borough of Newport commencing in the High Street Newport at a point 35 yards or thereabouts eastward of the south-west corner of the town hall and thence passing westward along the centre of the High Street and terminating at or near the point of junction of Lower St. James's Street with High Street.

This tramway shall be laid as a single line throughout except at the passing place herein-after specified where it shall be laid as a double line viz. :—

Tramway No. 1A (a passing place 1½ chains in length) commencing and terminating by junctions with Tramway No. 1 at points distant respectively 38 yards and 71 yards from the commencement thereof.

The total length of Tramway No. 1 is 1 furlong 0·50 chains of which 9 chains are single line and 1·50 chains are double line.

Tramway No. 2 partly in the borough of Newport and partly in the parish of Carisbrooke commencing in the High Street Newport at or near the point of junction of Lower St. James's Street with the High Street and passing thence northward along Lower St. James's Street across Towngate Bridge up Hunny Hill and along Cowes Road until it reaches a point 20 yards distant southward of Yarmouth Road at which point it will cross to the eastern side of Cowes Road and pass northward along and over the waste land at the east side of the same road and terminate at a point opposite the northern boundary wall of the Albany Barracks Parkhurst.

Provided always that this tramway shall be so constructed in the Cowes Road as that a distance of at least 9 feet 6 inches shall intervene between the nearest rail of the tramway and the boundary of the War Department land situate opposite the Albany Barracks.

This tramway shall be laid as a single line except at the places herein-after specified where it shall be laid as a double line viz. :—

Tramway No. 2A (7·80 chains in length) commencing by a junction with Tramway No. 1 at a point distant 3 yards or thereabouts southward of the south-west corner of the "Star Hotel" and terminating by a junction with Tramway No. 1 at a point opposite the south corner of the mill at Towngate:

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Provided always that Tramway No. 2A shall be so laid as a double line that one only of such lines can be used at one and the same time:

Tramway No. 2B (a passing place 2 chains in length) commencing and terminating by junctions with Tramway No. 1 at points whereof one shall be opposite the northern corner of the parapet wall of Towngate Bridge and the other 2 chains distant northward therefrom:

Tramway No. 2C (a passing place 2 chains in length) commencing and terminating by junctions with Tramway No. 1 at points distant respectively 8 yards and 52 yards northward of the north corner of the "Britannia Inn":

Tramway No. 2D (a turnout 2 chains in length) commencing by a junction with Tramway No. 1 at a point 2 chains south of the northern boundary wall of the Albany Barracks and terminating at a point coterminous with Tramway No. 1.

The total length of Tramway No. 2 is 1 mile and 5 chains of which 7 furlongs and 1·20 chains is single line and 1 furlong and 3·80 chains is double line.

The above tramways will pass through or into or be situate in the borough of Newport and parish of Carisbrooke in the Isle of Wight and county of Southampton.

Gauge of tramways.

7. The tramways shall be constructed on a gauge of three feet. Provided always that so much of section thirty-four of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways but no engine or carriage used on the tramways shall exceed five feet three 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 notice of such approval or otherwise shall in the case of the corporation be given within one month after the receipt by them of such plan and statement and in case of approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section twenty-six of the said Act.

As to rails of tramways.

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

all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Penalty for not maintaining rails and roads in good condition.

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

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

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 the uppermost surface thereof shall be on a level with the surface of the road as altered.

Single lines may be laid as double lines with consent of the local and road authorities and Board of Trade.

13. Any of the tramways by this Order authorised to be laid as a single line may at the option and with the consent in writing of the local authority and of the road authority and with the consent in writing of the Board of Trade be laid as a double line. Provided nevertheless that in substituting such double line for such single line as aforesaid no rail shall be so laid that a less space than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road if any owner or occupier of any house shop or warehouse abutting upon the place where such rail is proposed to be laid by notice in writing under his hand addressed to the Promoters express his objection thereto.

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Additional passing places and sidings may be made where necessary.

14. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove all such crossings passing places sidings junctions turnouts and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient for the efficient working of the tramways or any of them or for facilitating the traffic of the roads in which the same are laid or for providing access to any stables carriage-houses sheds or works of the Promoters subject to the approval of the road authority. Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of any house shop or warehouse abutting on the place where such rail is proposed to be laid by notice in 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 or 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 where necessary.

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

If any difference 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.

16. Any paving metalling or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters so far as may be necessary in or towards the reinstating of such road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Promoters are by section twenty-eight of the Tramways Act 1870 or 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 the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice thereof duly given to

the road authority such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material or so much thereof as may not have been removed by such surveyor or person 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 differences between the Promoters and any road authority.

As to construction of tramways within the borough.

17. For the protection of the corporation the following provisions in addition to all other provisions of this Order shall have effect and apply with respect to such of the tramways as are by this Order authorised to be constructed within the borough :—

(Promoters to make deposit before opening roads in borough.)

(A.) As security to the corporation for the due fulfilment by the Promoters of the obligations to which under the provisions of this Order they are liable the Promoters shall in addition to complying with the provisions of section twelve of the Tramways Act 1870 and of the rules made by the Board of Trade under the authority of the said Act before commencing the works authorised to be constructed by this Order invest to the satisfaction of the corporation the sum of three hundred pounds in the joint names of themselves and of the town clerk (in this sub-section referred to as "the trustees") or at the option of the corporation assign to the trustees such other security of not less value as the corporation may consider sufficient and the said sum so invested or any such security to be substituted in lieu thereof shall be held by the trustees upon trust to pay and make good to the corporation any claim which may arise and be established at their instance against the Promoters and if any difference arises between the corporation and the Promoters in relation to any such claim the matter in difference shall be settled in manner provided by section thirty-three of the Tramways Act 1870. Provided that so long as no such claim is established and remains unsatisfied the interest or dividends on the sum invested or secured or on so much thereof as may for the time being be invested or secured shall be payable to and receivable by the Promoters. Provided also that when the tramways authorised by this Order to be constructed within the borough have been certified by the Board of Trade as fit to be opened for public traffic and if no claim has then arisen at the instance of the corporation and remains unsatisfied the sum of one hundred pounds or the investments representing the same shall be paid or transferred to the Promoters. Provided further that if at the end of three years from the passing of the Act confirming this Order no claim which may have arisen at the instance of the corporation against the Promoters remains unsatisfied a further sum of one hundred pounds or the investments representing the same shall be paid or transferred to the Promoters and the balance of the said sum of three hundred pounds shall remain invested as a permanent security as aforesaid :

(Consent of corporation to extension of time &c.)

(B.) The consent of the corporation shall be necessary before the Promoters can obtain any direction of the Board of Trade for an extension of time under section eighteen of the Tramways Act 1870 or in the case of a portion of the tramways having been completed the permission of the said Board

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under the said section for the powers given by this Order to the Promoters to continue and to be exercised with reference to such portion :

(Works not to be commenced before completion of new sewers.)

(c.) None of the works authorised by this Order within the borough shall except with the consent of the corporation be commenced until after the completion by the corporation of the proposed new sewers in Lower St. James's Street and Hunny Hill. Provided that this restriction shall only be in operation for the period of one year after the passing of the Act confirming this Order and if the Promoters apply for the consent of the corporation under this sub-section and such consent be refused the time subsequent to such refusal during which the Promoters are by reason of this sub-section prevented from commencing the works shall not be reckoned in computing the respective times within which the works are by section eighteen of the Tramways Act 1870 required to be commenced and completed anything in the said Act contained to the contrary notwithstanding :

(As to width of groove.)

(D.) The width of the groove of the rails of the tramways shall not exceed seven-eighths of an inch such width to be measured on the uppermost surface of the rail :

(No traffic on tramways on Sundays.)

(E.) The Promoters shall not without the consent of the corporation first obtained permit any carriage to run upon the tramways within the borough on a Sunday :

(Copies of report and accounts to be sent to corporation.)

(F.) The Promoters shall on the annual publication of their report and accounts cause a copy thereof to be delivered to the corporation in manner by this Order prescribed with respect to the delivery of notices.

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

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

Motive Power.

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

19. 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 not exceeding seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board by electrical power or any mechanical power. Provided always that no mechanical power other than electrical power shall be used upon any of the tramways within the borough except with the consent in writing of the corporation under their seal and that all electrical power used upon the said tramways shall be carried by accumulators or other batteries attached to the carriages and that no chain wire or other connexion shall be placed underground or above ground between the carriages and the termini or between the termini. Provided also that the exercise of the powers hereby conferred with respect to the use of electrical 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 electrical or any mechanical power on the tramways.

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

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

Byelaws.

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

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

As to recovery of penalties.

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

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

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

Orders and byelaws to be signed &c.

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

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

25. Where the Promoters or any person intend or intends to use electrical 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 electrical or any mechanical power upon the tramways or such part thereof be determined and of no effect.

