

CHAPTER cxlvi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Barrow-in-Furness Tramways Horsforth Urban District Council Tramways Keighley Corporation Tramways and Ramsbottom Urban District Council Tramways. [11th August 1903.]

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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 King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the Tramways Orders Confirmation (No. 2) Act 1903. Short title.

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. Confirmation of Orders in schedule.

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Protection of houses of labouring class.

3. The Promoters mentioned in the said Orders shall not in the exercise of the powers of this Act or of the said Orders purchase or acquire in any city borough or other urban district or in any rural parish ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied If any Promoters acquire or appropriate any house or houses under the powers of this Act or of the said Orders in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

For the purposes of this section—

The expression "labouring class" means mechanics artisans 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;

The expression "house" means any house or part of a house occupied as a separate dwelling.

SCHEDULE.

LIST OF ORDERS.

BARROW-IN-FURNESS TRAMWAYS.—Order authorising the construction of a new tramway and the electrical equipment of the existing tramways in the Borough of Barrow-in-Furness.

HORSFORTH URBAN DISTRICT COUNCIL TRAMWAYS.—Order authorising the Urban District Council of Horsforth to construct tramways in their district and for other purposes.

KEIGHLEY CORPORATION TRAMWAYS.— Order authorising the Mayor Aldermen and Burgesses of the Borough of Keighley to construct tramways in their Borough.

RAMSBOTTOM URBAN DISTRICT COUNCIL TRAMWAYS.—Order authorising the Urban District Council of Ramsbottom to construct tramways in the Urban District of Ramsbottom and for other purposes.

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Order authorising the Construction of a new Tramway and the Electrical Equipment of the existing Tramways in the Borough of Barrow-in-Furness.

Preliminary.

Short title.

1. This Order may be cited as the Barrow-in-Furness Tramways Order 1903.

Interpretation.

2. Words and expressions to which by the Tramways Act 1870 or any Acts in whole or in part incorporated with this Order meanings are assigned have in this Order (unless the context otherwise requires) the same respective meanings And in this Order—

The expression "the Order of 1884" means the Barrow-in-Furness Tramways Order 1884:

The expression "the Order of 1894" means the Barrow-in-Furness Corporation Tramways Order 1894:

The expression "the Orders of 1884 and 1894" means the Order of 1884 and the Order of 1894:

The expression "the new tramway" means the tramway by this Order authorised:

The expression "the existing tramways" means the tramways constructed under the powers of the Orders of 1884 and 1894:

The expression "the tramways" means the new tramway and the existing tramways and the expression "the undertaking" means the undertakings authorised by the Orders of 1884 and 1894 and this Order:

The expression "the Corporation" means the mayor aldermen and burgesses of the borough of Barrow-in-Furness acting by the Council:

The expression "the borough" means the borough of Barrow-in-Furness:

The expression "the Railway Company" means the Furness Railway Company:

The expression "mechanical power" means and includes steam electric and every other motive power not being animal power and the word "engine" includes motor.

Incorporation of Acts.

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

Promoters.

4. The British Electric Traction Company Limited shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters." Promoters.

Lands.

5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell or dispose of any such lands not required for such purposes Provided that they shall not at any time hold for such purposes more than five acres of land and that nothing in this Order shall exempt the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land acquired by them under this section. Lands by agreement.

Construction and Alteration of Tramways.

6. The Promoters may construct and thereafter maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramway hereinafter described with all proper rails points crossovers plates sleepers offices weighbridges stables carriage-houses engine-sheds warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same. Power to construct new tramway.

The tramway herein-before referred to and authorised by this Order is—

A tramway (4 furlongs 1 chain in length of which 2 furlongs 6·1 chains will be single line and 1 furlong 4·9 chains double line) wholly in the borough and parish of Barrow-in-Furness commencing in the Michaelson Road by a junction with the existing tramways at a point 13 yards or thereabouts north-east of Ferry Road passing thence into and along and terminating in Ferry Road at or near its junction with Stanley Road.

The said tramway will be laid as a single line except between the following points where it will be laid as a double line:—

(1) From the commencement of the tramway for a distance of 2·40 chains:

(2) Between points respectively situate 240 yards and 372 yards or thereabouts measured in a north-westerly direction from Michaelson Road:

(3) Between points respectively situate 51 yards or thereabouts south-east and 26 yards or thereabouts north-west of the junction of Ferry Road with St. Patrick's Road:

(4) Between points respectively situate 13 yards and 79 yards or thereabouts north-west of Burnaby Street.

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Abandonment of certain existing tramways.

7. The Promoters may abandon and take up and remove Tramways Nos. 2 3 4 and 5 authorised by the Order of 1884 and may if they think fit appropriate to and use in the construction of the new tramway or the adapting of the existing tramways so much of the tramways by this section authorised to be abandoned taken up or removed as may be convenient.

For protection of Corporation.

8. Notwithstanding anything contained in this Order the following provisions for the protection and benefit of the Corporation shall except in so far as may be otherwise agreed between the Promoters and the Corporation apply and have effect (that is to say):—

(1) If the Promoters shall at any time desire to sell any lands or buildings for the time being forming part of the undertaking they shall before selling the same to any other purchaser offer the same to the Corporation and the Corporation shall for a period of six weeks from the date of such offer be entitled to purchase the same at the price which such other purchaser shall be willing to give therefor:

(2)—(*a*) The Promoters shall forthwith provide a waiting-room in such position near to the tramways in Abbey Road and of such size description and design as the Corporation shall reasonably require for the use of persons intending to travel by the tramways and shall also provide such other waiting-rooms as shall hereafter become necessary for the accommodation of such persons in other parts of the borough;

(*b*) Unless the Corporation shall be prepared to sell or lease the necessary land to the Promoters on reasonable terms the Corporation shall permit such waiting-rooms to be erected upon the highway;

(*c*) Before erecting any such waiting-rooms as aforesaid the Promoters shall submit a plan and elevation thereof for the reasonable approval of the Corporation:

(3)—(*a*) The Corporation shall have full power of inspection by any officer or officers to be appointed by them during reasonable hours of the daytime of the cars engines and electrical and other appliances used upon the tramways and may at any time cause to be removed from the tramways any car engine or electrical or other appliance which shall be certified by an officer to be appointed by them to be defective or dirty and the provisions of section 10 (G) of the Order of 1884 shall so far as applicable be extended and apply to such removal;

(*b*) Any such officer or officers may for the purpose of such inspection as aforesaid enter upon any workshop or depôt of the Promoters but except as aforesaid nothing in this subsection contained shall confer on the Corporation power to inspect any such workshop or depôt:

(4) The Promoters shall not deposit oil waste or other refuse on any road within the borough :

(5) The Promoters shall not assign or demise the undertaking without the previous consent in writing of the Corporation but such consent shall not be unreasonably withheld and shall not be withheld to any assignment or lease of the undertaking to a company formed by the Promoters to use and work the undertaking Provided that the Promoters shall reasonably satisfy the Corporation that such company is competent to fulfil the obligations of the Promoters in regard to the undertaking and provided that such assignment or lease shall not relieve the Promoters from the fulfilment of their obligations under any agreement with the Corporation but the provisions of section 53 of the Order of 1884 shall not apply to an assignment to such company :

(6) The provisions of section 10 of the Order of 1884 except sub-sections (I) and (L) thereof shall apply to the tramways and the undertaking as defined by this Order and to the Promoters as if the same had been set out in this Order :

(7) Nothing in this Order contained shall prejudice or affect any agreement entered into between the Promoters and the Corporation and for the time being in force :

(8) Any difference which may arise between the Corporation and the Promoters under this section shall be referred to the arbitration of a person nominated by the Board of Trade.

For protection of railway company.

9. Nothing in this Order contained shall affect or repeal the provisions of sections 11 and 12 of the Order of 1884 or affect any agreement entered into between the Promoters and the railway company in pursuance of section 16 of the said Order of 1884 and for the time being in force and notwithstanding anything in this Order contained the exercise by the Promoters or the Corporation of the powers of this Order shall be in all respects subject to the provisions of an agreement dated the 2nd day of August 1902 and made between the railway company of the first part the Promoters of the second part and the Corporation of the third part or of any agreement varying the same which shall be approved by the Board of Trade.

Gauge and width of carriages.

10. The new tramway shall be constructed on a gauge of four feet Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramway beyond the outer edge of the wheels of such carriages and of section 7 of the Order of 1884 and section 7 of the Order of 1894 as limits the width of such carriages shall not apply to carriages used on the tramways but no carriage or engine used on the tramways shall exceed six feet six inches in width or such greater width as may be approved by the Board of Trade and the Corporation.

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As to rails of new tramway.

11. The rails of the new tramway shall be such as the Board of Trade may from time to time approve and the Board of Trade may from time to time upon the application of the road authority of the district in which the new tramway or any portion thereof is situate require the Promoters to adopt and apply such improvements in the tramway 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 dispatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Tramways to be kept on level with surface of road.

12. If and whenever any road authority alters the level of any road along or across which any portion of the tramways is laid or authorised to be laid the Promoters shall 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.

Provisions as to construction of new tramway.

13. 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 and renewing the new tramway lay before the Board of Trade and the Corporation a plan showing the proposed mode of constructing laying down maintaining and renewing such tramway and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance and renewal of the said tramway or any part thereof except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act.

Penalty for not maintaining rails and roads.

14.—(1) The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the new tramway and the substructure upon which the same rest and if the Promoters at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

(2) In case it is represented in writing to the Board of Trade by the road authority of any district in which the new tramway or any portion thereof is situate or by twenty inhabitant ratepayers of such district that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 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 a secretary or an assistant secretary of 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 by this section imposed.

Cross-overs to be constructed in certain cases.

15. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Promoters shall if and where required by the Board of Trade construct a cross-over or cross-overs connecting the one tramway with the other and by the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Power to make additional cross-overs &c. and to alter tramway lines.

16.—(1) The Promoters may subject to the provisions of this Order with the consent of the Corporation (which shall not be unreasonably withheld) and of the Board of Trade make maintain alter and remove such cross-overs passing places sidings turnouts junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables or carriage-houses or works of the Promoters or to any premises abutting upon any part of the tramways.

