CHAPTER clxii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Bristol Tramways (Extension) and Liverpool Corporation Tramways (Extensions). [28th July 1891.] A.D. 1891.

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 said Act 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, 1891.

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.

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

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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 such persons who may be residing with them.

SCHEDULE.

LIST OF ORDERS.

Bristol Tramways (Extension).—Order authorising the Bristol Tramways and Carriage Company, Limited, to construct tramways in the city of Bristol and the neighbourhood thereof, and in the counties of Somerset and Gloucester, and for other purposes.

Liverpool Corporation Tramways (Extensions).—Order authorising the Mayor, Aldermen, and Citizens of the city of Liverpool to construct additional tramways in the said city.

BRISTOL TRAMWAYS (EXTENSION).

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Order authorising the Bristol Tramways and Carriage Company, Limited, to construct Tramways in the City of Bristol and the neighbourhood thereof, in the Counties of Somerset and Gloucester, and for other purposes.

Short title.

1. The Order may be cited as the Bristol Tramways (Extension) Order, 1891.

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 inconsistent with or expressly varied by this Order.

Interpretation.

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

Provided that in this Order—

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

The expression "the existing tramways" shall mean the tramways constructed by the Bristol Tramways Company, Limited, in or in the neighbourhood of the city and county of Bristol under the authority of any Provisional Order confirmed by Act of Parliament;

The expression "the Order of 1875" shall mean the Bristol and Eastern District Tramways Order, 1875;

The expression "the city" shall mean the city and county of Bristol; and

The expression "the corporation" shall mean the mayor, aldermen, and burgesses of the city, acting by the council.

Promoters.

The Promoters.

4. The Bristol Tramways and Carriage Company, Limited (who are the successors or assigns of the Bristol Tramways Company, Limited, with regard to the existing tramways), shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters," and all rights, powers, authorities, obligations and liabilities which were conferred upon, vested in or imposed upon the Bristol Tramways Company, Limited, in relation to the existing tramways respectively, under or by virtue of the Provisional Orders by which the same were respectively authorised, are hereby transferred to, vested in, and may be exercised by, and shall attach to the Promoters in like manner as if the Promoters had been the Promoters of the Orders authorising the existing tramways respectively, and the said Orders shall be read and construed accordingly.

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Lands by agreement.

5. The Promoters may, by agreement from time to time, purchase, take on lease, and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell, 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 for the purposes of this Order at the Office of the Board of Trade as the same have been amended previous to the passing of the Act confirming this Order (which amended plans and sections are in this Order respectively referred to as "the deposited plans" and "the deposited sections") the tramways hereinafter described, with all proper rails, points, junctions, plates, sleepers, tubes, channels, wires, cables, ropes, offices, weigh-bridges, turn-tables, engine-sheds, stables, carriage-houses, warehouses, works, mechanical appliances 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 furlong 4·60 chains in length, of which 1 furlong 2·95 chains is single line and 1·65 chain is double line. Commencing in the parishes of Saint James and Saint Paul, or one of them, by a junction with the existing tramway at a point in Stokescroft 0·20 chain or thereabouts south-west of the intersection of the centre lines of City Road and Stokescroft, passing thence in a north-easterly direction into and along City Road, and terminating therein, in the district of the united parishes of Saint James and Saint Paul, at a point 0·50 chain or thereabouts north-east of the intersection of the centre line of the said road with that of Brigstocke Road.

This tramway shall be laid as a single line, except between the following points, where it shall be laid as a double line, viz.:—

In City Road, from a point 1·65 chain from its termination to its termination.

Tramway No. 2—3 furlongs 1·30 chain in length, of which 2 furlongs 1·80 chain is single line and 9·50 chains is double line. Commencing in the district of the united parishes of Saint James and Saint Paul by a junction with the termination of tramway No. 1, passing thence in a north-easterly direction along City Road and Ashley Road, and terminating in the last-mentioned road in the parish of Saint Paul, and the district of the united parishes of Saint James and Saint Paul, or one of them, at or near the intersection of the centre lines of Ashley Road and Lower Ashley Road.

This tramway shall be laid as a single line except between the following points, where it shall be laid as a double line, viz.:—

From its commencement for a length of 2·50 chains.

In City Road and Ashley Road, between points respectively 2·45 chains and 1·95 chains north-easterly from the intersection of the centre lines of William Street and City Road.

In Ashley Road, between points respectively 5·50 chains and 1·00 chain from the termination of the tramway.

Tramway No. 3—3 furlongs 6·20 chains in length, of which 1 furlong 3·55 chains is single line and 2 furlongs 2·65 chains is double line, which will be partly in substitution for a portion of the existing tramway, commencing in the parishes of Saint James and Saint Paul, or one of them, by a junction with the existing tramway in Saint James's Barton at a point 0·30 chain or thereabouts south-west of the intersection of the centre lines of Saint James's Barton and Barr's Street, passing thence in a northerly direction into and along North Street, easterly into and along Cumberland Street, the north side of Brunswick Square, Surrey Street, the western and the northern sides of Portland Square, Dean Street, Brigstocke Road, and City Road, and terminating in the last-named road, in the district of the united parishes of Saint James and Saint Paul, by a junction with tramway No. 1 at its termination.

The said tramway No. 3 shall be laid as a single line except between the following points, where it shall be laid as a double line:—

From its commencement for a length of 1 furlong 3·50 chains.

From a point in Surrey Street 0·80 chain or thereabouts west of the east end of Surrey Street to a point in Dean Street 0·35 chain or thereabouts north-west of the intersection of the centre lines of Bishop Street and Dean Street.

In Brigstocke Road and City Road from a point 2·50 chains from its termination to its termination.

Tramway No. 3A—1·00 chain in length (which shall be laid as a double line throughout, and in substitution for a portion of the existing tramway), commencing in the parishes of Saint James and Saint Paul, or one of them, by a junction with tramway No. 3 at a point in North Street 1·80 chain or thereabouts from the commencement of the said tramway No. 3, and terminating in the said street in the said parishes or one of them, by a junction with the existing tramways at a point 1·00 chain or thereabouts, measured in a northerly direction, from its commencement.