Before using electrical 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 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 electrical or mechanical power shall be used on the tramways to which such appeal relates.

No electrical 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 electrical or any mechanical power is used contract with road authority not to be for longer period than two years at a time.

26. Where electrical 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 electrical 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 electrical 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. Railway carriages not to be used on tramways.

27. The tramways may be used for the purpose of carrying passengers and parcels.

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

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29. The Promoters shall not be bound to carry unless they think fit any parcels other than passengers luggage not exceeding twenty-eight pounds in weight.

Promoters not bound to carry parcels.

30. In case the Promoters carry 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.

Provision as to carriage of parcels in separate carriages.

31. The Promoters shall not carry on the tramways any goods animals or things other than passengers and passengers luggage and parcels.

Promoters not to carry animals or goods.

32. The Promoters shall unless with the consent of the corporation to the contrary cause carriages for the conveyance of passengers to run over the whole length of the tramways from the hour of eight o'clock in the morning to the hour of eight o'clock in the evening and at intervals not longer than an hour in succession.

Carriages to be run at intervals of not less than an hour.

Tolls.

33. 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 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 any 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.

Tolls for passengers.

34. 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.

Passengers luggage.

35. The Promoters at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run at least one carriage each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning nor earlier than six in the evening respectively as the Promoters think most convenient for artizans mechanics and daily labourers at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny): Provided that the Board of Trade may from time to time for good cause shown either authorise the Promoters to discontinue the running of such carriage or may order the Promoters to run an extra carriage at such hours as aforesaid and may from time to time revoke alter or modify such order and in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Cheap fares for labouring classes.

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

Tolls for parcels.

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Payment of tolls.

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

Periodical revision of tolls.

38. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by 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 may 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. Provided also that a copy of this section shall be annexed to every table or list of tolls published or exhibited by the Promoters.

Miscellaneous.

Power to hold patents.

39. The Promoters may subject to the provisions of this Order (but only for the purposes of the undertaking and not so as to acquire any exclusive right therein) acquire hold and use any patent or other rights and any licenses to use patent rights relating to the construction or working of tramways or the engines and carriages used thereon.

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:

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(2.) Any notice to be delivered by or to the Promoters to or by any local authority or any road authority or other body or any company may be delivered by being left at the principal office of 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 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 or parcels and the fixing collecting and apportionment of tolls charges rents or other receipts arising in respect of such traffic.

Saving as to powers of borrowing on mortgage.

44. 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.

Carrying of mails by Promoters.

45. (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 the 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.

46. In the event of the 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

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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.

47. 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.

SCHEDULES.

SCHEDULE A.

Brake 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 electrical 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.

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SCHEDULE B.

TOLLS AND CHARGES FOR PARCELS.

	Any Distance.	
	s.	*d.*
For any parcel not exceeding seven pounds in weight - - -	0	3
For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight - - - - - - -	0	5
For any parcel exceeding fourteen pounds but 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 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 parcels but that term shall apply only to single parcels in separate packages.

OLDHAM, ASHTON-UNDER-LYNE, AND HYDE DISTRICT TRAMWAYS.

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Oldham, Ashton-under-Lyne, and Hyde District.

Order authorising the construction of Tramways in the Borough of Ashton-under-Lyne, and the Local Board Districts of Denton and Haughton, and Audenshaw, and the District of the Ashton-under-Lyne Rural Sanitary Authority, all in the County of Lancaster.

Short title.

1. This Order may be cited as the Oldham, Ashton-under-Lyne, and Hyde District Tramways Order, 1889.

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 Ashton Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Ashton-under-Lyne, in the county of Lancaster ;

The expressions "the tramways," and "the undertaking," shall (unless where any particular tramways are referred to by name or number, as the case may be) mean respectively the tramways and works, and the undertaking by this Order authorised ;

The term "sewer" shall include all public and private sewers and drains, and the man-holes, ventilating shafts, and other works connected therewith respectively ;

The expression "pipes and apparatus" shall include all mains, pipes, and tubes for the conveyance of gas, electricity, water, sewage, residual products, or used for telegraphic, or telephonic, or any other purpose, and all valves, syphons, hydrants, scour and air pipes, and other apparatus ancillary to any of the foregoing matters ;

The term "carriage" shall include truck ; and

The term "person" shall include a corporation.

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Promoters.

The Promoters.

4. The London Joint Stock Association, 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, let, 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, but nothing in this Order shall exonerate the Promoters from any indictment, action, or other proceeding for nuisance in the event of any nuisance being caused by them upon lands taken under the powers of this section.

Construction of Tramways.

Construction of tramways.

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

Tramway No. 1.—1 mile 5 furlongs 9·90 chains in length, consisting of 1 mile 5·15 chains of single, and 5 furlongs 4·75 chains of double line; wholly in the main road from Oldham to Ashton-under-Lyne, known as the Oldham Road; commencing at the southern boundary of the borough of Oldham, and terminating at the northern boundary of the borough of Ashton-under-Lyne.

Tramway No. 1 shall be laid as a single line, except as follows, where it shall be laid as a double line.

(*a.*) Between points 11 yards and 88 yards (or thereabouts) from its commencement.

(*b.*) Between points 12 yards and 89 yards (or thereabouts) southward from Park Lane Terrace.

(*c.*) Between points 19 yards, or thereabouts, northward, and 58 yards, or thereabouts, southward from the southern side of the Halfway public-house.

(*d.*) Between the Black Diamond public-house and a point 60 yards, or thereabouts, northward from Glenwood Terrace. Provided that if the surface of the roadway extending from a point 62 chains from the commencement of Tramway No. 1 to the bridge over the Manchester and Ashton-under-Lyne Canal, be altered so that the gradient of the

tramway throughout such length shall not be steeper than 1 in 15, the whole or any part of portion (*d*) of Tramway No. 1 may be laid as a single line instead of as a double line.

(*e.*) Between points 47 yards, or thereabouts, northward, and 30 yards, or thereabouts, southward from the southern side of Mount Pleasant.

(*f.*) For 77 yards, or thereabouts, northward from the Waterloo tavern.

(*g.*) Between points 126 yards and 49 yards (or thereabouts) northward from the Dog and Partridge inn.

(*h.*) Between points 15 yards, or thereabouts, northward, and 62 yards, or thereabouts, southward from the northern end of Primrose Terrace.

Tramway No. 2.—3 furlongs, 3·80 chains in length, consisting of 2 furlongs 6·80 chains of single, and 7 chains of double line; wholly in the Oldham Road; commencing at the point of termination of Tramway No. 1, and terminating about 27 yards northward from the southern side of Robinson Lane.

Tramway No. 2 shall be laid as a single line, except as follows, where it shall be laid as a double line.

(*a.*) For 77 yards, or thereabouts, southward from Daisy Bank.

(*b.*) Between points 84 yards and 7 yards (or thereabouts) from its termination.

Tramway No. 3 (single line).—1 furlong, 3·10 chains in length; commencing in the Oldham Road at the point of termination of Tramway No. 2; passing thence along the Oldham Road and Katherine Street, and terminating therein about 6 yards westward from the Oldham Road.

Tramway No 4.—2 furlongs 5·80 chains in length, consisting of 2 furlongs 2·30 chains of single, and 3·50 chains of double line; commencing in the Oldham Road at the point of termination of Tramway No. 2; passing thence into and along Wellington Road and the open space on the north-eastern side of the market house (Ashton), and terminating therein in line with the western side of Market Street.

Tramway No. 4 shall be laid as a single line, except as follows, where it shall be laid as a double line:—

In Wellington Road:—

(*a.*) Between points 11 yards and 88 yards (or thereabouts) eastward from Kent Street.

Tramway No. 5.—2 furlongs 1·70 chains in length, consisting of 1 furlong 8·20 chains of single, and 3·50 chains of double line; commencing in Katherine Street at the point of termination of Tramway No. 3; passing thence along Katherine Street and the open space on the north-eastern side of the market house and terminating therein by a junction with Tramway No. 4 about 28 yards from the termination of that tramway.

Tramway No. 5 shall be laid as a single line, except as follows, where it shall be laid as a double line:—

In Katherine Street:—

(*a.*) For 77 yards, or thereabouts, eastward from the western side of Warrington Street.

Tramway No. 6 (single line).—1·20 chain in length; commencing in Katherine Street by a junction with Tramway No. 5, 18 yards, or thereabouts,

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eastward from the town hall, and passing thence into and terminating in Wellington Road by a junction with Tramway No. 4; about 44 yards eastward from Tatton Street.

Tramway No. 7.—1 mile, 2 furlongs, 8·65 chains in length, consisting of 7 furlongs, 8·05 chains of single, and 3 furlongs ·60 chain of double line; commencing in Katherine Street at the point of termination of Tramway No. 3; passing thence along Katherine Street, Margaret Street, Chester Square, Stockport Road (crossing Trafalgar Square), and Guide Lane, and terminating therein at the southern boundary of the borough of Ashton-under-Lyne.