(2) Notwithstanding anything shown on the deposited plans the Promoters may with the consent of the Corporation (which shall not be unreasonably withheld) and of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and may with the like consents at any time alter the position in the road of any of the tramways or any part thereof Provided that the uppermost surface thereof shall be on a level with the surface of the road.

(3) Any difference arising under this section as to whether the consent of the Corporation is unreasonably withheld shall be determined by the Board of Trade.

(4) Provided that if in the construction of any works under this section any rail is intended to be so laid that a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Promoters shall not less than one month before commencing the works give notice in writing to every owner and occupier of premises abutting on the place where such less space would intervene and such rail shall not be so laid if the owners or occupiers of one-third of such premises by writing under their hands addressed and delivered to the Promoters within three weeks after receiving the notice from the Promoters express their objection thereto.

Temporary tramways may be made where necessary.

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

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the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or tramways in lieu of the tramway or part of a tramway so removed or discontinued.

If any difference arise between the Promoters and any road authority with respect to the reasonableness of any conditions or regulations or with respect to the mode of constructing any temporary tramway or tramways under the authority of this section the same shall be deemed a matter in difference within section 33 of the Tramways Act 1870 and the provisions as to arbitration of the said section and of this Order shall apply accordingly.

Sanitary authority to have access to sewers.

18. Every sanitary authority shall at all times have free access to and communication with all their sewers and drains and power to lay additional sewers and drains without the consent or concurrence of the Promoters and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act 1870 shall be applicable in the case of any sewers or drain of or under the control of the said authority as if the same were a pipe for the supply of gas or water.

Application of road materials excavated in construction of works.

19. Any paving metalling or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters so far as may be necessary in or towards the reinstatement of the street or road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Promoters are by section 28 of the Tramways Act 1870 required to maintain and the Promoters shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor of the road authority or to such person or persons as he may appoint to receive the same Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given 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 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 settled by a referee to be nominated by the Board of Trade on the application of either party.

New tramway not to be opened until certified by Board of Trade.

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

Motive Power.

Provisions as to motive power.

21. The provisions contained in Schedule A. to the Order of 1884 and in Schedule A. to the Order of 1894 and so much of those Orders respectively

as relate to the said schedules are hereby repealed and notwithstanding anything in those Orders or either of them contained the carriages used on the tramways may be moved by animal power and subject to the following provisions by mechanical power (that is to say):—

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade and no mechanical power shall be substituted for electrical power on the overhead trolley system without the consent of the Corporation:

(2) The Board of Trade shall make regulations (in this Order referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Order of mechanical power on the tramways and for regulating the use of electrical power:

(3) The Promoters or any person using any mechanical power on the tramways contrary to the provisions of this Order or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

(4) The Board of Trade if they are of opinion—

(*a*) that the Promoters or such person have or has made default in complying with the provisions of this Order or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(*b*) that the use of mechanical power as authorised under this Order is a danger to the passengers or the public;

may by order either direct the Promoters or such person to cease to use such mechanical power or permit the same to be continued subject to such conditions as the Board of Trade may impose and the Promoters or such person shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Power to adapt and equip tramways for working by mechanical power.

22.—(1) The Promoters may adapt the existing tramways for working by mechanical power and may accordingly make all such alterations in the existing tramways as may be necessary or convenient for that purpose.

(2) The Promoters may for the purpose of working the tramways by mechanical power subject to the provisions of this Order—

(*a*) Erect lay down and maintain in under or over any street or road including the footpaths thereof posts brackets electric conductors wires apparatus tunnels cables tubes and openings:

(*b*) With the consent in writing of the owners and occupiers of any house or building attach to such house or building and maintain posts brackets conductors wires and apparatus:

(*c*) The powers of subsections (*a*) and (*b*) of this subsection shall be exercised to the reasonable satisfaction of the Corporation in every respect and in accordance with plans drawings and specifications

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previously submitted to and reasonably approved by the Corporation or in case of difference between the Corporation and the Promoters settled by the Board of Trade:

(*d*) The Promoters shall paint all posts and other fixtures forming part of the overhead equipment of the tramways which are usually painted once at least in every two years:

(*e*) No advertisements shall be attached to any such posts or other fixtures other than notices indicating the stopping-places of the cars used upon the tramways:

(*f*) The Corporation shall upon giving not less than fourteen days' notice to the Promoters of their desire to do so have the right to use any posts standards or brackets erected by the Promoters in any street in the borough for the support of any electric wires or lamps belonging to the Corporation or to any contractor with them for the lighting of street lamps Provided that the said notice shall be accompanied by sufficient plans showing the method and position in which such wires or lamps are to be supported and that in placing maintaining or altering such wires or lamps no obstruction shall be caused to the working by the Promoters of the undertaking and no unnecessary damage shall be caused to such posts standards or brackets and so that if any damage shall be caused thereto the Corporation shall be responsible for and shall make good the same to the Promoters.

Mechanical power works to be subject to Tramways Act 1870.

23. All works to be executed by the Promoters or their lessees in any street or road for working the tramways by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects (save as by this Order otherwise expressly provided) to the provisions of the Tramways Act 1870 as in this Order incorporated as if they had been therein expressly mentioned.

Byelaws.

24.—(1) Subject to the provisions of this Order the Board of Trade may make byelaws with regard to any tramways upon which under the powers of this Order mechanical power may be used for all or any of the following purposes (that is to say):—

For regulating the use of any bell whistle or other warning apparatus fixed to the engines or carriages:

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

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

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 byelaws and Board of Trade regulations in force for the time being in relation to such tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

(2) 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.

Special provisions as to use of electric power.

25. The following provisions shall apply to the use of electric power under this Order unless such power is entirely contained in and carried along with the carriages :—

(1) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance :

(2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working the undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

(3) The electric power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

(4) The Promoters shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :

(5) At the expiration of two years from the passing of the Act confirming this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have

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been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:

(6) If any difference arises between the Promoters and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

(7) In this section the expression "Promoters" includes any person owning working or running carriages over any of the tramways.

For protection of Postmaster-General.

26.—(*a*) Notwithstanding anything in this Order or in the Orders of 1884 and 1894 contained if any of the works by this Order or the Orders of 1884 and 1894 authorised involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(*b*) In the event of the tramways 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 the undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His 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 Any difference which arises between the Postmaster-General and the Promoters as to compliance with this subsection shall be referred to arbitration:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

(3) 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) 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 comply with such reasonable requirements (either general or special) as may 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 Any difference which arises between the Postmaster-General and the Promoters as to any requirements so made shall be referred to arbitration:

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Promoters is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such works or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated for tramway purposes at any works of the Promoters enter thereon for the purpose of inspecting the plant and the working of the same and the Promoters shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Promoters pursuant to the Board of Trade regulations:

(5) 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:

(6) 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 any act or the execution of any work in respect of which the penalty is claimed 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:

(7) 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:

(8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order:

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

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

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either party 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 or their agents were a company within the meaning of that Act:

(11) 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:

(12) In this section the expression "the Promoters" includes any person owning working or running carriages over any of the tramways:

(13) Section 25 of the Order of 1894 is hereby repealed.

Traffic and Rates.

Traffic and tolls on new tramway.

27. The new tramway shall save as by this Order provided for the purposes of traffic thereon and of the tolls and charges to be demanded and taken thereon be subject to the provisions in that behalf of the Order of 1884 and the following sections of that Order (that is to say):—

Section 38. (Traffic upon tramways.)
Section 39. (Promoters not bound to carry goods.)
Section 40. (Provisions as to carriage of animals goods &c. in separate carriages.)
Section 41. (Tolls for passengers.)
Section 42. (Passengers luggage.)
Section 44. (Tolls for animals goods &c.)
Section 45. (Payment of tolls.)
Section 46. (Periodical revision of tolls.)

and the Schedule B to that Order annexed shall so far as applicable apply to the new tramway and to the traffic thereon and to the tolls and charges authorised to be demanded and taken in respect of such traffic in like manner in every respect as if the new tramway had been authorised by the Order of 1884.

As to fares on Sundays or holidays.

28. The Promoters shall not take or demand in respect of any tramways on Sunday or any public holiday any higher fares or charges than those levied by them on ordinary week days.

Service of cars.

29.—(1) The Promoters shall at all times after the opening of the tramways or any portion thereof for public traffic provide such service of cars as may be reasonably required in the public interest.

(2) If complaint is made to the Board of Trade by any local authority that a proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Promoters to provide such service as may appear to the Board to be reasonable.

(3) The Promoters shall be liable to a penalty not exceeding five pounds for every day on which they shall fail to comply with any order made by the Board of Trade under this section.

Cheap fares for labouring classes.

30.—(1) The Promoters shall and they are hereby required at all times to run a proper and sufficient service of carriages on the tramways for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Promoters in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Promoters to provide such service as may appear to the Board to be reasonable.

(3) The Promoters shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

(4) Section 43 of the Order of 1884 and so much of section 26 of the Order of 1894 as renders that section applicable to the tramways thereby authorised are hereby repealed.

Miscellaneous.

As to purchase of undertaking by Corporation.