Tramway No. 4—5 furlongs 2·90 chains in length, of which 1·00 chain will be single line and 5 furlongs 1·90 chains will be double line, commencing in the parish of Saint Mary Redcliff by a junction with the existing tramways in Bath Road, at a point 2·60 chains or thereabouts, measured in a northerly direction, from the termination of the existing tramway, passing thence in a south-easterly and easterly direction along the Bath Road, and terminating therein, in the parish of Bedminster, at a point in the said road 1·00 chain or thereabouts westerly from a point opposite the centre of the entrance gates to the Arno's Vale Cemetery.

This tramway shall be laid as a double line, except for a length of 1·00 chain from its termination to its termination, where it shall be laid as a single line.

Provided always that Tramway No. 4 shall not be constructed without the previous consent in writing of the road authority.

Tramway No. 5—2·10 chains in length, which shall be laid as a double line throughout, and in substitution for a portion of the existing tramway, and

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wholly situate in the parish of Saint Thomas, commencing by a junction with the existing tramways in Redcliff Street, at a point 2·25 chains or thereabouts northward from the intersection of the centre lines of Thomas Lane and Redcliff Street, and terminating therein at a point 0·15 chain or thereabouts northward from the intersection of the centre lines of the said street and Thomas Lane.

Tramway No. 6—2·50 chains in length, which shall be laid as a double line throughout, and in substitution for a portion of the existing tramway, and will be wholly situate in the parish of Saint Mary Redcliff, commencing by a junction with the existing tramways in Redcliff Street, at a point 1·35 chain or thereabouts northward of the intersection of the centre lines of the said street and Ferry Street, and terminating in Redcliff Street at a point 1·15 chain or thereabouts southward of the said intersection of the centre lines of the said streets.

Tramway No. 7—1 furlong 2·10 chains in length, of which 7·85 chains will be single line and 4·25 chains will be double line, wholly situate in the parish of Bedminster, commencing by a junction with the termination of the existing tramway in East Street and terminating therein at a point 0·10 chain or thereabouts westward from the intersection of the centre lines of Cannon Street and East Street.

This tramway shall be laid as a single line, except between the following points, where it shall be laid as a double line, viz.:—

Between points respectively 2·25 chains north-east and 0·60 chain south-west from the intersection of the centre lines of Church Lane and East Street.

Between a point 1·40 chain north-east from its termination and its termination.

Provided always that Tramway No. 7 shall not be commenced unless and until the roadway of the road along which the same is authorised to be laid has been widened to such extent and in such manner as the Corporation may approve.

Tramway No. 8—8·20 chains in length, which shall be laid as a double line throughout and in substitution for a portion of the existing tramway, commencing in the parish of Saint Michael by a junction with the existing tramway in Upper Maudlin Street at a point 3·90 chains or thereabouts south-westward from the intersection of the centre lines of Terrell Street and Upper Maudlin Street, and terminating in the said street, in the parish of Saint James, at a point 4·30 chains or thereabouts north-eastward from the intersection of the centre lines of the said streets.

Tramway No. 9—6·60 chains in length, which shall be laid as a double line throughout and in substitution for a portion of the existing tramway, and wholly situate in the parish of St. James, commencing by a junction with the existing tramway in Lower Maudlin Street at a point at or near the intersection of the centre lines of Harford Street and Lower Maudlin Street, passing thence in a south-easterly direction along Lower Maudlin Street and the open space between Lower Maudlin Street and Lower Union Street, and terminating in the said open space by a junction with the

existing tramways at a point 1·90 chain or thereabouts south-easterly of the lamp standard in the centre of the said open space.

Provided always that Tramway No. 9 shall not be commenced until the houses between Deep Street and Lewin's Mead on the south-west side of Lower Maudlin Street shall have been pulled down, and the roadway widened.

Tramway No. 10—1·86 chain in length, which shall be laid as a double line throughout and in substitution for a portion of the existing tramway, and wholly situate in the parish of St. James, commencing by a junction with Tramway No. 9, in Lower Maudlin Street, 4·00 chains or thereabouts from the commencement thereof, and terminating by a junction with the existing tramway in Bond Street, at or near the south end thereof, at a point 1·75 chain or thereabouts, measured in an easterly direction, from the commencement of the said Tramway No. 10.

Provided always that in the construction of Tramway No. 10 no rail shall be so laid that the space between such rail and the south-eastern angle of St. James' Churchyard shall be less than the space between that point and the north-western rail of the existing tramway in Bond Street.

Tramway No. 11—2·36 chains in length, which shall be laid as a double line throughout, and wholly situate in the parish of Saint James, commencing by a junction with the existing tramway, at a point in the open space between Bridewell Street and the Haymarket, 0·20 chain or thereabouts south-westward from the intersection of the centre lines of Silver Street and Bridewell Street, and terminating in the said open space by a junction with Tramway No. 9, at its termination.

Tramway No. 12—8·50 chains in length, which shall be laid as a double line throughout and in substitution for a portion of the existing tramway, and wholly situate in the out parish of Saint Philip and Jacob, commencing by a junction with the existing tramway in West Street or Clarence Road, at a point 0·90 chain or thereabouts westerly from the intersection of the centre lines of Trinity Street and Clarence Road, passing thence in an easterly direction along Clarence Road, and terminating therein by a junction with the existing tramway, at a point 3·70 chains or thereabouts eastward from the intersection of the centre lines of Clarence Place and Clarence Road.

Tramway No. 13—4·50 chains in length, which shall be laid as a double line throughout and in substitution for a portion of the existing tramway, and wholly situate in the out parish of St. Philip and Jacob, commencing by a junction with the existing tramway in Lawrence Hill at a point 3·80 chains or thereabouts westward from the intersection of the centre lines of Berkeley Street with Lawrence Hill, and terminating in the said Lawrence Hill by a junction with the existing tramway at a point 4·50 chains or thereabouts eastward of its commencement.