Tramway No. 7 shall be laid as a single line, except as follows, where it shall be laid as a double line:—

In Katherine Street:—

(*a.*) Between points 11 yards and 88 yards (or thereabouts) from its commencement.

(*b.*) Between points 84 yards and 7 yards (or thereabouts) eastward from Margaret Street.

In Chester Square and Stockport Road:—

(*c.*) Between points 37 yards and 114 yards (or thereabouts) from St. Peter's Street.

In Stockport Road:—

(*d.*) For 77 yards, or thereabouts, southward from William Street.

In Trafalgar Square and Stockport Road:—

(*e.*) Between points 110 and 22 yards (or thereabouts) northward from the Oxford inn.

In Stockport Road:—

(*f.*) For 77 yards, or thereabouts, northward from Birch Street.

In Stockport Road and Guide Lane:—

(*g.*) Between points 13 yards, or thereabouts, north-eastward from the Corporation Arms public-house and 86 yards, or thereabouts, from its termination.

Tramway No. 8.—6 furlongs 4 chains in length, consisting of 5 furlongs 0·10 chains of single, and 1 furlong 3·90 chains of double line; commencing in Guide Lane at the point of termination of Tramway No. 7; passing thence along Guide Lane and Denton Road, and terminating at the boundary between the local board districts of Audenshaw and Denton and Haughton.

Tramway No. 8 shall be laid as a single line, except as follows, where it shall be laid as a double line:—

In Guide Lane:—

(*a.*) Between points 28 yards and 94 yards (or thereabouts) southward from Providence Street.

Provided that no part of this portion of double line shall be so laid that a less space than 9 feet 6 inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway, without the consent in writing of two-thirds of the owners and two-thirds of the occupiers of the houses, shops, or warehouses abutting upon the part of the road, where such less space shall intervene as aforesaid.

In Guide Lane and Denton Road :—

(*b.*) Between Shepley Road and a point 16 yards, or thereabouts, southward from Stamford Road.

In Denton Road :—

(*c.*) Between points 88 yards and 11 yards (or thereabouts) from its termination.

Tramway No. 9.—4 furlongs 1·40 chains in length, consisting of 3 furlongs 7·90 chains of single, and 3·50 chains of double line ; commencing at the point of termination of Tramway No. 8 ; passing thence along Ashton Road and Hyde Road, and terminating therein about 25 yards westward from Wylde Street.

Tramway No. 9 shall be laid as a single line, except as follows, where it shall be laid as a double line :—

In Ashton Road.

(*a.*) Between points 28 yards and 105 yards (or thereabouts) southward from Walker Street.

Provided always that so much of Tramway No. 7 as extends through Margaret Street, and so much of Tramway No. 9 in the Ashton Road as extends from the commencement of that tramway to Peacock Street shall be laid as double single lines instead of single line, if the respective roadways whereon the said portions of tramway are to be laid, are not, before or at the time when such portions of tramway are laid, widened so as to leave such space between the outside of the footpath on either side of the road and the nearest rail of the single line of tramway as the Board of Trade may require and such double-single lines shall in each case be so constructed that one only of such double-single lines can be used at one and the same time.

Tramway No. 10 (single line).—·80 chain in length ; wholly in Hyde Road ; commencing at the termination of the existing tramway of the Manchester Carriage and Tramways Company, at Crown Point, Denton, and terminating at the point of termination of Tramway No. 9.

Tramway No. 11.—6 furlongs ·25 chain in length, consisting of 4 furlongs 6·25 chains of single, and 1 furlong 4 chains of double line; wholly in Hyde Road; commencing at the point of termination of Tramway No. 9, and terminating at the county and borough boundary at or near the centre of Broomstair Bridge.

Tramway No. 11 shall be laid as a single line, except as follows, where it shall be laid as a double line :—

(*a.*) For 77 yards, or thereabouts, eastward from the western side of Bond Street.

(*b.*) For 77 yards, or thereabouts, westward from Peter Street.

(*c.*) For 77 yards, or thereabouts, eastward from St. Anne's Road.

(*d.*) Between points 129 yards and 52 yards (or thereabouts) from its termination.

Provided that for a distance of 32 yards from its termination, Tramway No. 11 shall be so laid as a double line that one only of such lines can be used at one and the same time.

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The tramways will be made or pass from, in, through, or into the following parishes, townships, or extra-parochial places, on some or one of them that is to say :—

The parishes of Ashton-under-Lyne and Manchester, and the townships of Ashton-under-Lyne, Denton and Haughton all in the county of Lancaster.

For the protection of the London and North-western and Manchester, Sheffield, and Lincolnshire Railway Companies.

7. For the protection of the London and North-western and the Manchester, Sheffield, and Lincolnshire Railway Companies (herein-after called the "railway companies") the following provisions (except as to sub-section (*g*) of this section which shall apply to the London and North-western Railway Company only) shall apply and have effect:—

(*a.*) The Promoters shall not in any way vary, alter, or interfere with the structure of any bridge carrying any road over any railway of the railway companies, or over any railway leased to them, and the Promoters shall so construct and maintain the tramways over such bridge as not injuriously to affect the same.

(*b.*) In the event of any injury being caused to any such bridge by the construction, maintenance, repairing, user, or removal of any of the said tramways, the railway companies may, at the expense of the Promoters, restore such bridge or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned, and the Promoters shall indemnify the railway companies against all sums, costs, and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge as the Promoters are liable to maintain and repair under section 28 of the Tramways Act, 1870, and the railway companies may recover from the Promoters all such sums, costs, and expenses, with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered.

(*c.*) Whenever and so often as the railway companies shall require to widen, lengthen, strengthen, re-construct, alter or repair any such bridge, or to widen or alter their railways, or to lift or support any such bridge owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten, and they shall find it necessary for effecting any of such purposes that the working and user of any of the said tramways over such bridge should be wholly or partly stopped or delayed, or that such tramways should be temporarily diverted or be wholly or in part taken up or removed, and shall, except in cases of emergency, give to the Promoters seven clear days notice in writing requiring such stoppage, delay, or diversion, taking up or removal, the working and user of such tramways shall be stopped or delayed, or such tramways shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer, if such engineer shall give such superintendence, but only for so long as the railway companies may find it to be absolutely necessary for effecting such purpose and without their being liable for any compensation, claims, demands, damages, costs or expenses for or in respect of such stoppage or delay, or in any way relating thereto.

(*d.*) In case the principal engineer of the railway companies shall be of opinion that any such strengthening is desirable or necessary, owing to the carriages or other vehicles on any of the said tramways being or being intended to be

moved by steam or any mechanical power such strengthening shall be effected in all things at the expense of the Promoters, who shall also pay to the railway companies all additional expense which they may incur or be put to in effecting any such widening, lengthening, strengthening, re-construction, alterations, repairs, lifting, or supporting, by reason of the existence of the tramway so passing, or any of the works connected therewith, the amount of such expenditure to be recoverable as aforesaid by the railway companies from the Promoters, with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered.

(*e.*) Whenever any of the said tramways on either side of any such bridge is a single line, there shall only be a single line over such bridge, and no turnouts or passing places shall be constructed thereon.

(*f.*) All works which may be necessary in constructing and maintaining any of the said tramways over any bridge, works, or property of the railway companies, or over or connected with any railway leased to them shall be constructed and maintained in all things at the expense of the Promoters, and to the reasonable satisfaction of the principal engineers of the railway companies, or in case of difference of an engineer to be appointed by the Board of Trade on the application of the railway companies or the Promoters.

(*g.*) No additional crossing, passing place, siding, junction, turnout, or other work, shall be made for or in connexion with so much of Tramways Nos. 2 and 3 as will extend over the distance in front of the entrance to the Ashton goods station of the London and North-western Railway Company at Oldham Road, and no additional crossing, passing place, siding, junction, turnout, or other work shall be made for or in connexion with so much of Tramway No. 7 as will extend over the distance in front of the entrance to the Guide Bridge goods station of the London and North-western Railway Company at Guide Lane, and as will extend for a length of ten yards at each end of such respective distances, and no tramcar, or other carriage or vehicle used on the said Tramways Nos. 2, 3, and 7, shall without the consent of the London and North-western Railway Company, under their common seal, be stopped or permitted to be stopped within such respective distances or lengths, except for and only for so long as may be absolutely necessary for the purposes of setting down and taking up passengers.

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

8. The following provisions for the protection of the Lancashire and Yorkshire Railway Company (in this section called "the company") shall at all times, unless otherwise agreed between the Promoters and the company, be observed and have effect (that is to say):

For the protection of the Lancashire and Yorkshire Railway Company.