31.—(1) Notwithstanding anything in the Orders of 1884 and 1894 or the Tramways Act 1870 contained the powers of purchase given to the Corporation by section 43 of that Act (except in the case of an Order made in pursuance of section 41 or of section 42 of that Act) shall as regards the undertaking be exerciseable only at the times and upon the terms by this section prescribed (that is to say):—

(A) Within six months after the expiration of a period of seven years or fourteen years from the date of the final consent of the Board of Trade authorising the use of electrical power upon the tramways upon the terms of paying to the Promoters the following sums namely:—

(i) The sum of 15,150*l.* in respect of the undertaking as the same existed on the 2nd day of August 1902;

(ii) The whole of the capital properly expended by the Promoters on the undertaking in connection with the reconstruction and equipment for electric traction of the existing tramways and the construction and equipment for electric traction of the new tramway Provided that in ascertaining the capital so expended all costs charges and expenses reasonably and properly paid or incurred by the Promoters under any agreement with the Corporation shall be included but the value as appearing in an inventory and valuation signed in duplicate by J Walker Smith on behalf of the Corporation and by E. A. Evans on

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behalf of the Promoters (whereof one copy has been deposited with the town clerk of the borough and the other copy has been delivered to the Promoters) of any rails points setts concrete or other materials forming part of the existing tramways on the 2nd day of August 1902 and used again in the construction reconstruction and equipment of the tramways as aforesaid shall not be included and the Corporation shall be entitled to deduct from the capital so expended the value as appearing in the inventory and valuation signed deposited and delivered as aforesaid of all lands buildings machinery tools plant rails points crossings setts concrete materials stocks and stores (other than consumable stores) forming part of the undertaking on the said 2nd day of August 1902 and sold by the Promoters after that date and also the amount of all moneys realised by the sale of any engines or cars forming part of the said undertaking on the said date;

And provided further that no moneys expended upon repairs to or renewal or maintenance of the undertaking or any part thereof after the construction reconstruction and equipment of the tramways for electric traction shall be considered capital properly expended within the meaning of this section and unless all the plant machinery buildings rolling stock rails road-bed electric lines and cables posts and other apparatus be maintained in a state of good repair and working efficiency the sum otherwise considered as capital properly expended shall be subject to corresponding deductions;

(iii) A sum equal to six per centum per annum on the capital expended as aforesaid calculated from the date or respective dates of the expenditure thereof to the date of payment less any sums divided or properly divisible as dividend by the Promoters out of the revenue from the undertaking during the same period:

(B) Within six months after the expiration of the period of 21 years from the date of the said consent of the Board of Trade upon the terms of paying to the Promoters the then value of the undertaking as a going concern:

(C) Within six months after the fourteenth day of July 1928 or within six months after the expiration of any subsequent period of seven years upon the terms contained in the said 43rd section of the Tramways Act 1870.

Any difference between the local authority and the Promoters as to the amount payable by way of purchase money under this section shall be referred to the arbitration of a person nominated by the Board of Trade.

(2) Subsection (L) of section 10 and sections 13 14 and 15 of the Order of 1884 are hereby repealed.

32. The Promoters and the Corporation may subject to the provisions of this Order from time to time enter into and fulfil agreements with respect to—

Promoters and Corporation may enter into agreements for construction of tramways and supply of energy.

(*a*) the constructing adapting maintaining removing renewing and repairing of the tramways or any of them and the rails plates sleepers and works connected therewith;

(*b*) the supply by the Corporation of electrical energy for the purposes of this Order:

Provided that any such agreement entered into after the second day of August 1902 shall be also subject to the consent of the Board of Trade.

Amendment of Tramways Act 1870 as to bye-laws by local authority.

33. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by any regulation made by the Board of Trade under the authority of this Order at which carriages are to be driven or propelled on the tramways under the authority of this Order but the byelaws of the Corporation may restrict the rate of speed to a lower rate than that so authorised.

Orders &c. of Board of Trade.

34. All orders regulations and byelaws made and consents 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 and when purporting to be so signed the same shall be deemed to be duly made in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly.

Recovery of penalties.

35. Any penalty under this Order or under any byelaws or regulations made under this Order may be recovered in manner provided by the Summary Jurisdiction Acts.

Form and delivery of notices.

36. 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:

(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 the Promoters or of that authority body or company as the case may be or by being sent by post in a prepaid letter addressed to their respective secretary or clerk at their principal office.

Provisions as to arbitration.

37. Where under the provisions of the Tramways Act 1870 and the Orders of 1884 and 1894 or this Order any matter in difference is to be referred to or determined by the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration as if the arbitration were pursuant to a submission.

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Carrying of mails by Promoters.

38. Notwithstanding any provision in any Act or Provisional Order relating to the existing tramways the Conveyance of Mails Act 1893 shall extend and apply to the existing tramways as if the same had been authorised by an Act of Parliament passed after the first day of January 1893 and to the Promoters as the body or person owning or working such tramways.

Saving for general Acts.

39. Nothing in this Order contained shall exempt the Promoters or any person using the tramways or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by this Order.

HORSFORTH URBAN DISTRICT COUNCIL.

Horsforth Urban District Council.

Order authorising the Urban District Council of Horsforth to construct Tramways in their District and for other purposes.

Preliminary.

Short title.

1. This Order may be cited as the Horsforth Urban District Council Tramways Order 1903.

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" mean respectively the tramways and works and the undertaking by this Order authorised or (as the case may be) any part thereof:

The expression "the district" means the urban district of Horsforth in the West Riding of the county of York:

The expression "the Council" means the urban district council of Horsforth:

The expression "mechanical power" includes steam electric and every other motive power not being animal power and the word "engine includes motor.

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

5. The Promoters may— Lands.

(*a*) subject to the sanction of the Local Government Board and under such conditions as they may prescribe from time to time appropriate and use for any of the purposes of this Order but subject to the provisions (if any) under which such lands were respectively acquired any lands from time to time vested in them;

(*b*) by agreement from time to time purchase and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes Provided that all sums received by the Promoters from the sale of such lands or from fines or premiums on leases of the same shall be applied solely in repayment of outstanding loans and that such moneys shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided that they shall not at any time hold for such purposes more than five acres of land Provided always that 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 or permitted by them upon lands appropriated or taken under the powers of this section.

Construction of Tramways.

6. The Promoters may subject to the provisions of this Order— Construction of tramways.

(*a*) construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates sleepers channels junctions turntables turnouts cross-overs passing places works and conveniences connected therewith or for the purposes thereof;

(*b*) erect or construct on any lands taken or appropriated under the powers of this Order any offices stables sheds carriage-houses engine-houses workshops stores waiting-rooms or other buildings yards works and conveniences for the purposes of the undertaking:

Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the Act of 1882 apply except in accordance with and subject to the provisions of that section.

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The tramways will be wholly situate within the district and are as follows (that is to say):—

Tramway No. 1 1 mile 6 furlongs 2·75 chains in length commencing in the Kirkstall Otley and Shipley Road at the boundary of the city of Leeds on Cow Beck Bridge passing thence in a north-westerly direction along New Road Side and terminating at the boundary of the urban district of Rawdon at Gill Beck:

Tramway No. 1 shall be laid as a single line except at the following places where it shall be a double line (that is to say):—

(*a*) From a point in the Kirkstall Otley and Shipley Road 15 chains north-west of the junction of Hawksworth Road with the said Kirkstall Otley and Shipley Road to a point 3 chains further north-west;

(*b*) From a point in the Kirkstall Otley and Shipley Road 85 links north-west of the junction of Clarence Road with the said Kirkstall Otley and Shipley Road to a point 3 chains further north-west;

(*c*) From a point in the Kirkstall Otley and Shipley Road at the junction of the said Kirkstall Otley and Shipley Road with Rose Terrace to a point 3 chains further east;

(*d*) From a point in the Kirkstall Otley and Shipley Road 1·85 chains north-west of the junction of Parkside with the said Kirkstall Otley and Shipley Road to a point 3 chains further north-west;

(*e*) From a point in the Kirkstall Otley and Shipley Road 9·90 chains north-west of the junction of Calverley Lane with the said Kirkstall Otley and Shipley Road to a point 3 chains further north-west;

(*f*) From a point in the Kirkstall Otley and Shipley Road 4·25 chains north-west of the junction of Hall Lane with the said Kirkstall Otley and Shipley Road to a point 3 chains further north-west;

(*g*) From a point in the Kirkstall Otley and Shipley Road 2 furlongs 1·80 chains north-west of the junction of Hall Lane with the said Kirkstall Otley and Shipley Road to a point 3 chains further north-west;

(*h*) From a point at the terminus of this tramway as above described to a point in the Kirkstall Otley and Shipley Road 3 chains south-east of the said point of termination:

1 mile 3 furlongs 8·75 chains of the above Tramway No. 1 is single line and 2 furlongs 4 chains is double line.

Tramway No. 2 6 furlongs 2·15 chains in length commencing in the Kirkstall Otley and Shipley Road by a junction with Tramway No. 1 at a point 40 links from its commencement on Cow Beck Bridge and passing thence in a north-easterly direction along Hawksworth Road thence in a north-westerly direction along Low Lane and terminating

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in Low Lane opposite its junction with Broadgate Lane Provided always that Tramway No. 2 shall not be constructed along Low Lane until the roadway has been widened to a minimum width of 24 feet:

Tramway No. 2 shall be laid as a single line except at the following places where it shall be a double line (that is to say):—

(*a*) From a point in Hawksworth Road 1 furlong 6·65 chains north-east of the junction of Hawksworth Road with the Kirkstall Otley and Shipley Road to a point 3 chains further north-east;

(*b*) From a point in Hawksworth Road 7·20 chains south-west of the junction of Low Lane with Hawksworth Road to a point 3 chains further south-west;

(*c*) From a point in Low Lane 5·90 chains south-east of the junction of Low Lane with Broadgate Lane to a point 3 chains further south-east:

5 furlongs 3·15 chains of the above Tramway No. 2 is single line and 9 chains is double.

For protection of West Riding County Council.