Tramway No. 14—2 furlongs 6·70 chains in length, which shall be laid as a double line throughout and in substitution for a portion of the existing tramway, and wholly situate in the parish of Saint George, commencing by a junction with the existing tramway in Redfield Road at a point 0·80 chain or thereabouts westward from the intersection of the centre lines of Heber

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Street and Redfield Road, and terminating in Redfield Road by a junction with the existing tramway at a point 0·70 chain or thereabouts westerly from the intersection of the centre lines of the Lyppiatt Lane and Redfield Road.

Tramway No. 15—9·00 chains in length, which shall be laid as a double line throughout and in substitution for a portion of the existing tramway, and wholly situate in the parish of Saint George, commencing by a junction with the existing tramway in Church Road at a point 0·20 chain or thereabouts eastward of the intersection of the centre lines of Lyppiatt Lane and Church Road, and terminating by a junction with the existing tramway in Church Road at a point 0·80 chain or thereabouts westward from the intersection of the centre lines of Blackswarth Road and Church Road.

Tramway No. 16—9·00 chains in length, of which 2·35 chains shall be laid as double line, and 6·65 chains shall be laid as interlacing line, as shown on the deposited plans, in substitution for a portion of the existing tramway, and wholly situate in the parish of Saint George, commencing by a junction with the existing tramway in Church Road at a point 0·75 chain or thereabouts eastward of the termination of Tramway No. 15, and terminating in Church Road by a junction with the existing tramway at a point 2·35 chains or thereabouts eastward from the intersection of the centre lines of Seneca Street and Church Road.

Tramway No. 17—9·10 chains in length, of which 5·60 chains shall be laid as double line, and 3·50 chains shall be laid as interlacing line, as shown on the deposited plans, in substitution for a portion of the existing tramway, and wholly situate in the parish of Saint George, commencing by a junction with the existing tramway in Church Road at a point 0·25 chain or thereabouts westward from the intersection of the centre lines of Salisbury Street and Church Road, and terminating by a junction with the existing tramway in Church Road at a point 3·40 chains or thereabouts westward from the intersection of the centre lines of Beaconsfield Road and Church Road.

Tramway No. 18—6·80 chains in length, which shall be laid as a double line throughout and in substitution for a portion of the existing tramway, and wholly situate in the parish of Saint George, commencing by a junction with the existing tramway in Church Road, at a point 0·90 chain or thereabouts eastward of the termination of Tramway No. 17, and terminating in Church Road and Clouds Hill Road, or one of them, by a junction with the existing tramway at a point 0·80 chain or thereabouts westward from the termination thereof.

Tramway No. 19—2·50 chains in length, which shall be laid as a single line throughout, and wholly situate in the parish of Saint George, commencing in Church Road and Clouds Hill Road, or one of them, by a junction with Tramway No. 18 at a point 0·80 chain or thereabouts westward of the termination of the said Tramway No. 18, and terminating in Clouds Hill Road by a junction with Tramway No. 20, hereinafter described, at a point 0·90 chain eastward of the termination of the existing tramway.

Tramway No. 20—1 mile 5 furlongs 8·10 chains in length, of which 4 furlongs 6·55 chains shall be laid as double line, and 1 mile 1 furlong 1·55 chain shall be laid as interlacing line, as shown on the deposited plans, commencing in the parish of Saint George by a junction with the existing tramway at its termination in Church Road and Clouds Hill Road, or one of them, passing thence in an easterly direction along Clouds Hill Road, Bell Hill Road, Two Mile Hill Road, Regent Street, and High Street, and terminating in the last-named street, in the hamlet of Oldland, in the parish of Bitton, at a point 3·90 chains or thereabouts eastward from the intersection of the centre lines of Hanham Road and High Street.

Tramway No. 21—1 furlong 0·70 chain in length, of which 8·50 chains shall be laid as double line, and 2·20 chains shall be laid as interlacing line, as shown on the deposited plans, in substitution for a portion of the existing tramway, and wholly situate in the parish of Clifton, commencing by a junction with the existing tramway in Dowry Parade at a point 3·80 chains or thereabouts, measured in a south-westerly direction, from the cabmen's shelter in Dowry Parade, and terminating in the roadway leading from Hotwell Road to Saint Vincent's Parade by a junction with the existing tramway at a point 3·00 chains or thereabouts, measured in a southerly direction, from the intersection of the centre lines of Freeland Place and the roadway leading from Hotwell Road to Saint Vincent's Parade.

Tramway No. 22—2·50 chains in length, which shall be laid as a double line throughout and in substitution for a portion of the existing tramway, and wholly situate in the district of the united parishes of Saint James and Saint Paul, commencing by a junction with the existing tramway in Cheltenham Road at a point 9·73 chains or thereabouts south-east of the intersection of the centre lines of Station Road and Cheltenham Road, and terminating in Cheltenham Road by a junction with the existing tramway at a point 2·50 chains or thereabouts northwards from its commencement.

Tramway No. 23—3·00 chains in length, of which 1·00 chain will be single line, and 2·00 chains double line commencing in the parish of Westbury-upon-Trym and the parish of Horfield, or one of them, by a junction with the existing tramway in Cheltenham Road and Gloucester Road, or one of them, at a point at or near the city and county boundary, passing thence in a northerly direction into and along Elton Road, and terminating therein in the parish of Horfield, at a point 3·00 chains or thereabouts from its commencement.

This tramway shall be laid as a double line except between a point 1·00 chain south of its termination and its termination.

Tramway No. 24—1 furlong 4·60 chains in length, which shall be laid as a double line throughout and in substitution for a portion of the existing tramway, and wholly situate in the parish of Horfield, commencing by a junction with the existing tramway in Gloucester Road, at or near the intersection of the centre lines of Zetland Road and Gloucester Road, passing

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thence in a north-easterly direction along Gloucester Road, and terminating therein by a junction with the existing tramway at a point 4·30 chains or thereabouts north-easterly from the intersection of the centre lines of Overton Road and Gloucester Road.

Tramway No. 25—7·70 chains in length, which shall be laid as a double line throughout and in substitution for a portion of the existing tramway, and wholly situate in the parish of Horfield, commencing by a junction with the existing tramway in Gloucester Road, at a point 1·00 chain or thereabouts southward of the intersection of the centre lines of Shadwell Road and Gloucester Road, and terminating in Gloucester Road by a junction with the existing tramway, at a point 2·20 chains or thereabouts southward from the intersection of the centre lines of Berkeley Road and Gloucester Road.