(*a.*) The Promoters shall so construct and maintain Tramway No. 2, in Oldham Road, where that road is carried by means of a bridge over the railway of the company immediately on the east side of the junction therewith of the Oldham, Ashton, and Guide Bridge Railway, near the company's Ashton station, as not to alter or interfere with the structure of the said bridge or of the approaches thereto unless such alteration or interference be absolutely necessary for the purpose of constructing the said tramway.

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(*b.*) In the event of any such alteration or interference, the Promoters shall, together with the notice required in such cases by section twenty-six of the Tramways Act, 1870, submit to the company detailed drawings and specifications showing the proposed work as affecting the said bridge, and if any difference arise between the Promoters and the company as to such alteration or interference, the same shall be left to the decision of the Board of Trade, and the Promoters shall so construct and maintain the said tramway as not to injuriously affect the stability of the said bridge and the approaches thereto.

(*c.*) In the event of any injury being caused to the said bridge or the approaches thereto by the construction, laying, maintenance, repairing, user, or removal of the said tramway, the company may, at the expense of the Promoters, restore the said bridge and approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned, and the Promoters shall indemnify the company against all sums, costs, and expenses which they may pay or be put to in restoring the said bridge and approaches in manner aforesaid, and in repairing and maintaining (in case of default by the Promoters) so much of the road over such bridge and approaches as the Promoters are liable to maintain under section twenty-eight of the Tramways Act, 1870, and the company may recover from the Promoters all such sums, costs, and expenses, with full costs and charges by all and the same means as any simple contract debt of like amount is recoverable :

(*d.*) All works which may be necessary in constructing, laying, and maintaining the said tramway over the said bridge shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the engineer of the company, or in case of difference, of an engineer to be appointed by the Board of Trade on the application of the company or the Promoters.

(*e.*) In case it shall become necessary in consequence of the existence or user of the tramway to strengthen the fabric of the said bridge, the company may execute such works as their engineer may deem necessary, but in all things at the expense of the Promoters, and the company may recover from the Promoters in manner aforesaid all moneys expended by them in the execution of such works as aforesaid, together with full costs.

(*f.*) If it shall become necessary for effecting such strengthening that the working and use of such portion of the said tramway shall be wholly or in part stopped or delayed, and the company shall give the Promoters three clear days notice in writing requiring such stoppage or delay, the working or user of such portion of the said tramway shall be stopped or delayed accordingly, but only for so long as may be absolutely necessary for effecting such strengthening, and the company shall not be liable for any compensation, claim, demand, damages, costs, or expenses for or in respect of such stoppage or delay.

(*g.*) The sleepers and other materials forming the sub-structure of the said tramway where the same crosses the said bridge, shall, subject to the provisions of this section, be such as shall be reasonably approved of by the company.

(*h.*) Nothing in this Order contained shall prejudice, lessen, take away or interfere with the lands, property, rights, powers and privileges of the company, otherwise than as by this Order expressly provided.

(*i.*) Nothing in this Order contained shall prejudice, alter, or affect the liability imposed upon the Ashton Corporation to alter the levels of Wellington Road at their own expense in the manner provided by section sixteen, sub-section one, of the Lancashire and Yorkshire Railway Act, 1884.

For the protection of the Manchester Carriage and Tramways Company.

9. For the protection of the Manchester Carriage and Tramways Company the following provisions shall apply and have effect (that is to say)—

(*a.*) Whenever any of the tramways authorised by this Order (in this section referred to as "the new tramways") shall cross on the level any of the tramways of the Manchester Carriage and Tramways Company (in this section referred to as "the said company") the Promoters shall so lay down, construct, and maintain such new tramways as to cause no damage or injury to the tramways of the said company and shall from time to time and at all times keep every such level crossing in good order and condition, and if the Promoters make default in keeping the level crossings in good order and condition, the said company shall be at liberty to make good the same and may recover the cost of so doing from the Promoters by all and the same means as any simple contract debt of the like amount is recoverable.

(*b.*) The new tramways shall not be so worked or used at any such point or crossing, nor shall the work of constructing the same be so conducted as to occasion any interruption or impediment to the traffic on the tramways of the said company, or the use thereof, and particularly, but without prejudice, to the generality of this provision the Promoters shall not cross or permit to be crossed the tramways of the said company while any tramcar or carriage is passing or about to pass over the same, at or near any such crossing of the tramways of the said company and of the new tramways, but no tramcar or carriage of the said company shall unnecessarily delay any carriage or tramcar running on the new tramways, and with the object of preventing accidents the tramcars running on the new tramways shall stop immediately before crossing the tramways of the said company at any point.

As to construction of tramways within the borough of Ashton-under-Lyne.

10. For the protection of the Ashton Corporation the following provisions (in addition to all other provisions of this Order applicable to the Ashton Corporation as the local or road authority, or mentioning the Ashton Corporation by name) shall, unless otherwise agreed between the Ashton Corporation and the Promoters, apply and have effect with respect to the construction, maintenance, and working of such of the tramways as are authorised to be constructed within the borough of Ashton-under-Lyne (in this section referred to as "the Ashton tramways").

(Form, material, and size of rails to be approved, and as to concrete bed.)

(1.) Before any roads in the said borough are broken up for the purpose of laying down any of the Ashton tramways, the form, material, and size of the rails proposed to be used shall be submitted to, and approved by, the Ashton Corporation, and the rails and paving of the Ashton tramways shall be laid on a bed of Portland cement concrete, not less than 6 inches in depth and of a width of not less than 8 feet in the case of a single line, and 16 feet in the case of double line.

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(As to paving and grouting.)

(2.) No portion of any road within the said borough, which the Promoters are, by section twenty-eight of the Tramways Act, 1870, or by this Order required to maintain, and keep in good condition and repair shall be deemed to be so maintained and kept in good condition and repair, unless such portion of such road is paved by the Promoters with granite setts (not less than 6 inches deep, nor more than 4 inches wide, where, and for the same distance in every road as such sized setts are at the time of the passing of the Act confirming this Order laid, and where such sized setts are not at such time as aforesaid so laid, then not less than 5 inches deep and 3 inches wide) both inside and outside the rails of the Ashton tramways, and asphalted, and such setts, paving, and asphalting, and the quality of the material used, shall be such as may be approved of by, and be satisfactory, to the Ashton Corporation, or their surveyor for the time being, and the Promoters shall hand over to the Ashton Corporation, free of cost, all cubes and setts taken up by the Promoters in the course of constructing the Ashton tramways in so much of Katherine Street as extends from Oldham Road to Margaret Street. The Promoters shall also repair and reinstate all paving or metalling damaged or disturbed by them outside the limits specified in this sub-section, and shall make good to the satisfaction of the Ashton Corporation, or their surveyor for the time being, all irregularities thereto which may be caused by the Promoters during the progress of their works.

(Arrangements during construction to prevent traffic being unnecessarily impeded.)

(3.) During the construction of the Ashton tramways, or any works by this Order authorised in any street or road within the said borough, the Promoters shall make such arrangements in relation to the construction of such tramways or execution of such works as may from time to time be required by the Ashton Corporation or their surveyor for the time being, for preventing the traffic along such street or road from being unnecessarily impeded.

(As to deposit of materials, &c., used in construction of tramways.)

(4.) The Promoters shall not at any time before, during, or after the construction of the Ashton tramways deposit in any street or road within the said borough any rails, sleepers, paving, metalling, or other materials, except so far as the same may be necessary for the carrying on of the work for the time being actually in progress, unless and until they have obtained the consent of the Ashton Corporation or their surveyor for the time being to the place where such deposit is proposed to be made.

(Promoters to pay costs of new water mains, &c., rendered necessary by their works.)

(5.) The costs from time to time incurred by the Ashton Corporation or by the Ashton-under-Lyne, Stalybridge, and Dukinfield (District) Waterworks Joint Committee in constructing, providing, and laying any new water mains, pipes, or apparatus in substitution for any water mains, pipes, or apparatus, belonging to them which may be rendered useless by the construction or maintenance of the Ashton tramways, and the value of any water mains, pipes, or apparatus belonging to or under the control of the Ashton Corporation or the said joint committee, rendered useless or unproductive to the Ashton Corporation or to the said joint committee by the works authorised by this Order, shall on demand, and subject to credit being given for the value of the aforesaid matters so rendered useless to the Ashton Corporation, or to the said joint committee, be paid to them by the Promoters, provided always that whenever any new water main, pipe,

or apparatus of larger dimensions is substituted for any existing main, pipe, or apparatus belonging to the Ashton Corporation, or to the said joint committee, the Promoters shall (unless the increased dimensions be required by reason of the construction or existence of the Ashton tramways) only be required to pay the cost which would have been incurred by the substitution of a water main, pipe, or apparatus of equal dimensions with the existing water mains, pipes, or apparatus.

(As to excavated materials.)