7. The following provisions for the protection of the County Council of the West Riding of Yorkshire (in this section called "the County Council") shall have effect unless otherwise agreed in writing between the County Council and the Promoters (that is to say):—

(1) The Promoters shall not without the consent in writing of the County Council execute any works which affect or interfere with the structural works of the bridges crossing Cow Beck and Gill Beck If with such consent as aforesaid the Promoters intend to execute such works they shall give notice in writing to the County Council of such intention as hereinafter provided and such notice shall be accompanied by a plan and specification showing the nature and extent of the intended works:

(2) Any works under this section in so far as they affect or interfere with the structural works of such bridges shall if the County Council so require be executed by the County Council at the reasonable expense of the Promoters The County Council shall give notice accompanied in each case by sufficient plans and specifications to the Promoters of their intention so to execute such works and shall commence execute and complete the same with all reasonable despatch Provided that unless the County Council shall give the said notice to the Promoters within twenty-eight days after receiving from the Promoters the notice herein-before prescribed the Promoters may themselves subject to the terms of this section proceed to execute the works:

(3) If in consequence of the existence or user of the tramway it becomes necessary that such bridges should be strengthened the County Council shall give notice accompanied by sufficient plans and specifications of the intended works to the Promoters and may after twenty-eight days from the date of the notice (or forthwith in case of emergency)

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proceed with all due despatch to execute all such works as may be reasonably necessary and the County Council may recover from the Promoters all moneys reasonably expended by them in the execution thereof with full costs and charges in like manner as any simple contract debt of like amount may be recovered:

(4) If such bridges be altered widened or rebuilt by the County Council the County Council may require the Promoters to alter the tramway in such manner as the circumstances of the case may reasonably require and shall at the same time send sufficient specifications or other information to show the nature of the alteration required:

(5) If the County Council shall find it necessary for the purpose of strengthening altering widening or rebuilding the said bridges that the working of the portion of the tramway over such bridges be wholly or in part stopped or delayed or that such portion of the tramway be wholly or in part taken up or removed and if the County Council accordingly give the Promoters twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up or removal the working of such portion of the tramway shall be stopped or delayed or such portion of the tramway shall be taken up or removed as stated in such notice at the expense of the Promoters and under their superintendence if they shall give such superintendence but no such working shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purposes as aforesaid and such portion of the tramway shall be restored with all possible despatch and in such case the County Council shall not be liable to pay compensation in respect of such stoppage delay taking up or removal as aforesaid:

(6) The Promoters shall not without the consent in writing of the County Council place erect or attach any post or other support for any wire or any "feeder box" on or to the structure of such bridges and shall on receiving three months' notice in writing remove any post support or box which shall be so placed erected or attached as aforesaid:

(7) Any works to be executed with the consent of the County Council affecting the said bridges shall be executed to the satisfaction of the County Council in conformity with such plans sections and specifications as may be approved by them and which shall be submitted to them at least twenty-eight days before the commencement of such works If the County Council do not within the said twenty-eight days signify their approval or disapproval of the said plans sections and specifications or their directions in relation thereto they shall be deemed to have approved thereof The Promoters shall pay the reasonable costs incurred by the County Council in the superintendence of such works and the inspection of plans sections and specifications as aforesaid:

(8) If any difference arises between the Promoters and the County Council under this section such difference shall unless the parties

otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by them.

Gauge and width of carriages.

8. The tramways shall be constructed on a gauge of four feet eight and a half inches or such other gauge as may from time to time be determined by the Board of Trade on the application of the Promoters Provided always that in the event of the tramways being constructed on a less gauge than four feet eight and a half inches so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramways beyond the outer edge of the wheels of such carriages shall not apply to carriages used on the tramways but no engine or carriage used on the tramways shall exceed six feet in width or such other width as may from time to time be prescribed by the Board of Trade.

Provisions as to construction of tramways.

9. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing the 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 except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement.

Rails of tramways.

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

Penalty for not maintaining rails and road in good condition.

11.—(1) The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Promoters at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

(2) In case it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the district that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 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 a secretary or assistant secretary of 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 by this section imposed.

Tramways to be kept on level of surface of road.

12. If the Promoters or any other road authority hereafter alter the level of any road along or across which any part 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.

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Cross-overs to be constructed in certain cases.

13. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Promoters shall if and where required by the Board of Trade construct a cross-over or cross-overs connecting the one tramway with the other and by the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Power to make additional cross-overs &c. and to alter tramway lines.

14.—(1) The Promoters may subject to the provisions of this Order with the consent of the Board of Trade make maintain alter and remove all such cross-overs passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the tramways or for facilitating the traffic of the roads in which the same are laid or for providing access to any stables or carriage-houses sheds or works or for effecting junctions with any tramways.

(2) Notwithstanding anything shown on the deposited plans the Promoters may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and may with the like consent subject in places where the Promoters may not be the road authority to the approval of that authority alter the position in the road of any of the tramways Provided that the uppermost surface thereof shall be on a level with the surface of the road.

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid that a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Promoters shall not less than one month before commencing the works give notice in writing to every owner and occupier of premises abutting on the place where such less space would intervene and such rail shall not be so laid if the owners or occupiers of one third of such premises by writing under their hands addressed and delivered to the Promoters within three weeks after receiving the notice from the Promoters express their objection thereto.

Temporary tramways may be made when necessary.

15. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid it is in the opinion of the Promoters necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Promoters may construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued subject in places in which the Promoters may not be the road authority to the approval of the road authority and to such regulations as that authority may make.

Application of road materials excavated in construction of works.

16. Any paving metalling or material excavated by the Promoters in the construction of any works under the authority of this Order from any road under their jurisdiction or control shall absolutely vest in and belong to

the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit.

17. 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.

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

Motive Power.

18. The carriages used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):—

Provisions as to motive power.

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:

(2) The Board of Trade shall make regulations (in this Order referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Order of mechanical power on the tramways and for regulating the use of electrical power:

(3) The Promoters or any person using any mechanical power on the tramways contrary to the provisions of this Order or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

(4) The Board of Trade if they are of opinion—

(*a*) that the Promoters or such person have or has made default in complying with the provisions of this Order or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(*b*) that the use of mechanical power as authorised under this Order is a danger to the passengers or the public;

may by order either direct the Promoters or such person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Promoters or such person shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

19. For the purpose of working any of the tramways by mechanical power the Promoters and their lessees may subject to the provisions of this Order (and as to the lessees subject to the terms of their lease):—

Mechanical power works.

(*a*) construct provide maintain and use on any lands appropriated or acquired by them under the provisions of this Order stations for the supply and storing of gas oil or other power to be used on any motor for generating electric power with all necessary or proper machinery dynamos engines building works and conveniences:

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(*b*) place construct erect lay down make and maintain on above or below the surface of any road posts brackets electric conductors wires apparatus subways tunnels cables tubes and openings:

(*c*) With the consent of the owners and occupiers of any houses or buildings affix to such houses or buildings and maintain posts brackets wires and apparatus.

Mechanical power works to be subject to Tramways Act 1870.

20. All works to be executed by the Promoters or their lessees in any road for working the tramways by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects (save as by this Order otherwise expressly provided) to the provisions of the Tramways Act 1870 as in this Order incorporated as if they had been therein expressly mentioned.

Byelaws.

21. Subject to the provisions of this Order the Board of Trade may make byelaws with regard to any part of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say):—

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

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

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

For regulating the entrance to exit from and accommodation in the carriages used on the 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 byelaws and Board of Trade regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

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

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

22. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which engines are to be driven or propelled on the tramways under the authority of this Order but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

Special provisions as to use of electric power.

23. The following provisions shall apply to the use of electric power under this Order unless such power is entirely contained in and carried along with the carriages:—

(1) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:

(3) The electric power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

(4) The Promoters shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking:

(5) At the expiration of two years from the passing of the Act confirming this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:

(6) If any difference arises between the Promoters and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall

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be in the discretion of the Board or of the arbitrator as the case may be:

(7) In this section the expression "the Promoters" includes any person owning working or running carriages over the tramways.

For protection of Postmaster-General.

24.—(*a*) Notwithstanding anything in this Order contained if any of the works by this Order authorised involves or is likely to involve any alteration of any telegraphic line belonging to or used by His Majesty's Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(*b*) In the event of the tramways 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 the undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the 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 Any difference which arises between the Postmaster-General and the Promoters as to compliance with this subsection shall be referred to arbitration:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

(3) 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) 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 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 Any difference which arises between the Postmaster-General and the Promoters as to any requirement so made shall be referred to arbitration:

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works by this Order authorised is injuriously affected and he is of opinion that such injurious affection is or may be

due to the construction of any such works or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electric energy is being generated for the purposes of this Order at any works of the Promoters enter thereon for the purpose of inspecting the plant and the working of the same and the Promoters shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electric tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Promoters pursuant to the Board of Trade regulations:

(5) 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:

(6) 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 any act or the execution of any work in respect of which the penalty is claimed 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:

(7) 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:

(8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order:

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

(10) Any question or difference arising under this section which is directed to be referred to 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 30 to 32 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:

(11) 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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(12) In this section the expression "the Promoters" includes any person owning working or running carriages over the tramways.

Traffic upon Tramways.

Traffic upon tramways.

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

Promoters' lessees not bound to carry animals goods &c.

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

Provisions as to carriage of animals goods &c.

27. In case the Promoters' lessees carry animals goods minerals or parcels they may and when required by the Council shall carry the same in separate carriages or separate parts of carriages set apart for that purpose Provided that this provision shall not apply to the carriage of passengers' luggage not exceeding twenty-eight pounds in weight.

Rates.

Passengers' fares.

28. The Promoters' lessees may demand and take for every passenger travelling upon the tramways including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile and for this purpose a fraction of a mile shall be deemed a mile.

As to fares on Sundays or holidays.

29. The Promoters or any person working or using the tramways shall not take or demand on Sunday or any public holiday any higher rates or charges than those levied by them on ordinary week days.

Passengers' luggage.

30. 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 Provided that all such personal luggage be carried by hand and at the responsibility of the passenger and do not occupy any part of a seat nor be of a form or description to annoy or inconvenience other passengers.

Cheap fares for labouring classes.

31.—(1) The Promoters' lessees at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Promoters' lessees in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Promoters' lessees to provide such service as may appear to the Board to be reasonable.

(3) The Promoters' lessees shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

Rates and charges for animals goods &c.

32. The Promoters' lessees may demand and take in respect of any animals goods minerals or parcels conveyed by them on the tramways including every expense incidental to such conveyance any rates or charges not exceeding the rates and charges specified in the schedule to this Order annexed subject to the regulations in that behalf therein contained.

Payment of rates.

33. The rates 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' lessees may by notice to be annexed to the list of rates and charges appoint.

Periodical revision of rates.

34. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by the Promoters or by their lessees or by twenty inhabitant ratepayers of the district that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the tramways or on such portion 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 reports that it has been proved to his satisfaction that all or any of the rates or charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Order authorised Provided also that a copy of this section shall be annexed to every table or list of rates published or exhibited by the Promoters or their lessees.

Miscellaneous.

Power to Council to work tramways.