Tramway No. 26—6·90 chains in length, which shall be laid as a double line throughout and in substitution for a portion of the existing tramway, and wholly situate in the parish of Horfield, commencing by a junction with the existing tramway in Gloucester Road, at a point 1·50 chain or thereabouts southward from the intersection of the centre lines of Berkeley Road and Gloucester Road, and terminating in Gloucester Road by a junction with the existing tramway, at a point 1·35 chain or thereabouts southward from the intersection of the centre lines of Egerton Road and Gloucester Road.

Tramway No. 27—2·25 chains in length, which shall be laid as a double line throughout and in substitution for a portion of the existing tramway, and wholly situate in the parish of Horfield, commencing by a junction with the existing tramway in Gloucester Road, at a point 2·20 chains or thereabouts southward of its termination, and terminating in Gloucester Road at the termination of the said existing tramway.

Tramway No. 28—4 furlongs 6·00 chains in length, of which 1·00 chain will be single line and 4 furlongs 5·00 chains double line, wholly situate in the parish of Horfield, commencing by a junction with Tramway No. 27 at its termination, and terminating in Gloucester Road, at a point 6·50 chains or thereabouts northward from the intersection of the centre lines of Ashley Down Road and Gloucester Road.

This tramway shall be laid as a double line, except between the following points, where it shall be laid as a single line:—

In Gloucester Road, between points respectively 1·00 chain south of its termination and its termination.

The intended tramways will be made and pass from, in, through or into the following townships, parishes, or extra-parochial districts, namely, the parishes of Saint James, Saint Paul, the district of the united parishes of Saint James and Saint Paul, Saint Michael, Westbury-upon-Trym, Clifton, Saint Mary Redcliff, Bedminster, out parish of Saint Philip and Jacob, and Saint Thomas, all in the city and county of Bristol; the parishes of Saint George, Horfield, and Bitton, in the county of Gloucester; and the parish of Bedminster, in the county of Somerset.

Wood pavement to be laid down in certain streets.

7. The Promoters shall pave with wood to the satisfaction of the Corporation, so much of the roads known as North Street, Cumberland Street and Brunswick Square, upon which the Tramways Nos. 3 and 3a respectively shall be laid, as

lies between the rails of such tramways, and (where a double line shall be laid) the portion of the road between the lines and so much of the road as extends 18 inches beyond the rails of and on each side of such tramways.

Gauge of tramways.

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

For protection of works of Bristol Waterworks Company, West Gloucestershire Water Company, and Bristol United Gaslight Company.

9. If the Promoters desire under the authority of this Order to do any act which shall or may render necessary the removal, displacement, or duplication of any of the then existing mains or pipes, valves, syphons, plugs, or apparatus, or other works belonging to or controlled by the Bristol Waterworks Company, the West Gloucestershire Water Company, or the Bristol United Gaslight Company, the Promoters shall give to the company to be affected by such act fourteen days' notice in writing of such desire, and such company shall forthwith (without prejudice nevertheless to the protection afforded them by the Tramways Act, 1870, and subject to the proviso in this section hereinafter contained) make such removal, displacement, or duplication as may be necessary, and do all works incident thereto, and all expenses to be thereby incurred shall be defrayed by the Promoters. Provided always that if the Promoters are of opinion that such act does not render necessary any such duplication, the question as to the necessity thereof shall be determined by an arbitrator, to be appointed by the Board of Trade on the application of either party, and such arbitrator shall also determine as to whether the whole, or if not the whole what proportion, of the costs of such duplication shall be paid by the Promoters, and by whom the costs of the arbitration and award shall be borne, but without prejudice to any existing rights of the Promoters or of any of the said companies to refer any question other than the necessity of such duplication to arbitration under the provisions of the Tramways Act, 1870. Nothing contained in this Order shall interfere with the exercise by any of the said companies of the powers and privileges conferred upon them respectively by any Acts or Act of Parliament of laying down and maintaining, and, as occasion may require, of repairing and altering any mains or pipes in and under any of the roads upon which the tramways may be laid under the authority of this Order. And the provisions of the Tramways Act, 1870, in favour of the local authority or the road authority, shall be extended to and include each of the said companies.

Provisions as to construction of tramways.

10. In addition to the requirements of section 26 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 as to tramways within the city, before the Corporation, 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 as to tramways within the city, by the Corporation, and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under

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the superintendence, and to the reasonable satisfaction, of the surveyor for the time being of the road authority, as provided by section 26 of the said Act.

As to rails of tramways.

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

Penalty for not maintaining rails and road in good condition.

12. The Promoters shall at all times maintain and keep in good condition and repair, 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 28 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 56 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 inspection by an officer to be appointed by the said Board, and if such officer report that the default mentioned in such representation has been proved to his satisfaction, then, and in every such case, a copy of such report certified by the Board of Trade may be adduced as evidence of such default, and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are imposed by this section.

Local authority to have access to sewers.

13. 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.

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

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

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

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.

Temporary tramways may be made when necessary.

16. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid, it is in the opinion of the road authority necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Promoters may, with the consent of the road authority, and 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 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 under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

In case of alteration of roads, Promoters to alter or remove tramways.

17. If and whenever the Corporation shall have altered or widened any road or part of a road in which any of the tramways or part of the tramways is laid, the Corporation may if they think fit (having given at least one month's previous notice in writing to the Promoters) require the Promoters to alter such tramway or part of the tramways, or to remove the same to such position as the Corporation may require, and the Promoters shall with all reasonable despatch proceed to alter or remove such tramway or part of a tramway accordingly at their own expense, and without any claim for compensation against the Corporation in respect of such removal or alteration for any loss of traffic or otherwise consequent thereon. Provided always that in making any alteration or removal under this section no rail shall be so laid that a less space than nine feet six inches will intervene between it and the outside of the footpath on either side of the road.

Corporation may require Promoters to alter paving material of roads.