(6.) The Promoters shall only use for the construction of the works by this Order authorised such portion of any paving, metalling, or material excavated by them in the construction of the Ashton tramways as is suitable for such purposes, and with the approval of the surveyor for the time being of the Ashton Corporation (such approval not to be unreasonably withheld), and shall remove such paving, metalling, and material from the roadway and shall store the same in some convenient place, to be reasonably approved of by the Ashton Corporation, and the Promoters shall if so required remove the surplus paving, metalling, or materials not used or required to be retained for the purpose aforesaid to such place within the said borough as may be pointed out by the surveyor for the time being of the Ashton Corporation or by such person or persons as he may appoint to receive the same, such place not being distant more than one mile from the point where the same was excavated.

(As to construction of double lines.)

(7.) The Promoters shall lay down all double lines of tramway within the said borough so that the space within the inner rails of the two lines shall be at least three feet.

(Construction of new entrances to sewers where necessary and required by Ashton Corporation.)

(8.) Whenever any of the Ashton tramways or any passing place is constructed or required to be constructed over any man-hole or entrance into any sewer of the Ashton Corporation, or so close to any such man-hole or entrance, as in the reasonable opinion of the engineer or surveyor for time being of the Ashton Corporation to make the use thereof dangerous or inconvenient the Promoters shall, if required by the Ashton Corporation, construct another man-hole or side entrance in lieu thereof in such a position and according to such plans as may be approved of by such engineer or surveyor, or the Ashton Corporation may at their option reconstruct such man-hole or entrance, and the Promoters shall repay to the Ashton Corporation the costs thereof.

(Cable power and electrical power under certain conditions not to be used without the consent of the corporation.)

(9.) The Promoters shall not use the cable system upon any of the Ashton tramways except with the consent in writing of the corporation, nor shall they without such consent use any application of electrical power involving an interference with the roadway.

(As to surface drains.)

(10.) The Promoters shall, where necessary, remove all drains and sewers constructed or used for the purpose of carrying off surface water, and all water mains which are situate under that part of any road which they are, by section twenty-eight of the Tramways Act, 1870, required to maintain and keep in good condition and repair, and shall re-construct and relay such drains, sewers, and mains respectively in such other parts of the said road as may be prescribed by the Ashton Corporation, and shall make all such alterations as may be necessary in the connexions with such drains, sewers, and mains.

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(Alteration of private cellars, vaults, &c.)

(11.) If in constructing any of the Ashton 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 necessary works to the reasonable satisfaction of the owners of such vaults, cellars, arches, and culverts, respectively, and shall save harmless and indemnify the Ashton Corporation, and all other bodies and persons, from all claims for damage or injury or otherwise in respect of any such alteration or reconstruction of any such vault, cellar, archway, or culvert.

(As to cleansing of tramways.)

(12.) The Ashton Corporation may cleanse the roadway in which any of the Ashton tramways are laid without reference to the tramways, but whatever cleansing owing to snow or other matters impeding the traffic is requisite for the proper working of the Ashton 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.

(Promoters to be solely responsible for maintaining the tramways free from danger or accident.)

(13.) Subject to the provisions of sub-section seventeen of this section, the sole responsibility of maintaining the Ashton tramways free from danger or accident shall rest with the Promoters, and they shall have no claim whatever for any damage or interruption to traffic which may arise from any works executed or to be executed by the Ashton Corporation, or from the use of any implements or materials used in the maintenance thereof, or by reason of any accident which may happen to any bridge or road under the control of the Ashton Corporation.

(Ashton Corporation may stop traffic in certain cases.)

(14.) The Ashton Corporation may, if, and when they think fit, by notice in writing direct the Promoters at any time after the expiration of twenty-four hours from the service of such notice to stop, delay, or suspend the working of the Ashton tramways, for the purpose of facilitating traffic during the holding of any special markets or fairs, or during the time of any public meeting, procession, or demonstration, or during such time as, in the opinion of the Ashton Corporation, the roads upon which the Ashton tramways are laid are likely to be more than usually thronged or crowded. Provided always, that such stoppage, delay, or suspension shall continue so long only as may, in the opinion of the Ashton Corporation, be reasonably necessary for the purposes aforesaid, or any of them, and the Promoters shall not have any claim for compensation in respect thereof.

(Penalty for default of Promoters in working tramways within the borough of Ashton.)

(15.) If at any time after the opening of the Ashton tramways, or any of them, for public traffic the Promoters discontinue working the traffic upon any of the Ashton tramways within the said borough for the space of an entire day (except Sundays, Christmas Day, or Good Friday), they shall be liable to pay the Ashton Corporation a penalty of ten pounds a day for every day (save and except any day on which they may be required by the Ashton Corporation to stop, delay, or suspend the working of such traffic, as in the last preceding sub-section provided), on which they discontinue working such traffic. Provided always that the Promoters shall not be liable to any such penalty if the discontinuance to work the Ashton tramways arises from any act of the Ashton Corporation or their officers, or from accident, or any other circumstance over which the Promoters have no control, Provided that, for

the purposes of this sub-section, the want of funds shall not be held to be a circumstance over which they have no control.

(Ashton Corporation may use tramways during certain hours.)

(16.) The Ashton Corporation may between the hours of eleven in the evening and six in the morning, and in such manner as they think fit, but subject to the reasonable byelaws and regulations for the time being in force with respect to the tramways, use the Ashton tramways, free of toll, for the conveyance of road and sewer material, coals, pipes, and other materials required for the works of the Ashton Corporation, and shall have power to form connexions between any yards or works belonging to the Ashton Corporation, and the Ashton tramways provided that in the construction of any such connexion, no rail shall be laid by the Ashton Corporation, so that a space of less than 9 feet 6 inches shall intervene between such rail and the outside of the footpath on either side of the road if any owner or occupier of any house, shop, or warehouse abutting on the place where such rail is proposed to be laid by notice in writing under his hand addressed to the town clerk of the borough of Ashton expresses his objection thereto.

(Ashton Corporation may maintain, &c., parts of roads otherwise maintainable, &c., by the Promoters.)

(17.) The Ashton Corporation may at any time and from time to time take upon themselves the repairing, maintaining or repaving of such portions of any road whereon any of the Ashton tramways are laid as under the Tramways Act, 1870, and this Order the Promoters are bound to maintain and keep in good condition and repair for the whole or any part of the length of the tramway laid upon such road, and that, notwithstanding that the Promoters may have theretofore repaired or maintained the same or any part thereof. Provided that the Ashton Corporation shall, by two months previous notice in writing to the Promoters, state when the Ashton Corporation intend to take upon themselves such repairing, maintaining or repaving, and if the Ashton Corporation give such notice they shall execute such repairs, maintenance, or repaving, from and after the time and for the period mentioned in that behalf in such notice. The materials to be used in such repairing, maintaining or repaving, by the Ashton Corporation shall (subject to the provisions of this Order) be in the discretion of the Ashton Corporation, and the Promoters shall not interfere in any way in the repair, maintenance or repaving, of such portions of any such roads as in pursuance of such provisions as aforesaid, the Ashton Corporation are or may become liable to repair, maintain or repave or be liable in any way for any neglect or default in or about such repairing, maintaining or repaving. The Promoters shall pay to the Ashton Corporation all the nett expenses of repairing, maintaining and repaving of such portions of such roads as shall be repaired, maintained or repaved by the Ashton Corporation, and as but for this and the preceding sub-sections the Promoters would have been under the Tramways Act, 1870, and this Order bound to repair, maintain or repave, together with five pounds per centum on such expenses, and the amount of such nett expenses to be paid from time to time by the Promoters under this sub-section shall be ascertained in such manner as may from time to time be agreed upon between the Ashton Corporation and the Promoters, or as failing such agreement in any case may be ascertained and certified from time to time by the engineer or surveyor for the time being of the Ashton Corporation, and such amounts shall be paid by the Promoters on demand, and the certificates and payments shall be so made in advance, that the Ashton

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Corporation shall not in any way be required to furnish any money for such part of the works in hand as the Promoters may be liable to pay for.

(Security for repayment of costs of maintaining roads.)

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

(Provisions as to carriages.)

(19.) No carriage shall be used by the Promoters for the conveyance of traffic upon the Ashton tramways until such carriage has been submitted to and approved by an officer to be appointed for that purpose by the Ashton Corporation, and all the carriages to be so used by the Promoters shall be kept in good repair and condition to the reasonable satisfaction of such officer. No passenger carriages coupled together shall be used upon the Ashton tramways if the Ashton Corporation object to such user.

(The Promoters not give undue preference as regards carrying animals; goods, &c.)

(20.) No undue preference shall be given by the Promoters to any person or persons in respect of the carriage of any animals, goods, minerals, or parcels on the Ashton tramways.

(As to junction line from Katherine Street to Oldham Road.)

(21.) The Promoters shall, subject to all necessary consents being previously given, make and maintain a loop line of tramway leading out of Katherine Street in a westerly and northerly direction into Oldham Road in order to provide a circular route to and from Oldham. Provided that in the construction of such loop line no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of any house, shop, or warehouse abutting on the place where such rail is proposed to be laid by notice in writing under his hand addressed to the Promoters expresses his objection thereto.