35. Notwithstanding anything in the Tramways Act 1870 to the contrary the Council may place and run carriages on and may work and may demand and take rates and charges in respect of the tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks horses harness engines machinery apparatus steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the tramways by animal or mechanical power and in such case the several provisions in this Order contained relating to the working of the tramways

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and the taking of rates and charges therefor shall extend and apply mutatis mutandis to and in relation to the Council and the Council may work such tramways and demand and recover such rates and charges accordingly but nothing in this section shall empower the Council to construct any station for generating electric power nor to create or permit a nuisance.

Regulations.

36. The regulations authorised by the Tramways Act 1870 to be made by the Promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Council be made by the Council alone.

Working agreements.

37. The Promoters may with the consent of the Board of Trade from time to time but subject to the provisions of this Order—

(1) Enter into and fulfil contracts and agreements with any person or local authority who are authorised to enter into such contracts and agreements and are the owners or lessees of any tramways or light railways in the district or in any adjacent district which can be worked with any of the tramways of the Council for and in relation to—

(*a*) The construction of the whole or any part of the tramways by this Order authorised;

(*b*) The working running over use maintenance and management by the contracting parties or any or either of them of their respective tramways and light railways or any part or parts thereof;

(*c*) The formation of a junction or junctions between any of the tramways and light railways of the respective contracting parties;

(*d*) The receiving or forwarding of any animals goods minerals or parcels coming from or destined for the respective undertakings of the contracting parties;

(*e*) The fixing collecting and apportionment of rates charges and other receipts arising from such traffic:

(2) Confirm any such contracts and agreements which may have been entered into before the confirmation of this Order.

Mortgages may include rents &c.

38. The Promoters may include in any mortgage of the local rate made by them under section 20 of the Tramways Act 1870 the moneys coming to them out of the rents reserved under any lease made under the authority of the Tramways Act 1870 or this Order and the rates charges and sums authorised to be taken or received by them under the provisions of this Order.

Orders &c. of Board of Trade.

39. All orders regulations and byelaws made and consents 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 and when purporting to be so signed the same shall be deemed to be duly made in accordance with the provisions of this Order and to be orders

and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly.

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Recovery of penalties.

40. Any penalty under this Order or under any byelaws or regulations made under this Order may be recovered in manner provided by the Summary Jurisdiction Acts.

Audit of accounts.

41. Section 58 of the Local Government Act 1894 shall apply to the accounts of the receipts and expenditure of the Promoters and of their committees and officers with respect to the tramways and the undertaking and to the audit thereof as if such accounts related to receipts and expenditure under the Public Health Act 1875.

Protection of local authority.

42. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 is hereby incorporated with this Order and in construing that section for the purposes of this Order the expression "this Act" where used in that section shall mean this Order.

Form and delivery of notices.

43. 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 consent or approval shall be in writing and if given by the Promoters or by any local or road authority or company shall be signed by their clerk or secretary:

(2) Notices and other documents required or authorised to be served under this Order may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any local authority or company any such notice or other document shall be delivered or sent by post in a prepaid letter addressed to the clerk to the local authority at his office or to the secretary of the company at their registered or principal office.

Provisions as to arbitration.

44. 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 apply to every such arbitration as if the arbitration were pursuant to a submission.

Carrying of mails by Promoters.

45. From and after the acquisition by the Promoters of the existing tramways the Conveyance of Mails Act 1893 shall notwithstanding any provision in any Act or Provisional Order relating to such tramways extend and apply to such tramways as if the same had been authorised by an Act of Parliament passed after the first day of January 1893 and to the Promoters as the body or person owning or working such tramways.

Saving for general Acts.

46. Nothing in this Order contained shall exempt the Promoters or any person using the tramways or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum rates of rates and charges authorised by this Order.

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SCHEDULE.

RATES AND CHARGES FOR ANIMALS GOODS &c.

	Per Mile. s.	d.
Animals.		
For every horse mule or other beast of draught or burden - per head	0	4
For every ox cow bull or head of cattle - - - „	0	3
For every calf pig sheep or other small animal - - „	0	1½
Goods and Minerals.		
For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways - - - - - - - per ton	0	2
For all iron iron-ore pig-iron bar-iron rod-iron sheet-iron hoop-iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs per ton	0	2½
For all sugar grain flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - - per ton	0	3
For cotton wools drugs and manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein - - - - - - per ton	0	4
For every carriage of whatever description - - - -	1	0

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

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight such sum as the person conveying the same may think fit:

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

For the Carriage of single Articles of great weight.

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

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

Regulations as to Rates.

For articles or animals conveyed on the tramways for a less distance than a mile rates and charges as for one mile may be demanded.

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

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

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

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

KEIGHLEY CORPORATION.

Order authorising the Mayor Aldermen and Burgesses of the Borough of Keighley to construct Tramways in their Borough.

Keighley Corporation.

Preliminary.

1. This Order may be cited as the Keighley Corporation Tramways Order 1903. Short title.

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. Incorporation of Acts.

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Keighley Corporation.

Interpretation.

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

Provided that in this Order—

The expression "the borough" means the borough of Keighley in the West Riding of the county of York:

The expression "the Corporation" means the mayor aldermen and burgesses of the borough acting by the Council:

The expression "the Order of 1888" means the Keighley Tramways Order 1888 (confirmed by the Tramways Orders Confirmation (No. 3) Act 1888) and the expression "the Act of 1898" means the Keighley Corporation Act 1898:

The expression "the Corporation tramways" means the tramways and works by this Order authorised and all other tramways for the time being belonging to the Corporation:

The expression "the undertaking" means the undertaking by this Order authorised and other the tramway undertaking of the the Corporation:

The expression "mechanical power" includes steam electrical and every other motive power not being animal power and the word "engine" includes motor.

Promoters.

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

Lands.

5. The Promoters may—

(*a*) Subject to the sanction of the Local Government Board and under such conditions as they may prescribe from time to time appropriate and use for any of the purposes of this Order but subject to the provisions (if any) under which such lands were respectively acquired any lands not dedicated to public use from time to time vested in them being part of their corporate estates;

(*b*) By agreement from time to time purchase and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes Provided that all sums received by the Promoters from the sale of such lands or from fines or premiums on leases of the same shall be applied solely in repayment of outstanding loans and that such moneys shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board:

Provided that they shall not at any time hold for such purposes more than five acres of land Provided also that 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 or permitted by them upon lands appropriated or taken under the powers of this section.

Construction of Tramways.

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Construction of tramways.

6. The Promoters may subject to the provisions of this Order—

(*a*) Construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates sleepers junctions turntables turnouts works and conveniences connected therewith or for the purposes thereof;

(*b*) Erect or construct on any lands taken or appropriated under the powers of this Order any offices stables sheds workshops stores waiting rooms or other buildings yards works and conveniences for the purposes of the undertaking:

Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the Act of 1882 apply except in accordance with and subject to the provisions of that section.

The tramways authorised by this Order will be wholly situate within the borough and are as follows (that is to say):—

Tramway No. 1 (1 mile 8·6 chains in length whereof 4 furlongs 9 chains will be single line and 3 furlongs 9·6 chains will be double line) commencing in North Street by a junction with the existing tramway in that street at a point 8 yards south of the south side of Cavendish Street thence passing into and along Cavendish Street and Bradford Road and terminating in the last-mentioned road at a point 102 yards or thereabouts measured along the centre line of Bradford Road in a south-westerly direction from a point in line with the ordnance bench mark on the south-east pier of the existing bridge known as Stockbridge over the River Aire:

Tramway No. 1 will be laid as single line except at the following places where it will be laid as double line (that is to say):—

(*a*) From a point in Cavendish Street 2 chains east of the commencement of the tramway to a point in Bradford Road opposite the north-east side of Dalton Lane;

(*b*) In Bradford Road between points respectively 0·5 chain and 3·5 chains north-east of the north-east side of Parson Street;

(*c*) In Bradford Road between points respectively 1·4 chains south-west and 1·6 chains north-east of the south-west side of Rylstone Street;

(*d*) In Bradford Road between points respectively opposite to and 3 chains north-east of the centre line of Beecher Street.

Tramway No. 2 (a single line 1·5 chains in length) commencing in Cavendish Street by a junction with Tramway No. 1 at a point

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10 yards east of the east side of North Street thence passing into and terminating in North Street by a junction with the existing tramway in that street at a point 8 yards north of the north side of Cavendish Street.

For protection of West Riding County Council.

7. The following provisions for the protection of the County Council of the West Riding of Yorkshire (in this section called "the County Council") shall have effect unless otherwise agreed in writing between the County Council and the Promoters (that is to say):—

(1) The Promoters shall not be entitled to any annual payment from the County Council under section 11 (2) of the Local Government Act 1888 towards (*a*) the cost of the maintenance repair and reasonable improvement of so much of any main road along which the said tramway is laid as the Promoters are by this Order required to pave maintain and keep in repair (*b*) the cost of any alteration in the level of any such road or any part thereof rendered necessary by reason of the construction of the tramway:

(2) Notwithstanding anything shown on the deposited plans no tramway shall be constructed on Stockbridge.

For protection of Midland Railway Company.