18. If the Corporation shall alter the material with which the whole or any part of any road (in which any of the tramways or part of the tramways is laid) is paved, they may, in their absolute discretion (notwithstanding any provision of the Tramways Act, 1870), by notice in writing to the Promoters, require the Promoters at their own expense to forthwith pave (to the extent of such tramway or part of the tramways), in such manner and with such material as the Corporation shall have paved the other portion of such road the part of such road in which such tramway or such part is laid, both between and on either side of the rails so far as such road is repairable by the Promoters, and to make any alterations in the tramway which are consequently necessary, and thereupon the

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Promoters shall proceed with all reasonable despatch to pave the said portion of such road accordingly to the satisfaction of the Corporation, without any claim against the Corporation for compensation in respect of such alteration for any loss of traffic or otherwise consequent thereon, and any obligation of the Promoters with regard to the maintenance and repair or otherwise in relation to such tramway, or such part of the tramways or any part of the road, shall remain and continue unaffected by such alteration.

In case of erections being made in roads, Corporation may require Promoters to alter tramways.

19. If and whenever the Corporation, having power to place in any road any rest, shelter, urinal, or convenience, shall desire that any of the tramways or any part of the tramways should be altered in order to permit such erection to be more conveniently made and used, the Promoters shall, after one month's previous notice in writing from the Corporation requiring them so to do at their own expense, make such alterations in the position of such tramway or such part thereof as the Corporation may require. Provided that if the Promoters contend that the alteration required cannot be effected without unduly interfering with the use of the tramway, they may appeal to the Board of Trade, who may by Order either confirm this requirement of the Corporation, with or without modification, or refuse to confirm the same; and in the event of the Board of Trade confirming the requirement, either with or without modification, the Promoters shall forthwith carry out the same, subject to any such modification by the Board of Trade.

Penalty in case of default in carrying out alterations.

20. If the Promoters fail to execute any work or make any alteration which they may be required to execute or make under this Order, within such reasonable time as the Corporation may require, or if the Promoters fail to comply with any Order of the Board of Trade under this Order as to any alteration in the position of any tramway within such date as may be therein specified, the Promoters shall be liable to a penalty not exceeding ten pounds per day for every day during which such default continues, and such penalty may be recovered in manner provided by section 56 of the Tramways Act, 1870.

Application of road materials excavated in construction of works.

21. Any paving, metalling, or material excavated by the Promoters in the construction of the tramways from any road under the jurisdiction or control of any road authority, may be applied by the Promoters so far as may be necessary in or towards the reinstating of such road, and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person 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.

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On completion of certain tramways powers of Promoters under previous Provisional Orders to cease as to certain existing tramways.

22. On the granting by the Board of Trade of its certificate under the Tramways Act, 1870, that any of the tramways by this Order authorised to be constructed in substitution for any portion of the existing tramways is or are fit for public traffic, all rights, powers, authorities, obligations and liabilities in relation to any portion of the existing tramways for which any such new tramway shall be substituted, and to the traffic thereon, under the provisions of the Provisional Order or Orders by which such portion of the existing tramways was authorised shall as from the date of such certificate cease and determine, so far as regards such portion of the existing tramways, and the tramways by this Order authorised to be constructed in substitution for such existing tramways respectively shall, for all purposes, and notwithstanding anything in the said Orders or any of them contained, be deemed to be tramways originally authorised by this Order. Provided always that so far as the same are at the date of such certificate subsisting or in force, the provisions in such Order or Orders contained with regard to the tolls and charges to be demanded and taken, shall nevertheless continue in force and apply to the tramways to be constructed under the authority of this Order by way of substitution as aforesaid, and the traffic thereon, and to any other tramways or portions of tramways of the Promoters to which the same are applicable, and the traffic thereon, in the same manner as such provisions would have applied to the existing tramways and any such other tramways as aforesaid, and the traffic thereon, if the substituted tramways had not been constructed.

Power to lay down double or interlacing lines in place of single lines, and vice versâ.

23. The Promoters, in any street in which they have laid down or are authorised to lay down a single line of tramway, may (with the consent of the Board of Trade, and as regards tramways situate within the city, at the option and with the consent in writing of the Corporation, and upon such terms and conditions and for such period as the Corporation may from time to time prescribe) in lieu thereof, lay down a double line or an interlacing line of tramway, and in any street in which they have laid down or are authorised to lay down a double line or an interlacing line of tramway, they may (with the like consent of the Board of Trade, and as regards tramways situate within the city at the like option and with the like consent of the Corporation) in lieu thereof lay down a single line of tramway. Provided, nevertheless, that in the construction of any such works no rail shall, except with the consent of the Board of Trade, 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.

Promoters may lay down and maintain works necessary for using electrical or mechanical power.

24. Whenever and so often as the Promoters have authority under the provisions of this Order to work the tramways authorised by this Order and the existing tramways or any of such tramways respectively by means of electrical power or mechanical power, the Promoters may, subject to the provisions of this Order, construct, lay down, execute, and maintain in, on, or under the surface of any road or place all such channels, tubes, passages, mains, plates, wires, ropes, cables, chains, engines, machinery, or apparatus, and also all such openings or ways in or under any such surface as may be necessary or expedient, either for the working of such tramways by such electrical power, or mechanical power, or for working any such wires, ropes, cables, chains, or apparatus, or for

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providing access to or in connection with any engines or machinery used for the purposes aforesaid, provided that no such works or things shall be constructed, laid, or placed above the level of the road without the consent of the road authority, and all powers, restrictions, and provisions relating to the construction and maintenance of the tramways authorised by this Order respectively under or by virtue of this Order shall apply and have effect with regard to the construction, execution, and maintenance of such works and things as aforesaid: Provided always that the Promoters shall not construct or maintain in any road within the city any structure or work which shall or may be used for or in relation to the supply of any motive power other than animal power, without the consent in writing of the Corporation, and except for such period and upon such terms and conditions not being inconsistent with the provisions of this Order, as the Corporation may from time to time prescribe.

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

25. The tramways shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by the Board of Trade.

Motive Power.