(Construction of additional line of tramway in certain events, &c.)

(22.) If, and when, in the opinion of the Promoters the traffic requires it the Promoters shall endeavour to obtain powers to make and maintain an additional line of tramway within the said borough in Stockport Road, and shall, on obtaining such powers, subject to the conditions on which such powers may have been obtained, lay and maintain the same in the manner herein-before in this section specified with regard to the Ashton tramways, and in the meantime, subject to all necessary consents being previously given, the Promoters shall so lay the tramway in the said Stockport Road as to admit of such additional line being laid hereafter in the event of the necessary powers being obtained and the necessary consents given.

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(23.) The Promoters shall forthwith after the passing of the Act confirming this Order execute a bond to the Ashton Corporation conditioned in a penalty of five hundred pounds to pay and forfeit to the Ashton Corporation a sum of two hundred and fifty pounds in case any substantial or material part of the Ashton tramways shall remain incompleted after the expiration of the period limited by section eighteen of the Tramways Act 1870 for the completion and opening for public traffic of the tramways, or after such extended time as may be granted by the Board of Trade. (Security to Corporation for construction of Ashton tramways.)

(24.) The Promoters shall pay all costs, charges, and expenses incurred by the Ashton Corporation in relation to this Order, and shall on demand repay to the Ashton Corporation all reasonable charges and expenses incurred by them for the supervision and inspection of any work done by the Promoters in connexion with the construction of the Ashton tramways, or under the provisions of this section, and the Ashton Corporation are hereby authorised to order such supervision and inspection of the works as they may deem proper. (Certain expenses of Ashton Corporation to be paid by Promoters.)

(25.) If any dispute or difference arises between the Ashton Corporation and the Promoters in any way relating to the powers or provisions of this section or otherwise such dispute or difference shall, except where by this Order expressly provided, be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned. (As to settlement of differences.)

(26.) All sums of money, by or under the provisions of this Order, required to be paid by the Promoters to the Ashton Corporation, and the recovery of which is not expressly provided for may be recovered by the Ashton Corporation in any manner in which any simple contract debt of like amount is recoverable. (Recovery of money.)

(27.) The provisions of this section shall be deemed to be in addition to and not in substitution for the provisions of the Tramways Act, 1870, provided always that where any of the provisions of this section are inconsistent with any of the provisions of the said Act, the provisions of this section shall be read and construed and have effect as controlling or superseding the inconsistent provisions of the said Act. (This section to be in addition to and not in substitution for Tramways Act, 1870, except when otherwise provided.)

For the protection of the county council for the county palatine of Lancaster.

11. For the protection of the county council for the county palatine of Lancaster (in this section referred to as "the county council") the following provisions shall apply and have effect (that is to say):

(*a.*) The Promoters shall at their own expense pave so much of any road whereon any of the tramways is laid upon, over, or adjoining any bridge or length of roadway adjacent thereto, repairable by the inhabitants of the said county, or of any hundred therein as lies between the rails, and as extends eighteen inches beyond the rails of and on each side of such tramway, with granite cubes, or sets to the satisfaction of the county council, or with such other paving as the county council may approve.

(*b.*) In constructing any of the tramways upon or over any bridge or any parts of the road at either end of any bridge in the said county, the Promoters shall not alter or interfere with the structure of such bridge, or of the approaches thereto, unless such alteration or interference with the construction of such bridge be absolutely necessary for the purpose of constructing such tramway, and in the event of any such alteration or interference,

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the Promoters shall together with the notice required in such cases by section 26 of the Tramways Act, 1870, submit to the county council detailed drawings and specifications showing the proposed work as affecting such bridge or approaches, and if any difference arise between the Promoters and the county council as to such alteration or interference, or the necessity therefor, the same shall be left for the decision of the Board of Trade, and the Promoters shall so construct and maintain such tramway in the road over such bridge and the approaches thereto, as not to injuriously affect such bridge or approaches, and in the event of any injury being occasioned to such bridge or approaches, or any part or parts thereof respectively, by the construction of any of the tramways on or over the same (whether such injury occur either during or after construction, or in effecting the maintenance of the tramways) the county council may restore such bridge and approaches, or the part or parts which may be injured, to as good a state as they were in before such injury was occasioned, at the expense of the Promoters, and the Promoters shall recoup to and indemnify the county council against all sums, costs, and expenses which they may pay or be put to in restoring such bridge, and in maintaining and repairing so much of the road over such bridge and approaches, as the Promoters are liable to maintain and keep in good condition and repair under section 28 of the Tramways Act, 1870, and the county council may recover from the Promoters all such sums, costs, and expenses together with full costs and charges in like manner as any simple contract debt of the like amount may be recovered.

(*c.*) In case steam or any mechanical power is used on any of the tramways laid on any bridge or length of roadway adjacent thereto, repairable by the inhabitants of the said county or of any hundred therein, the county council may execute such works as may in the opinion of their engineer, and of the engineer of the Promoters (or in case of difference between them of an engineer to be appointed by the Board of Trade) be necessary for strengthening the fabric of such bridge, and the county council may execute all such works in all things at the expense of the Promoters, and the county council may recover from the Promoters in manner aforesaid all moneys expended by them in the execution of such works as aforesaid together with full costs and charges in like manner as any simple contract debt of like amount may be recovered. If it become necessary for effecting such strengthening that the working and use of any such tramways be wholly or in part stopped or delayed, and the county council give the Promoters three clear days notice in writing, requiring such stoppage, or delay the working and user of such tramways or tramway shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening, and the county council shall not be liable for any compensation claims, demands, damages, costs or expenses, for or in respect of such stoppage or delay.

(*d.*) Nothing herein contained shall tend to lessen or control any right, power, or authority now vested in the county council for altering or rebuilding any bridge and the approaches thereto repairable by the inhabitants of the said county or any hundred therein which may be crossed or affected by the works of the Promoters, but all such rights, powers, and authorities shall

remain in as full force as if this Order had not been made and confirmed, and the county council shall not be liable to make any compensation whatever for any damage or injury to the tramways by the altering or rebuilding of any such bridge and lengths of roadway adjacent thereto, provided that in altering or rebuilding any such bridge or the approaches thereto nothing shall be done to impede or interfere with the tramways for any greater length of time or in any other manner than may be necessary for the execution of the works, and before commencing such alteration or rebuilding fourteen days notice thereof shall be given by the county council to the Promoters, and the county council shall afford to the Promoters all necessary and reasonable temporary facilities for enabling them to continue the traffic on their tramways during such alteration or rebuilding.

(*e.*) If any bridge repairable by the inhabitants of the said county or of any hundred therein upon or along which any of the tramways are laid be altered, widened, or rebuilt by the county council, the county council may require the Promoters to alter any such tramways in such manner as the circumstances of the case may reasonably require, provided that in case of any difference between the county council and the Promoters as to such alteration, widening, or rebuilding, the same shall be settled in manner herein-after mentioned, and, provided also that it shall and may be lawful for the Promoters to contribute such sum as may be mutually agreed upon between the Promoters and the county council towards the expense of altering, widening, or rebuilding any of such bridges as in this section mentioned.

(*f.*) If any dispute or difference arises between the county council and the Promoters respecting the necessity for 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 the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

As to construction of tramways within the district of the Denton and Haughton Local Board.

12. For the protection of the Denton and Haughton Local Board (in this section referred to as the "local board"), the following provisions shall apply and have effect with respect to the construction and maintenance of such of the tramways as are authorised to be constructed within the district of the local board :—

(*a.*) The local board shall, if required by the Promoters, consent to the construction, in the Ashton Road, of two additional passing places; one to be laid between Hartford Street and Turner Street, and the other between Law Street and Wilton Street, the exact position of such passing places to be agreed upon between the local board and the Promoters.

(*b.*) The Promoters shall have power to widen the roadway of the said Ashton Road, between the point where the northern boundary of the district crosses that road, and a point thirty-eight yards northward from Walker Street, so as to give a width of not less than twenty-four feet wherever a single line of tramway will be laid, and a width of not less than twenty-eight feet wherever a double line will be laid, such widening of the roadway to be effected by setting back the kerb of the footpath on the eastern side between the

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said northern boundary and a point opposite Wilton Street, and from the last-named point to a point thirty-eight yards northward from Walker Street such widening of the roadway shall be effected by setting back the kerb of the footpath on the western side of the said road.

(*c.*) All works involved in effecting the widening aforesaid shall be executed under the control and to the entire satisfaction of the surveyor for the time being of the local board, who shall have full power at any time or times to stop any work which is not carried out to his reasonable satisfaction, and all footpaths and roadways interfered with by the Promoters shall also be reinstated to his reasonable satisfaction.