8. In constructing and maintaining so much of Tramway No. 1 as will pass over the bridge which carries the Bradford Road over the railway of the Midland Railway Company (herein-after referred to as "the company") and in constructing and maintaining any works for the purpose of working the said tramway by mechanical power the following provisions shall have effect:—

(1) The Promoters shall not in any way except as provided by subsection 3 of this section alter or interfere with the structure of the said bridge and except as aforesaid they shall so construct and maintain such tramway as not injuriously to affect the structure of the said bridge:

(2) In the event of any injury being caused to the structure of the said bridge by the construction maintenance repairing user or removal of such tramway the company may at the expense of the Promoters restore the structure of such bridge to as good a state and condition as it was in before such injury was occasioned:

(3) Before the Promoters execute any work which will interfere with the structure of the said bridge or the railway traffic thereunder they shall give fourteen days' notice in writing to the engineer of the company of their intention to commence such work and shall at the same time send sufficient specifications or other information showing the nature of the proposed work and such work shall be constructed to the reasonable satisfaction and under the superintendence of the said engineer and so as not in any way to impede or interfere with the traffic of the railway and any question in dispute or matter in difference between the Promoters and the

company shall be settled in manner provided by section 33 of the Tramways Act 1870:

(4) Nothing in this Order contained shall interfere with or limit or affect the rights of the Promoters as to the use alteration maintenance or repairs of the road over such bridge or of the approaches thereto for the purposes of the said tramway or otherwise Provided such use alteration maintenance or repairs do not in any way alter or interfere with the structure of the said bridge:

(5) In working the said Tramway No. 1 over the said bridge no car or other vehicle shall be stopped or be permitted to be stopped except for so long as shall be absolutely necessary for the purpose of taking up or setting down passengers:

(6) In the event of any of the telegraphic telephonic or electrical signal communication of the company being at any time injuriously affected by the working and use of the said tramway by electricity the Promoters shall at their own expense execute such remedial works as may be necessary for the protection of the company any difference arising between the Promoters and the company regarding such remedial works to be determined by arbitration as hereafter provided:

(7) All works which may be necessary in constructing and maintaining the tramway or working the same by mechanical power over such bridge and approaches shall be constructed and maintained in all things at the expense of the Promoters to the reasonable satisfaction of the principal engineer of the company or in case of difference of an engineer to be appointed by the Board of Trade on the application of the company or the Promoters.

Gauge and width of carriages.

9. The tramways by this Order authorised shall be constructed on a gauge of four feet or such other gauge as may from time to time be determined by the Board of Trade on the application of the Promoters Provided always that in the event of any of the Corporation tramways being constructed on a less gauge than four feet eight and a half inches so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramways beyond the outer edge of the wheels of such carriages shall not apply to carriages used on the Corporation tramways but in that case no engine or carriage used on the Corporation tramways shall exceed six feet six inches in width or such other width as may from time to time be prescribed by the Board of Trade.

Provisions as to construction of tramways.

10. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing the Corporation 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 Corporation tramways or part of any of the Corporation tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of

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Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and in places where the Promoters are not the sole road authority under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by the said section.

Rails of tramways.

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

Penalty for not maintaining rails and roads in good condition.

12.—(1) The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the Corporation tramways and the substructure upon which the same rest and if the Promoters at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

(2) In case it is represented in writing to the Board of Trade by the road authority of any district in which the Corporation tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of the borough that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 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 a secretary or assistant secretary of 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 by this section imposed.

Tramways to be kept on level of surface of road.

13. If the Promoters or any other road authority hereafter alter the level of any road along or across which any part of the Corporation 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.

Cross-overs to be constructed in certain cases.

14. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Promoters shall if and where required by the Board of Trade construct a cross-over or cross-overs connecting the one tramway with the other and by the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Power to make additional cross-overs &c. and to alter tramway lines.

15.—(1) The Promoters may subject to the provisions of this Order with the consent of the Board of Trade make maintain alter and remove all such cross-overs passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary for the efficient working of the Corporation tramways or for

forming junctions with other tramways or for providing access to any warehouses stables or carriage-houses or works of the Promoters but in places where the Promoters may not be the road authority the same shall only be made subject to the approval of the road authority.

(2) Notwithstanding anything shown on the deposited plans the Promoters may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the Corporation tramways and may with the like consent subject in places where the Promoters may not be the road authority to the approval of that authority alter the position in the road of any of the Corporation tramways or any part thereof respectively Provided that the uppermost surface thereof shall be on a level with the surface of the road.

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid that a less space that nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Promoters shall not less than one month before commencing the works give notice in writing to every owner and occupier of premises abutting on the place where such less space would intervene and such rail shall not be so laid if the owners or occupiers of one-third of such premises by writing under their hands addressed and delivered to the Promoters within three weeks after receiving the notice from the Promoters express their 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 Corporation tramways are laid it is in the opinion of the Promoters necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Promoters may construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued subject in places in which the Promoters may not be the road authority to the approval of the road authority and to such regulations as that authority may make.

Application of road materials excavated in construction of works.

17.—(1) Any paving metalling or material excavated by the Promoters in the construction of any works under the authority of this Order from any road under their jurisdiction or control shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit Provided that if any surplus material arising from any main road is not used for the repair or maintenance of any main road to which the West Riding County Council are liable to contribute the value thereof shall be deducted from the payments to be made by the County Council to the Promoters under section 11 (2) of the Local Government Act 1888.

(2) Any paving metalling or material excavated by the Promoters in the construction of the tramways by this Order authorised from any road under

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the jurisdiction or control of any road authority other than the Promoters may be applied by the Promoters so far as may be necessary in or towards the reinstating of such road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Promoters are by this Order required to maintain and the Promoters shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority or to such person as he may appoint to receive the same at such place as he may direct 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 duly given 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 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 settled by a referee to be nominated by the Board of Trade on the application of either party.

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

18. The tramways by this Order authorised 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.

Provisions as to motive power.

19. The carriages used on the Corporation tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):—

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:

(2) The Board of Trade shall make regulations (in this Order referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Order of mechanical power on the Corporation tramways and for regulating the use of electrical power:

(3) The Promoters or any person using any mechanical power on the Corporation tramways contrary to the provisions of this Order or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

(4) The Board of Trade if they are of opinion—

(*a*) that the Promoters or such person have or has made default in complying with the provisions of this Order or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(*b*) that the use of mechanical power as authorised under this Order is a danger to the passengers or the public;

may by order either direct the Promoters or such person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Promoters or such person shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Mechanical power works.

20. For the purpose of working any of the Corporation tramways by mechanical power the Promoters and their lessees subject to the provisions of this Order (and as to the lessees subject to the terms of their lease) may—

(*a*) construct provide maintain and use on any lands appropriated or acquired under the powers of this Order stations for generating electrical power and may provide on such lands as aforesaid in connection with such stations or with any generating station constructed under powers already conferred upon the Promoters all necessary or proper machinery dynamos engines buildings works and conveniences;

(*b*) place construct erect lay down make and maintain on above or below the surface of any street or road posts brackets electric conductors wires apparatus subways tunnels cables tubes and openings;

(*c*) with the consent of the owners and occupiers of any houses or buildings affix to such houses or buildings and maintain brackets wires and apparatus.

Mechanical power works to be subject to Tramways Act 1870.

21. All works to be executed by the Promoters or their lessees in any road for working the Corporation tramways by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects (save as by this Order otherwise expressly provided) to the provisions of the Tramways Act 1870 as in this Order incorporated as if they had been therein expressly mentioned.

Byelaws.

22. Subject to the provisions of this Order the Board of Trade may make byelaws with regard to any part of the Corporation tramways upon which mechanical power may be used for all or any of the following purposes (that is to say):—

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

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

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

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

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For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the Corporation 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.

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

23. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the Corporation tramways shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which engines are to be driven or propelled on the Corporation tramways under the authority of this Order but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

Special provisions as to use of electric power.

24. The following provisions shall apply to the use of electric power under this Order unless such power is entirely contained in and carried along with the carriages:—

(1) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:

(3) The electric power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

(4) The Promoters shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking:

(5) At the expiration of two years from the passing of the Act confirming this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:

(6) If any difference arises between the Promoters and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

(7) In this section the expression "the Promoters" includes any person owning working or running carriages over the Corporation tramways (or any part thereof).

For protection of Postmaster-General.

25.—(*a*) Notwithstanding anything in this Order contained if any of the works by this Order authorised involves or is likely to involve any alteration of any telegraphic line belonging to or used by His Majesty's Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(*b*) In the event of any of the Corporation tramways or any part thereof 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 the undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the 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 Any difference which arises between the Postmaster-General and the Promoters as to compliance with this subsection shall be referred to arbitration:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

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(3) Before any electric line is laid down or any act or work for working the Corporation tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) 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 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 Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be referred to arbitration:

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Promoters is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such works or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electric energy is being generated for tramway purposes at any works of the Promoters enter thereon for the purpose of inspecting the plant and the working of the same and the Promoters shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electric tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Promoters pursuant to the Board of Trade regulations:

(5) 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:

(6) 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 any act or the execution of any work in respect of which the penalty is claimed 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:

(7) 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:

(8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order:

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

(10) Any question or difference arising under this section which is directed to be referred to 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 30 to 32 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:

(11) 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:

(12) In this section the expression "the Promoters" includes any person owning working or running carriages over any of the Corporation tramways (or any part thereof).

Traffic upon Tramways.

Traffic upon tramways.

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

Promoters' lessees not bound to carry animals goods &c.

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

Provisions as to carriage of animals goods &c.

28. In case the Promoters' lessees carry animals goods minerals or parcels they may and when required by the Corporation shall carry the same in separate carriages or separate parts of carriages set apart for that purpose Provided that this provision shall not apply to the carriage of passengers' luggage not exceeding twenty-eight pounds in weight.

Rates.

Passengers' fares.

29. The Promoters' lessees may demand and take for every passenger travelling upon the Corporation tramways or any part thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile and for this purpose a fraction of a mile shall be deemed a mile.

As to fares on Sundays and holidays.

30. The Promoters or any person working or using the Corporation tramways shall not take or demand on Sunday or any public or local holiday any higher rates or charges than those levied by them on ordinary week-days.

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Passengers' luggage.

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

Cheap fares for labouring classes.

32.—(1) The Promoters' lessees at all times after the opening of the Corporation tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artizans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day Good Friday and public holidays always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Promoters' lessees in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Promoters' lessees to provide such service as may appear to the Board to be reasonable.

(3) The Promoters' lessees shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

Rates and charges for animals goods &c.

33. The Promoters' lessees may demand and take in respect of any animals goods minerals or parcels conveyed by them on the Corporation tramways including every expense incidental to such conveyance any rates or charges not exceeding the rates and charges specified in the First Schedule to this Order annexed subject to the regulations in that behalf therein contained.

Payment of rates.

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

Periodical revision of rates and charges.

35. If at any time after three years from the opening for public traffic of the tramways by this Order authorised or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the Corporation tramways or any portion thereof it is represented in writing to the Board of Trade by the Promoters or by their lessees or by twenty inhabitant ratepayers of the borough that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the Corporation tramways or on such portion 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 reports that it has been proved to his satisfaction that all or any of the rates or charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the Corporation tramways or on such portion of the Corporation tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Order authorised Provided also that a copy of this section shall be annexed to every table or list of rates published or exhibited by the Promoters or their lessees.