Carriages may be moved by animal, electrical, or mechanical power

26. The carriages used upon the existing tramways and upon the tramways by this Order authorised (all which tramways are in the provisions of this Order with respect to motive power included in and referred to under the description of "the said tramways"), may, subject to the provisions of this Order, be moved by animal power, and during a period of seven years after the opening of the same for public traffic, and with the consent in writing of the Board of Trade during such further periods 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 means of electrical or other mechanical power, including haulage by wires, ropes, cables, or chains, but not including steam power used in or upon the carriages or locomotive engines. Provided always that unless hereafter authorised by Provisional Order or Act of Parliament with the consent of the Corporation, carriages upon the said tramways within the city shall not be moved by means of haulage by wires, ropes, cables or chains.

Provided also that no power other than animal power shall be used upon the said tramways within the city except with the consent in writing of the Corporation, which consent the Corporation is hereby empowered to give.

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

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

27. The Promoters, or any person using electrical or mechanical power on any of the said tramways contrary to the provisions of this Order, or to any of the regulations set forth in the schedule to this Order annexed, or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order, shall, for every such offence, be subject to a penalty not

exceeding ten pounds, and also in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues after conviction therefor. 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 mechanical power on the said tramways under the authority of this Order, have or has made default in complying with the provisions of this Order, or with any of the regulations set forth in the schedule to this Order annexed, or with any regulation which may have been added thereto or substituted therefor as aforesaid, may by order direct the Promoters or such person to cease to exercise the powers aforesaid, and thereupon the Promoters or such person shall cease to exercise the powers aforesaid, and shall not again exercise the same or any of the same unless with the authority of the Board of Trade, and in every such case the Board of Trade shall make a special report to Parliament, notifying the making of such Order.

Byelaws.

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 all or any of the said tramways upon which electrical or 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 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 said tramways under the authority of this Order, but the local authority may, if they think fit, make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

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Orders and byelaws to be signed, &c.

31. All orders and byelaws made and consents, approvals 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 purporting to be so signed the same shall be deemed to have been duly made or given in accordance with the provisions of this Order, and may be proved in manner provided by the Documentary Evidence Act, 1868, with respect to orders and regulations.

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

32. Where the Promoters or any person intend or intends to use electrical or mechanical power under the authority of this Order on the said 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 said 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 giving 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 said tramways or such part of the said 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 mechanical power upon the said tramways or such part thereof be determined and of no effect.

Before using electrical or mechanical power on the said 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 said tramways, or such part thereof, are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving or 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 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 said tramways, or any part of the said tramways, unless there is in force in relation to the said tramways, or such part of the said 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 said tramways are laid.

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

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

Traffic upon Tramways.

Traffic upon tramways.

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

Railway carriages not to be used.

35. No carriages adapted for use upon railways shall be used upon the tramways.

Promoters not bound to carry animals, &c.

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

As to carriage of animals, goods, &c.

37. In case the Promoters carry animals, goods, minerals, or parcels, they may and when required by the local authority shall carry the same in separate

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

As to traffic on tramways on Sundays.

38. The Promoters shall not run or permit or suffer to run upon the tramways within the city any car or carriage on a Sunday before the hour of two o'clock in the afternoon, nor run or permit or suffer to run any car or carriage past any place of worship within the city during the time of divine service on a Sunday at a faster pace than a walking pace, and if the Promoters at any time fail to comply with either of these provisions they shall be subject to a penalty not exceeding forty shillings for every time they so fail, and such penalty may be recovered as by section 56 of the Tramways Act, 1870, is provided.

Tolls.

Tolls.

39. The tramways constructed under the authority of this Order shall, for the purposes of tolls and charges, be deemed to form part of the undertaking of the Promoters authorised by the Order of 1875, and it shall be lawful for the Promoters to demand and receive such tolls and charges in respect of each and every description of traffic upon the tramways as they would have been entitled to demand and receive if the same had originally formed part of the said undertaking of the Promoters.

Provided that each of the routes hereinafter specified, although consisting of two or more tramways, or portions of tramways, shall, for the purpose of tolls and charges, be deemed to be one continuous tramway, and passengers shall be entitled to travel thereon, or on any part thereof, on payment to the Promoters of fares computed at one through rate for each journey made by any passenger; but the Promoters may, at their option, convey the passengers in one or more car or cars.

From or to St. John's Church, Redland.	To or from Arnos Vale Cemetery, Bath Road.
From or to the station of the Port and Pier Railway, Hotwells.	To or from the junction of Ashley Road and Lower Ashley Road, viâ Stoke's Croft and City Road, or viâ Cumberland Street, by whichever route cars between these points may for the time being be running.
Ditto.	To or from the junction of Thornleigh Road North with Gloucester Road, Bishopston.
Ditto.	To or from Arnos Vale Cemetery, Bath Road.
From or to Cannon Street, Bedminster.	To or from the "King's Arms" publichouse, High Street, Kingswood.

Provided also that if the Promoters at any time run through cars over any route other than those specified in this section, every such route shall be deemed to be one continuous tramway, and passengers shall be entitled to travel on such through cars upon payment of a fare or fares at one through rate for each journey made by any passenger.

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Passengers' luggage.

40. 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.

41. The Promoters at all times after the opening of the tramways, or any part 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, nor earlier than six in the evening respectively, as the Promoters think most convenient, for artisans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the Promoters, nevertheless, not being required to take any fare less than one penny): Provided that in case of any complaint made to the Board of Trade 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.

Payment of tolls.

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

Periodical revision of tolls.

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

Removal of certain tramways by Corporation.

44. If at any time it appears to the Corporation desirable that any of the tramways within the city or any part of such tramways, should be removed, the Corporation may remove the same at any time after the expiration of six months'

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notice given by the Corporation to the Promoters, upon paying or making proper compensation to the Promoters, such compensation in case of difference to 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.

Provisions as to arbitration.

45. Where, under the provisions of the Tramways Act, 1870, and this Order, any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Arbitration Act, 1889, shall, except where otherwise specially provided, apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties, and the costs of and incidental to the arbitration and award shall, if either party so require, be taxed and settled as between the parties by any one of the taxing masters of the High Court of Justice, and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters, and all those enactments, including the enactments relating to the taking of fees by means of stamps, shall extend to the fees in respect of the said taxation.