(*d.*) In constructing the tramways within the district of the local board, the Promoters shall use granite setts similar to those with which the roadway is now paved, or granite setts of equal quality and dimensions, and all setts not required in the construction of the said tramways shall be and remain the property of the local board.

(*e.*) The Promoters shall be responsible in respect of any accident or damage in any way arising from their act or default of those of their agents, contractors, or servants in connexion with the construction of the said tramways.

(For the protection of the Audenshaw Local Board.)

13. For the protection of the local board of Audenshaw (herein-after called "the board") the following provisions (in addition to all other provisions of this Order applicable to the board as the local or road authority) shall, unless otherwise agreed between the board and the Promoters, apply and have effect with respect to the construction and maintenance of Tramway No. 8 by this Order authorised (herein-after called "the said tramway").

(Penalty for non-completion of tramway.)

(*a.*) The Promoters shall, before they commence the construction of any portion of the said tramway, enter into a bond in a penalty of five hundred pounds, conditioned for the completion of the said tramway ready for traffic within six calendar months from the date of commencement of the construction thereof, and that in case any substantial or material part thereof shall remain incompleted after the expiration of such period of six calendar months, the Promoters shall pay to the board the sum of two hundred and fifty pounds as liquidated and ascertained damages.

(Board to have access to sewers, &c.)

(*b.*) The board shall at all times have free access to and communication with all their sewers and drains in or under the road traversed by the said tramway or any part thereof for all purposes required by or necessary for them in the execution of the powers vested in them as such board 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 drain of the board, or any side drain, man-hole, ventilator, or other work connected therewith, as if the same were a pipe for the supply of gas or water, and all the works so to be done by the board shall be construed to be within the powers vested in the board as local authority for any of the purposes for which such board was constituted.

(As to paving, grouting, substructure, and making good.)

(*c.*) Except as herein-after mentioned the paving of the said tramway shall consist of Clee Hill Whinstone or similar setts not less than five inches in depth and grouted with pitch, laid on a Portland cement concrete bed extending under both rails and paving for a width of not less than eight

feet in the case of single and sixteen feet in case of double line and six inches deep. From the northern boundary of the district of the board to a point eleven yards southward from Martin Street and from a point eleven yards northward from Shepley Road to a point twenty-two yards southward from Stamford Road the pavement shall consist of granite setts not less than five inches in depth, and the whole shall thereafter be maintained in repair to the satisfaction of the surveyor for the time being of the board. The Promoters shall reinstate and repair all paving or metalling damaged or disturbed by them outside the limits of the paving as defined in this sub-section, and also make good to the satisfaction of the said surveyor all irregularities thereto caused by the Promoters during the progress of their works within the district of the board.

(Benefit of certain provisions for the protection of the Ashton Corporation extended.)

(*d.*) The several provisions which are contained in the sub-sections hereinafter mentioned of section ten of this Order for the protection of the Ashton Corporation (that is to say) sub-sections (3), (4), (8), (12), (13), (24), (25), (26), and (27) respectively shall mutatis mutandis extend and be applicable to the board, and the said tramway, as if the board and said tramway were therein expressly mentioned by name, instead of the Ashton Corporation and the Ashton tramways.

(Board may in case of default maintain portions of roadway otherwise maintainable by Promoters.)

(*e.*) In case of default by the Promoters to at all times maintain and keep in good condition and repair such portions of any road whereon the said tramway is laid as under the Tramways Act 1870, and this Order the Promoters are required to maintain and keep in good condition and repair, the board may at any time, and from time to time after seven clear days previous notice to the Promoters of such default, repair, maintain, and repave such portions as aforesaid, and that, notwithstanding that the Promoters may have theretofore repaired or maintained the same, or any part thereof. The materials to be used in such repairing, maintaining, or repaving by the board shall (subject to the provisions of this Order) be in the discretion of the board and the Promoters shall not interfere in any way in the repair, maintenance, or repaving of such portions of any such roads as in pursuance of such provisions as aforesaid the board are or may become liable to repair, maintain, or repave, or be liable in any way for any neglect or default in or about such repairing, maintaining, or repaving. The Promoters shall from time to time repay to the board all the expenses of repairing, maintaining, and repaving of such portions of such roads as shall be so repaired, maintained, or repaved by the board by reason of the default of the Promoters as aforesaid, together with five pounds per centum on such expenses, and the amount of such expenses and per-centage to be paid from time to time by the Promoters under this sub-section shall be ascertained in such manner as may from time to time be agreed upon between the board and the Promoters, or failing such agreement as may be ascertained and certified by the surveyor for the time being to the board, and such amounts shall be paid by the Promoters on demand.

(Saving rights of board.)

(*f.*) Except as is by this Order otherwise expressly provided, nothing in this Order contained shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, or authorities of or belonging to the board, but the board shall have and may use, exercise, and enjoy the same as fully

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freely and effectually in all respects as they could or might have done if this Order had not been made and confirmed.

(As to excavated materials.)

(*g.*) The Promoters shall only use for the construction of the works by this Order authorised such portion of any paving, metalling, or material excavated by them in the construction of the said tramway as is suitable for such purposes, and with the approval of the surveyor for the time being of the board (such approval not to be unreasonably withheld), and shall remove such paving, metalling, and material from the roadway, and shall store the same in some convenient place to be reasonably approved of by the board, and the Promoters shall remove from the roadway all surplus paving, metalling, or material not used or required to be retained for the purpose aforesaid, Provided always that such of the paving and other material as in the opinion of the surveyor of the board shall be suitable for repaving or use by the board shall belong to and be removed by and at the cost of the board.

(As to certain widenings of roadways.)

(*h.*) Subject to the provisions of sub-section (*i*) of this section the board shall as and when called upon by the Promoters so to do forthwith commence and thereupon complete all such widenings of the several roadways within their district as may be absolutely necessary to enable the Promoters to obtain the consent of the Board of Trade to the use of steam or any mechanical power throughout the said tramway.

(The board to execute the widenings at the cost of the Promoters. Provisions as to repayment.)

(*i.*) All the works necessary to be done in about and incident to the widenings of the roadways mentioned in sub-section (*h*) of this section, and of any narrowing of the footways consequent thereon shall be done by the board at the expense of the Promoters who shall also bear and pay all compensation (if any) liable to be legally made to private owners for or in consequence of or incident to the carrying out and execution of any such works, and the Promoters shall prior to the execution by the board of any of such works, and as a condition precedent thereto, deposit with the board a sum sufficient to meet the expenses of and incident to such works on an estimate thereof to be previously made by the surveyor to the board, together with five pounds per centum on such expenses, and the board shall forthwith after the completion of such works as aforesaid repay to the Promoters any surplus in their hands which may remain unexpended after meeting such expenses and per-centage.

(Promoters may extend double line in Denton Road where roadway widened and as to relaying of tramway in certain events.)

(*j.*) As soon as the intended setting back of the frontage line, and consequent further widening of Denton Road on the southern side of Stamford Road shall have been effected by the board or the ground landlord, the Promoters may extend the double line therein to a point not more than forty yards from Stamford Road, and in any case shall take up and re-lay so much of the said tramway at this point as that the same shall be in the centre of such widened roadway, and if at any time a further widening of the roadway southward from Providence Street is made the Promoters shall take up and re-lay so much of the said tramway at this point as that it shall be in the centre of such widened roadway.

(Cable system or electrical power not to be employed without previous consent of the board.)

(*k.*) Neither the cable system nor any application of electrical power involving any interference with the roadway additional to that required for the construction of the said tramway shall be used on the said tramway without the previous written consent of the board.

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For the protection of corporation of Manchester.

14. The following provisions for the protection of the mayor, aldermen, and citizens of the city of Manchester, in the county of Lancaster (in this section referred to as the corporation) shall be in force and have effect:

(*a.*) Sections thirty, thirty-two, and thirty-three of the Tramways Act, 1870, shall (subject to the provisions of this Order) extend and apply to the corporation, with reference to the water mains, pipes, and apparatus belonging to the corporation, in like manner as the same apply to a company, persons, or person, being the owner of gas or water mains, or pipes, tubes, wires, or apparatus, and for the purpose of this sub-section the word "company" in those sections shall include the corporation, provided that all works, or interference with, or in connexion with the water mains, pipes, valves, or apparatus of the corporation under section 30 of the Tramways Act, 1870, or otherwise, shall be made and executed by the corporation and not otherwise, upon the request and at the cost of the Promoters.

(*b.*) The costs from time to time incurred by the corporation in constructing, providing, and laying any new water mains, pipes, or apparatus in substitution for any which may be rendered useless by the construction of any of the tramways, and the value of any water mains, pipes, or apparatus belonging to or under the control of the corporation, rendered useless or unproductive to the corporation by the works authorised by this Order, shall, on demand and subject to credit being given for the value of the aforesaid matters so rendered useless to the corporation, be repaid to the corporation by the Promoters, provided always that whenever any new main pipe or apparatus of larger dimensions is substituted for any existing main pipe or apparatus, the Promoters shall (unless the increased dimensions be required by reason of the construction or existence of the said tramways) only be required to pay the costs which would have been incurred by the substitution of a main pipe or apparatus of equal dimensions with the existing main pipe or apparatus.