Miscellaneous.

Power to Corporation to work tramways.

36. Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place and run carriages on and may work and may demand and take rates and charges in respect of the Corporation tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks horses harness engines machinery apparatus steam cable electrical and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and in such case the several provisions in this Order contained relating to the working of the Corporation tramways and the taking of rates and charges therefor shall extend and apply mutatis mutandis to and in relation to the Corporation and the Corporation may work such tramways and demand and recover such rates and charges accordingly but nothing in this section shall empower the Corporation to construct any station for generating electric power nor to create or permit a nuisance.

Regulations.

37. The regulations authorised by the Tramways Act 1870 to be made by the Promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Corporation be made by the Corporation alone.

Working agreements.

38. The Promoters may with the consent of the Board of Trade from time to time but subject to the provisions of this Order—

(1) Enter into and fulfil contracts and agreements with any person or local authority who are authorised to enter into such contracts and agreements and are the owners or lessees of any tramways or light railways in the borough or in any adjacent district which can be worked with any of the tramways of the Corporation with respect to—

(*a*) The construction of the whole or any part of the tramways by this Order authorised;

(*b*) The use maintenance and management by the contracting parties or any or either of them of the whole or any part of their respective tramway or light railway undertakings;

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(*c*) The interchange accommodation and forwarding of carriages passengers and traffic coming from or destined for the respective undertakings of the contracting parties; and

(*d*) The fixing collecting and apportionment of the rates charges and other receipts arising from such traffic:

(2) Confirm any such contracts and agreements which may have been entered into before the confirmation of this Order.

Mortgages may include rents &c.

39. The Promoters may include in any mortgage of the local rate made under section 20 of the Tramways Act 1870 the moneys coming to them out of the rents reserved under any lease made under the authority of the Tramways Act 1870 or this Order and the rates charges and sums authorised to be taken or received by them under the provisions of this Order.

Orders &c. of Board of Trade.

40. All orders regulations and byelaws made and consents 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 and when purporting to be so signed the same shall be deemed to be duly made in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly.

Recovery of penalties.

41. Any penalty under this Order or under any byelaws or regulations made under this Order may be recovered in manner provided by the Summary Jurisdiction Acts.

Audit of accounts.

42. Sections 246 and 250 of the Public Health Act 1875 and section 58 (1) of the Local Government Act 1894 shall apply to the accounts of the receipts and expenditure of the Promoters and of their committees and officers with respect to the tramways and the undertaking and to the audit thereof as if such accounts related to receipts and expenditure under the Public Health Act 1875.

Protection of local authority.

43. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 is hereby incorporated with this Order and in construing that section for the purposes of this Order the expression "this Act" where used in that section shall mean this Order.

Form and delivery of notices.

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

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

(2) Notices and other documents required or authorised to be served under this Order may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any local authority or company any such notice or other document shall be delivered or sent by post in a prepaid letter addressed to the clerk to the local authority at his office or to the secretary of the company at their registered or principal office.

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 apply to every such arbitration as if the arbitration were pursuant to a submission. Provisions as to arbitration.

46. From and after the passing of the Act confirming this Order the provisions of this Order (so far as applicable) and of the Conveyance of Mails Act 1893 shall extend and apply to the Corporation tramways as if all such tramways had been authorised by this Order and thereupon the Order of 1888 and the sections set out in the Second Schedule hereto of the Act of 1898 shall cease to apply to the Corporation tramways. Repeal of Acts.

47. Nothing in this Order contained shall exempt the Promoters or any person using the Corporation tramways or the Corporation tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum rates of rates and charges authorised by this Order. Saving for general Acts.

The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

MAXIMUM RATES AND CHARGES FOR ANIMALS GOODS &C.

Animals.		Per Mile. s.	d.
For every horse mule or other beast of draught or burden -	per head	0	4
For every ox cow bull or head of cattle - - -	„	0	3
For every calf pig sheep or other small animal - - -	„	0	1½
Goods and Minerals.			
For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways	per ton	0	2
For all iron iron-ore pig-iron bar-iron rod-iron sheet-iron hoop-iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fire-clay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs	per ton	0	2½

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	Per Mile. s.	d.
For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - - - - per ton	0	3
For cotton wools drugs and manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein - - - - - - - per ton	0	4
For every carriage of whatever description - - - - -	1	0

Small Parcels.

	Any Distance. s.	d.
For any parcel not exceeding 7 lbs. in weight - - -	0	3
For any parcel exceeding 7 lbs. and not exceeding 14 lbs. in weight -	0	5
For any parcel exceeding 14 lbs. and not exceeding 28 lbs. in weight	0	7
For any parcel exceeding 28 lbs. and not exceeding 56 lbs. in weight	0	9

For any parcel exceeding 56 lbs. in weight but not exceeding 500 lbs. in weight such sum as the person conveying the same may think fit:

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

For the Carriage of Single Articles of Great Weight.

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

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

Regulations as to Rates.

For articles or animals conveyed on the tramways for a less distance than a mile rates and charges as for one mile may be demanded.

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

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

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

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity. A.D. 1903. *Keighley Corporation.*

THE SECOND SCHEDULE.

Sections of the Keighley Corporation Act 1898 which are Repealed.

Section of Act.	Marginal Note.
Section 39.	Provisions as to motive power.
Section 40.	Construction of electric works.
Section 41.	Restrictions on use of electric power.
Section 42.	For protection of Postmaster-General.
Section 43.	Byelaws.
Section 44.	Amendment of Tramways Act 1870 as to byelaws by local authority.
Section 45.	Orders &c. of Board of Trade.
Section 46.	Prohibiting the raising of fares on Sundays and holidays.
Section 47.	Power to Corporation to work tramways.
Section 48.	Act not to apply during existing leases of tramways.
Section 49.	Conveyance of mails.

RAMSBOTTOM URBAN DISTRICT COUNCIL.

Order authorising the Urban District Council of Ramsbottom to construct Tramways in the Urban District of Ramsbottom and for other purposes. *Ramsbottom Urban District Council.*

Preliminary.

1. This Order may be cited as the Ramsbottom Urban District Council Tramways Order 1903. Short title.

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. Incorporation of Acts.

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 : Interpretation.

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Provided that in this Order—

The expressions "the tramways" and "the undertaking" mean respectively the tramways and works and the undertaking by this Order authorised or (as the case may be) any part thereof:

The expression "the district" means the urban district of Ramsbottom in the county of Lancaster:

The expression "the Council" means the Council of the district:

The expression "the County Council" means the County Council of the county of Lancaster:

The expression "mechanical power" includes steam gas air electrical and every other motive power not being animal power and the word "engine" includes motor.

Promoters.

Promoters.

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

Lands.

5. The Promoters may—

(*a*) Subject to the sanction of the Local Government Board and under such conditions as they may prescribe from time to time appropriate and use for any of the purposes of this Order but subject to the provisions (if any) under which such lands were respectively acquired any lands not dedicated to public use from time to time vested in them being part of their corporate estates;

(*b*) By agreement from time to time purchase and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes Provided that all sums received by the Promoters from the sale of such lands or from fines or premiums on leases of the same shall be applied solely in repayment of outstanding loans and that such moneys shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board:

Provided that they shall not at any time hold for such purposes more than five acres of land Provided always that 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 or permitted by them upon lands appropriated or acquired under the powers of this section.

Construction of Tramways.

Construction of tramways.

6. The Promoters may subject to the provisions of this Order—

(*a*) Construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order as the same have been amended previous to the passing of the Act confirming this Order (which plans and sections so

amended as aforesaid are in this Order referred to as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates points junctions works and conveniences connected therewith or for the purposes thereof;

(*b*) Erect or construct on any lands acquired or appropriated under the powers of this Order any offices stables sheds workshops stores waiting rooms or other buildings yards works and conveniences for the purposes of the undertaking:

Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the Act of 1882 apply except in accordance with and subject to the provisions of that section:

Provided also that notwithstanding anything shown on the deposited plans the distance between the centres of double lines shall not without the consent of the Board of Trade exceed what is necessary to afford a clearance of 15 inches between the sides of cars passing one another.

The tramways will be wholly situate within the district and are as follows (that is to say):—

Tramway No. 1 (2 miles 7 furlongs 5 chains or thereabouts in length whereof 2 miles 2 furlongs 2 chains will be single line and 5 furlongs 3 chains will be double line) commencing in Bolton Road West at a point measured in a south-westerly direction towards Altar Bridge 225 feet or thereabouts from the centre of Wood Hey Road and passing along Bolton Road West Bolton Street Market Place Ramsbottom Lane Stubbins Lane Bolton Road North Bury Road and terminating in Market Street (Edenfield) at a point opposite Elizabeth Street:

Tramway No. 1 will be laid as a single line except between the points herein-after specified where it will be laid as a double line:—

(*a*) Along Bolton Road West for a distance of 3 chains from a point in the road or street measured 100 feet in a direction bearing north-east from Wood Hey Road;

(*b*) Along Bolton Road West for a distance of 3 chains from a point in the road or street measured 80 feet in a direction bearing north-east from Isa Street;

(*c*) Along Bolton Road West for a distance of 3 chains from a point in the road or street measured 30 feet in a direction bearing north-east from Ada Street;

(*d*) Along Bolton Street for a distance of 3 chains from a point in the road or street measured 45 feet in a direction bearing north from Nuttall Lane;

(*e*) Along Bolton Street for a distance of 2·5 chains from a point in the road or street measured 10 feet in a direction bearing north from Spring Street;

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(*f*) Along Bolton Street for a distance of 2·5 chains from a point in the road or street measured 410 feet in a direction bearing north from Kay Brow;

(*g*) Along Bolton Street for a distance of 3 chains from a point in the road or street measured 105 feet in a direction bearing north from Martland Street;

(*h*) Along Ramsbottom Lane for a distance of 3 chains from a point in the road or street measured 80 feet in a direction bearing north-east from Carr Street;

(*i*) Along Ramsbottom Lane for a distance of 2·5 chains from a point in the road or street measured 685 feet in a direction bearing north-east from Carr Street;

(*j*) Along Stubbins Lane for a distance of 3 chains from a point in the road or street measured 175 feet in a direction bearing north-east from Factory Street;

(*k*) Along Stubbins Lane for a distance of 3 chains from a point in the road or street measured 324 feet in a direction bearing north from south corner of Victoria Mill;

(*l*) Along Stubbins Lane for a distance of 2·5 chains from a point in the road or street measured 335 feet in a direction bearing south from centre of railway bridge;

(*m*) Along Stubbins Lane for a distance of 3 chains from a point in the road or street measured 160 feet in a direction bearing north-east from centre of railway bridge;

(*n*) Along Bolton Road North for a distance of 2·5 chains from a point in the road or street measured 155 feet in a direction bearing north-east from Chatterton Road;

(*o*) Along Bolton Road North for a distance of 2·5 chains from opposite Congregational Chapel;

(*p*) Along Bolton Road North for a distance of 2·5 chains from a point in the road or street measured 600 feet in a direction bearing north-east from north corner of said chapel;

(*q*) Along Bolton Road North for a distance of 2·5 chains from a point in the road or street measured 1,270 feet in a direction bearing north-east from north corner of said chapel;

(*r*) Along Bury Road for a distance of 3 chains from a point in the road or street measured 125 feet in a direction bearing north from junction of Whalley Road and Bolton Road North;

(*s*) Along Bury Road for a distance of 3 chains from a point in the road or street measured 210 feet in a direction bearing north from Gin Croft Lane.