Form and delivery of notices.

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

(1.) Every notice shall be in writing, and if given by the Promoters or by any local authority, or any road authority, shall be signed by their secretary or clerk, and if given by the Corporation in any capacity other than that of local authority shall be signed by the town clerk.

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

Approval of Board of Trade to sale.

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.

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.

Provision as to telegraphs and telephones.

49. The following provision 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 not

injuriously to affect the working of any existing electric circuits from time to time used or intended to be used for the purpose of telegraphic, telephonic, or electric signalling communication, or the currents in such circuits, and shall use every reasonable means in the construction of their circuits, and other works of all descriptions, and in the working of their undertaking to prevent injurious affection, whether by induction or otherwise, to any electric circuits used or intended to be used for the purposes aforesaid (whether existing at the time of the construction of the electric circuits or other works of the Promoters or not) or the currents in such circuits.

Provided that as regards electric circuits erected or laid down by parties other than the Promoters after the construction of the works of the Promoters, this sub-section shall only apply if, in the erection, laying down and working of such circuits, reasonable and proper precautions against injurious interference with other electric circuits have been taken, 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 or place any electric line, or to use any electric line in any manner, whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected, the Promoters shall, unless otherwise agreed between the parties interested, give to the owner of such wire or line notice in writing, specifying the course, nature and gauge of such electric line, and the manner in which such electric line is intended to be used, and the amount and nature of the currents intended to be transmitted thereby, and the extent to and manner in which (if at all) earth returns are proposed to be used; and any owner entitled to receive such notice may from time to time serve a requisition on the Promoters, requiring them to adopt such precautions as may be therein specified in regard to the laying, placing, or user of such electric line for the purpose of preventing such injurious affection, and the Promoters shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Promoters with respect to the reasonableness of any requirements so made, such difference shall be determined by arbitration.

Provided that nothing in this sub-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 transmitted thereby, are not altered.

(3.) If any difference or question arises between the parties or any of them under this section, such difference or question shall be determined by arbitration, and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

(4.) Nothing in this section contained shall be held to deprive the owners of such electric circuits of any existing rights to proceed against the Promoters by indictment, action, or otherwise in relation to any of the matters aforesaid.

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Bristol.
For protection of the Postmaster-General.

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

(1.) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General, and the currents in such telegraphic lines, and shall use every reasonable means in the construction of their electric lines and other works of all descriptions, and the working of their undertaking, to prevent injurious affection, whether by induction or otherwise, to such telegraphic lines, or the currents therein. If any question arises as to whether the Promoters have constructed their electric lines or other works or work their undertaking in contravention of this sub-section, such questions shall be determined by arbitration, and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

(2.)—(*a.*) Before any electric line is laid down or any act or work for working the tramways by electricity 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 the work, shall give written notice to the Postmaster-General, specifying the course of the line 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.

(*b.*) 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 arbitration.

(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. A.D. 1891. *Bristol.*

(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, and, in particular, nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act, 1878, in relation to the matters mentioned in that section.

(7.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act, 1882.

(8.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party, 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.

(9.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment, action, or otherwise, in relation to any of the matters aforesaid.

Carrying of mails by Promoters.

51.—(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.

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Bristol.

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

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

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

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

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

Saving for general Acts.

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

SCHEDULE.

Bristol.

Brake power of engines.

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

As to speed.

The speed at which engines and carriages may be driven or propelled along the said 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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Liverpool.

LIVERPOOL CORPORATION TRAMWAYS (EXTENSIONS).

Order authorising the Mayor Aldermen and Citizens of the City of Liverpool to construct additional Tramways in the said City.

Short title.

1. This Order may be cited as the Liverpool Corporation Tramways (Extensions) Order 1891.

Incorporation of Acts.

2. The provisions of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order.

Interpretation.

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

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

The expression "the Order of 1883" shall mean the Liverpool Corporation Tramways (Extensions) Order 1883: and

The expression "the Corporation" shall mean the mayor aldermen and citizens of the city of Liverpool in the county of Lancaster acting by the council.

ThePromoters.

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

Construction of tramways.

5. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited for the purposes of this Order (in this Order referred to as "the deposited plans" and "the deposited sections") the tramways hereinafter described with all proper rails plates offices weigh-bridges stables carriage-houses warehouses works and conveniences connected therewith or for the purposes thereof:

The tramways authorised by this Order are—

Tramway No. 1 wholly situate in the township of Kirkdale in the parish of Walton-on-the-Hill in the city of Liverpool commencing by a junction with the existing tramway in Lambeth Road at a point five yards west of the west side of Stanley Road passing along Lambeth Road and Smith Street and terminating by a junction with the existing tramway in Smith Street at a point opposite the centre of Foley Street:

Tramway No. 1 shall be laid as a double line throughout The total length of Tramway No. 1 will be 1 furlong 7·7 chains.

Tramway No. 1A wholly situate in the township of Kirkdale in the parish of Walton-on-the-Hill in the city of Liverpool commencing by a junction with the existing tramway in Stanley Road at a point six yards north of the north side of Lambeth Road and terminating in Lambeth Road by a junction with Tramway No. 1 at a point six yards east of the east side of Stanley Road:

Tramway No. 1A shall be laid as a double line throughout :

The total length of Tramway No. 1A will be 1·2 chains.

Tramway No. 2 wholly situate in the township of Kirkdale in the parish of Walton-on-the-Hill in the city of Liverpool commencing by a junction with Tramway No. 1 in Lambeth Road at a point eight yards west of the west side of Smith Street passing into and along Smith Street and terminating by a junction with the existing tramway in Smith Street at a point four yards south of the south side of St. John's Terrace :

Tramway No. 2 shall be laid as a single line throughout :

The total length of Tramway No. 2 will be 3·3 chains.

Tramway No. 3 wholly situate in the parish and city of Liverpool commencing by a junction with the existing tramway in Lime Street at a point two yards south of the south side of London Road passing along Commutation Row and Islington and terminating by a junction with the existing tramway in St. Anne Street at a point nine yards north of the north side of Islington.