(*c.*) Subject and without prejudice to the provisions of section thirty-two of the Tramways Act, 1870, the corporation shall not be liable for, and the Promoters shall indemnify the corporation against all loss to the Promoters by reason of suspension of traffic and all accidents, damages or injuries either to the tramways and to works and property being conveyed on or using the same, or to any other person or property whatsoever, and all actions, suits, and costs in respect thereof, which may either during the progress of the works of the Promoters or at any time hereafter be caused by the bursting, breaking, or leakage of, or escape of water from any main or pipe, or other apparatus of the corporation crossing or being underneath (either wholly or partially), or near to any of the Tramways or works by this Order authorised, and which may have been affected by such works unless such accidents, damages, or injuries arise as the consequence of any default of the corporation or their officers or servants, by which such bursting, breakage, or leakage was caused.

(*d.*) All and singular the sum and sums of money in this section required to be paid by the Promoters to the corporation may be recovered by the corporation by all and the same means as any simple contract debt of like amount is recoverable.

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Provisions as to construction of tramways.

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

As to rails of tramways.

16. The rails of the tramways shall be such as the Board of Trade may approve; and the Board of Trade may from time to time, upon the application of the road authority of any district 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.

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

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

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

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

Provided also that, 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 from time to time comply with such requirements.

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

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

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

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

Local authority to have access to sewers.

21. 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 32 and 33 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.

Temporary tramways may be made when necessary.

22. 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 acccordance with the like regulations, maintain, so long as occasion may require, a temporary

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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.

23. Save as by this Order otherwise expressly provided, 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 re-instating of such road, and the maintenance for six months after completion of any of the tramways within the district of such road authority, of so much of the roadway on either side of such tramways as the Promoters are by section twenty-eight of the Tramways Act, 1870, or 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 the setting aside of the surplus arising from the excavation of any such paving, metalling, or material, and notice thereof duly given to the road authority, such surplus is not removed by such surveyor, or by some other person named by him for that purpose, such surplus paving, metalling, or material, or so much thereof as may not have been removed by such surveyor or person, 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 differences between the Promoters and any road authority.

Provisions as to works occasioned by the tramways.

24. The provisions of section thirty-two of the Tramways Act, 1870, with respect to works by authorities, companies, bodies, and persons, and to additional expense caused to any company, body, or person by reason of the existence of the tramways, shall apply to all works in respect of the constructing of any new sewer pipe or apparatus, or the altering, repairing, laying down, improving, or enlarging any existing or future sewer pipe or apparatus by any local authority, and to any additional expense in respect of the same.

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

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

Motive Power.

Carriages on tramways may be moved by animal, steam,

26. 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 not exceeding seven years, as the Board of Trade may from time to time specify in any order to be signed by a secretary, or an assistant secretary of the said Board, by steam or any mechanical power, including electricity and the cable system. Provided always that so much of Tramway No. 1 as extends from a point sixty-two chains from its commencement to the bridge over the Manchester and Ashton-under-Lyne Canal shall not be worked by any mechanical power other than the cable system, unless the gradient of the tramway throughout such length be not steeper than one in fifteen.

or mechanical power.

Provided further that no steam or mechanical power shall be used on Tramway No. 8 unless and until the roadway whereon the said tramway is laid has been widened to such extent as the Board of Trade may require, and that notwithstanding anything in the deposited plans, the said tramway shall, if it is to be worked by steam or any mechanical power, be laid in such manner as the said Board may by order in writing direct.

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

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

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

Byelaws.

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

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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.

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

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

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

Orders and byelaws to be signed, &c.

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

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

32. Where the Promoters or any person intend or intends to use steam or any mechanical power under the authority of this Order on the tramways, or any part thereof, they or he shall give two months previous notice in writing of such intention to 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 upon the tramways, or any part thereof, and thereafter from time to time the Promoters or such person, and every such road authority, may enter into or renew, with or without modification, any contract, agreement, or arrangement with respect to the user by the Promoters or such person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which the tramways, or such part of the tramways, are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user paving, and keeping in repair of such road, which they may think fit and the Board of Trade may approve.

In case any difference arises between any such road authority and the Promoters or such person as to the determination of any such contract, 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 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,

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in the first instance, to the requirements of the roads upon which the tramways are laid.

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

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

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

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

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

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

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

Tolls.

Tolls for passengers.

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

Passengers luggage.

38. 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.

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

Cheap fares for labouring classes.

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

Tolls for animals, goods, &c.

41. 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.

Payment of tolls.

42. 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 may 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. Provided also that a copy of this section shall be annexed to every table or list of tolls published or exhibited by the Promoters.

Periodical revision of tolls.

Miscellaneous.

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

Provisions as to arbitration.

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

Form and delivery of notices.

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):—

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

(*b.*) 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.

45. The Promoters and any road authority may subject to the provisions of this Order, from time to time enter into 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 hold patents.

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

Approval of Board of Trade to sale, &c.

47. 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 assistant secretary of the said Board.

Saving as to powers of borrowing on mortgage.

48. 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.

Carrying of mails by Promoters.

49.—(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

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For protection of the Postmaster-General.

proved, be deemed, without proof of the official character of such person, to have been duly signed as required by this section.

50. In the event of the 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 under-

takers 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.

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For the protection of the Lancashire and Cheshire Telephonic Exchange Company, Limited.

51. For the protection of the Lancashire and Cheshire Telephonic Exchange Company, Limited, its successors and assigns (in this section called "the Telephone Company"), the following provisions shall have effect in the event of any tramways of the Promoters being worked by electricity otherwise than by electrical power carried along with the carriages; that is to say,—

(1.) The Promoters shall so construct their electric circuits and other works of all descriptions and shall so work their tramway in all respects as to prevent any injurious interference by induction or otherwise with the electric circuits from time to time used or intended to be used by the Telephone Company for the purpose of telephonic communication or with the currents in such circuits: Provided that as regards electric circuits erected or laid down by the Telephone Company after the construction of the works of the Promoters this sub-section shall only apply if reasonable and proper precautions have been taken in the erection or laying down of such circuits, and if they have not been erected or laid down in unreasonably close proximity to the lines or works of the Promoters.

(2.) Seven days before commencing to lay down any electric line or to supply electricity through any electric line in any manner whereby the work of telephonic communication through any wires or lines belonging to the Telephone Company, and lawfully laid down or placed in any position by them, may be injuriously affected, the Promoters shall, unless otherwise agreed with the Telephone Company, give to that Company notice in writing specifying the course, nature, and gauge of such electric line, and the amount and nature of the current intended to be sent along the same, and the Promoters shall conform with such reasonable requirements as may from time to time be made by the Telephone Company for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid.

(3.) If any difference arises between the Promoters and the Telephone Company with respect to anything in this section contained, such difference shall be determined by the Board of Trade, whose decision shall be final; and sections 30 to 32, both inclusive, of the Regulation of Railways Act, 1868, shall apply in like manner as if the Promoters and the Telephone Company were companies within the meaning of that Act.

(4.) Nothing in this section shall apply to repairs or renewals of any electric line so long as the course, nature, and gauge of such electric line and the amount and nature of the current sent along the same are not altered.

Saving for general Acts.

52. 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

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

SCHEDULE A.

Break power of engines.

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

As to fittings of engines, &c.

Every engine, and in the case of carriages moved by the cable system, every carriage used on the tramways shall have its number shown in some conspicuous part thereof, and shall be fitted—

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

With a suitable fender to push aside obstructions ;

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

With a seat for the driver of such engine, and in the case of carriages moved by the cable system, with a seat for the conductor so placed in front of such engine or carriage 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 the 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.

Oldham, Ashton-under-Lyne, and Hyde District.

Tolls and Charges for Animals, Goods, &c.

		Per Mile. s.	d.
Animals.			
For every horse, mule, or other beast of draught or burden	per head	0	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, sand, fireclay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways	per ton	0	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, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fireclay), and for wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs	per ton	0	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	0	3
For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles matters or things	per ton	0	4
For every carriage of whatever description having two wheels	each	0	6
For every carriage of whatever description having four wheels	,,	1	0

		Any Distance.	
Small Parcels.			
For every parcel not exceeding seven pounds in weight -	each	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - - -	each	0	5
For any parcel exceeding fourteen pounds, and not exceeding twenty-eight pounds in weight - - - - -	each	0	7
For any parcel exceeding twenty-eight pounds, but not exceeding fifty-six pounds in weight - - - - -	each	0	9

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

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Single Articles of Great Weight.

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

Regulations 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.

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