Tramway No. 3 shall be laid as a double line throughout except between the points hereinafter specified where it shall be laid as a single line (that is to say) :

In Islington between a point two yards east of the east side of Commutation Row and a point nine yards west of the west side of Christian Street :

In Islington between a point four yards east of the east side of Clare Street and the termination of the tramway in St. Anne Street :

The total length of Tramway No. 3 will be 1 furlong 5·6 chains :

The total length of the double portion will be 1 furlong 0·1 chain :

The total length of the single portion will be 5·5 chains.

Motive power.

6. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power and during such period not exceeding seven years from the passing of the Act confirming this Order as the Promoters by writing under the hand of the town clerk of Liverpool may specify, and with the consent of the Board of Trade during such further periods not exceeding seven years as the said Board may from time to time specify in any order signed by a secretary or assistant secretary of the said Board by steam or electrical power or by any mechanical power including haulage by means of wire ropes or cables placed underground and worked by stationary engine power :

Provided always that the exercise of the powers hereby conferred with respect to the use of steam electrical or any mechanical power shall be subject to the regulations set forth in Schedule A to the Order of 1883 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 electrical or mechanical power on the tramways :

Provided also that the lessees under any lease made by the Promoters shall not use steam electrical or any mechanical power on the tramways or any part thereof unless they are authorised to do so by special permission in such least

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and the Promoters may with the consent of the Board of Trade and subject to the provisions of this Order either by such lease or from time to time during the currency thereof attach to such special permission such conditions and restrictions (not being inconsistent with the provisions of this Order) as they may in each case think fit.

Extending to this Order certain provisions of Order of 1883.

7. The following provisions of the Order of 1883 (that is to say) sections eight to fifteen both inclusive sections seventeen to thirty-nine both inclusive and sections forty-seven and forty-eight and the Schedules A and B to the said Order annexed shall so far as the same are applicable extend and apply to the tramways and undertaking by this Order authorised in like manner in every respect as if the tramways and undertaking by this Order authorised formed part of the tramways and undertaking authorised by the Order of 1883 and for the purpose of such application the expressions "the tramways" and "the undertaking" in the said provisions shall be construed to include the tramways and the undertaking as defined by this Order, the expression "mechanical power" shall be construed to include electrical power, and section thirty-eight of the Order of 1883 shall be construed as though the Arbitration Act 1889 were therein referred to in lieu of the Common Law Procedure Act 1854.

Extending section thirty-three and First Schedule of Liverpool Tramways Act 1882.

8. The provisions of section thirty-three of the Liverpool Tramways Act 1882 and of the schedule therein referred to shall so far as the same are applicable extend and apply to the tramways by this Order authorised and to the rates of fares in respect of the traffic thereon in the like manner in every respect as if the tramways by this order authorised formed part of the tramways by the said Act authorised and for the purpose of such application the expression "the tramways" in the said provisions shall be construed to include the tramways as defined by this Order.

Promoters to grant lease to the Liverpool United Tramways and Omnibus Company.

9. So soon as the tramways shall have been completed and certified by the Board of Trade to be fit for public traffic the Corporation shall grant and the Liverpool United Tramways and Omnibus Company shall accept a lease thereof at a rent equal to ten per cent. per annum on the cost of the construction of such tramways which cost shall for the purpose of estimating such rent be deemed to be three thousand and ten pounds in respect of Tramways Nos. 1, 1A and 2 and one thousand eight hundred and forty-one pounds in respect of Tramway No. 3. The said lease shall be for a term to expire on the first day of January one thousand nine hundred and five and shall so far as the same are applicable contain the same covenants and conditions as the lease dated the first day of January one thousand eight hundred and eighty-five granted by the Corporation to the said Company.

Borrowing powers.

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

and sums authorised to be taken or received by them under the provisions of this Order. A.D. 1891. *Liverpool.*

Power to issue stock.

11. For the purpose of raising the moneys authorised to be borrowed for the purposes of this Order the Corporation may from time to time create and issue Liverpool Corporation Stock to an amount not exceeding in the whole four thousand eight hundred and fifty-one pounds in nominal amount under the Liverpool Corporation Loans Act 1880.

Audit of accounts.

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

Carrying of mails by lessees.

13.—(1) The lessees or any company or person working the tramways (who are hereinafter in this section included in the expression "lessees") if required by the Postmaster-General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires Provided as follows:—

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

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

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

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

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

(C) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the lessees in or upon a carriage conveying or 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 lessees carry goods as well as passengers and parcels the enactments relating to the conveyance of mails by railway shall subject to the provisions of this section apply in like manner as if the lessees were a railway company and the tramway were a railway.

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

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

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

For the protection of telegraph and telephone wires

14. The following provisions shall have effect with regard to any tramway of the promoters in the event of the same being worked by electricity otherwise than by electrical power carried along with the carriages (that is to say) :—

(1.) The promoters and every company or person working any of the tramways of the promoters (who are herein-after in this section included in the expression "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 other electric circuits from time to time used for the purpose of telegraphic, telephonic, or electric signalling communication, or with the currents in such circuits ; provided that as regards electric circuits erected or laid down after the construction of the works of the promoters this subsection 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 telegraphic, telephonic, or electric signalling communication through any wires or lines lawfully laid down or placed in any position may be injuriously affected, the Promoters shall, unless otherwise agreed with the parties interested, give to the body or person for the time being entitled to such wires or lines, 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 such body or person as aforesaid, 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 any such body or person 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 such body or person as aforesaid 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.

For protection of the Postmaster-General.

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

(1) The Promoters and any company or person working the tramways (who are hereinafter in this section included in the expression "Promoters") shall construct their electric lines and other works of all descriptions and shall work the undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of the undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Promoters have constructed their electric lines or other works or work the undertaking in contravention of this sub-section such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator;

(2)—(A) Before any electric line is laid down or any act or work for working the tramways by electricity 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 the work shall give written notice to the Postmaster-General specifying the course of the line 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;

(B) 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 arbitration;

(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;

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(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 and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section;

(7) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882;

(8) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party 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;

(9) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid.

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