Tramway No. 2 (2 miles 2 furlongs 4·18 chains or thereabouts in length whereof 1 mile 5 furlongs 4·88 chains will be single line and 4 furlongs 9·3 chains will be double line) commencing at a point measured 53 feet or thereabouts north of the intersection of the centre lines of Bolton Road North aforesaid and Whalley Road and forming

a junction at this point with Line No. 1 and passing along Whalley Road Manchester Road Bury New Road Peel Brow Peel Bridge Bridge Street and terminating by junctions with Tramway No. 1 in the Market Place and Bolton Street respectively :

Tramway No. 2 will be laid as a single line except between the points herein-after specified where it will be laid as a double line :—

(*a*) Along Whalley Road for a distance of 3 chains from a point in the road or street measured 100 feet in a direction bearing south from Dearden Clough ;

(*b*) Along Whalley Road for a distance of 3 chains from a point in the road or street measured 220 feet in a direction bearing south from south corner of Hope Mill ;

(*c*) Along Whalley Road for a distance of 3 chains from a point in the road or street measured 238 feet in a direction bearing north from Hollins Lane ;

(*d*) Along Whalley Road for a distance of 3 chains from a point in the road or street measured 830 feet in a direction bearing south from south corner of Duckworth Arms ;

(*e*) Along Whalley Road for a distance of 3 chains from a point in the road or street measured 200 feet in a direction bearing south from Lower Road ;

(*f*) Along Whalley Road for a distance of 3 chains from a point in the road or street measured 250 feet in a direction bearing south from Spring Street ;

(*g*) Along Whalley Road for a distance of 3 chains from a point in the road or street measured 360 feet in a direction bearing south from Pine Street ;

(*h*) Along Manchester Road and Bury New Road for a distance of 11 chains from a point in the road or street measured 340 feet in a direction bearing south from Fletcher Bank to a point 4 chains from a point in the road or street measured 155 feet in a direction bearing west from junction of Manchester and Bury New Road ;

(*i*) Along Bury New Road for a distance of 3 chains from a point in the road or street measured 290 feet in a direction bearing west from Old Engine Lane ;

(*j*) Along Bury New Road for a distance of 3 chains from a point in the road or street measured 65 feet in a direction bearing north from road to Gate House ;

(*k*) Along Peel Brow for a distance of 3 chains from a point in the road or street measured 20 feet in a direction bearing west from junction of Bury New Road and Peel Brow ;

(*l*) Along Bridge Street for a distance of 2 chains from a point in the road or street measured 130 feet in a direction bearing west from centre of Peel Bridge ;

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(*m*) Along Bridge Street for a distance of 6·3 chains from a point in the road or street measured 65 feet in a direction bearing west from centre of level crossing.

Provided that notwithstanding anything in this Order or in the deposited plans the tramways shall not be constructed until the Board of Trade have approved the arrangement of double lines and passing places and the position of the tramways in the road.

Bridge to be constructed in lieu of level crossing.

7. Notwithstanding anything contained in this Order or shown upon the plans and sections deposited at the office of the Board of Trade for the purposes of this Order the Promoters shall not construct any part of that portion of Tramway No. 2 which is proposed to be laid along Bury New Road Peel Brow Peel Bridge and Bridge Street unless and until they shall construct the same over a bridge crossing the railway of the Lancashire and Yorkshire Railway Company or under that railway by means of a subway.

Gauge and width of carriages.

8. The tramways shall be constructed on a gauge of 4 feet 8½ inches or such other gauge as may from time to time be determined by the Board of Trade on the application of the Promoters Provided always that in the event of the tramways being constructed on a less gauge than 4 feet 8½ inches so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramway beyond the outer edge of the wheels of such carriages shall not apply to carriages used on the tramways but no engine or carriage used on the tramways shall exceed 6 feet 6 inches in width or such other width as may from time to time be prescribed by the Board of Trade.

Provisions as to construction to tramways.

9. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing the tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and in places where the Promoters are not the sole road authority under the superintendence and to the reasonable satisfaction of the surveyor for the time being of such authority as provided by the said section.

Rails of tramways.

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

Penalty for not maintaining rails and road in good condition.

11.—(1) The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Promoters at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870

they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

(2) In case it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the district that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 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 a secretary or assistant secretary of 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 by this section imposed.

Tramways to be kept on level of surface of road.

12. If the Promoters or any other road authority hereafter alter the level of any road along or across which any part 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.

Cross-overs to be constructed in certain cases.

13. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than 9 feet 6 inches the Promoters shall if and where required by the Board of Trade construct a cross-over or cross-overs connecting the one tramway with the other and by the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Power to make additional cross-overs &c. and to alter tramway lines.

14.—(1) The Promoters may subject to the provisions of this Order with the consent of the Board of Trade make maintain alter and remove all such cross-overs passing places sidings triangles junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the tramways or for providing access to any stables or carriage-houses sheds or works or for effecting junctions with any tramways.

(2) Notwithstanding anything shown on the deposited plans the Promoters may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing ones or single lines in lieu of double or interlacing ones or interlacing lines in lieu of double or single lines on the tramways and if at any time the road in which any tramway or part thereof is authorised to be laid or is laid has been or shall be altered or widened the Promoters may with the like consent take up and remove such tramway or part thereof and reconstruct the same in such position as they may think fit.

(3) If in the construction of any works under this section any rail is intended to be so laid that a less space than 9 feet 6 inches would intervene between it and the outside of the footpath on either side of the road the Promoters shall not less than one month before commencing the works give

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notice in writing to every owner and occupier of premises abutting on the place where such less space would intervene and such rail shall not be so laid if the owners or occupiers of one-third of such premises by writing under their hands addressed and delivered to the Promoters within three weeks after receiving the notice from the Promoters express their objection thereto.

(4) In places where the Promoters may not be the road authority the construction of any works under this section shall be subject to the approval of that authority.

Temporary tramways may be made when necessary.

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

Reconstruction of Peel Bridge and Rosebank Bridge.

16. The Council may enter into and carry into effect agreements with the County Council or any company or person for the reconstruction or alteration of Peel Bridge and Rosebank Bridge and their approaches and may contribute the whole or any part of the cost thereof and on the reconstruction or alteration of the said bridges may construct and lay the said tramway over the same and the tramway over such new or altered bridge shall be deemed for all purposes to be part of the undertaking of the Council.

For protection of Lancashire County Council.

17.—(1) (*a*) Before any tramway by this Order authorised to be laid in or along any main road within the administrative county is opened for traffic the Promoters shall at their own expense widen so much of the main road as lies between the points marked A and B on the plan signed respectively by the county surveyor and the engineer to the Promoters to 27 feet in addition to the existing width of footpaths:

(*b*) The Promoters shall at their own expense pave the widened portion of the carriageway and footpath (if any) with the same class of pavement as exists in the main road before it is widened.

(2) A double line of rails shall not be laid where a single line is shown on the amended deposited plans without the written consent of the County Council.

(3) The Promoters shall at their own expense pave so much of any macadamised main road whereon any of the tramways are laid as lies between the rails and as extends 18 inches beyond the rails of and on each side of any such tramway with granite cubes or setts or such other paving as the County Council may reasonably approve and in all cases where the nearest rail of such tramway is of less distance than 7 feet from the outer edge of the footpath or boundary of the carriageway on either side the intervening spaces between the rail and footpath or boundary of the carriageway shall be paved with grit setts to the reasonable satisfaction of the County Council and all works and materials used in the construction maintenance or

alteration of the said roads lying adjacent to the said tramways shall be reasonably approved by the County Council and in the event of any subsequent deviation or alteration of the said tramways the consent of the County Council shall be obtained before such deviation or alteration is made.

(4) The annual sum which the County Council pay to the Promoters in respect of the interest and repayment of a loan contracted for the improvement (or for the repaving and improvement) of such main road shall as from the date on which the tramway laid along such main road shall be opened for traffic be reduced in the proportion that the portion of the main road maintained by the Promoters under the Tramways Act bears to the superficial area of the whole of the carriageway of such road.

(5) Before the Promoters lay any tramway along or across New-in-Tottington Bridge and its approaches they shall pay the cost of widening the said bridge and its approaches so as to secure a carriageway of the minimum width of 27 feet in addition to the existing width of footpaths in case the tramway is laid as a single line and a carriageway of a minimum width of 33 feet in addition to the existing width of footpaths if the tramway is laid as a double line The specification of works to be done in such widening to be agreed upon between the county bridgemaster and the engineer to the Promoters and the County Council may themselves execute all or any portions of the said works and the Promoters shall bear all costs connected therewith.

(6) Nothing in this Order shall in any way limit or affect the powers of the County Council to rebuild alter strengthen widen repair or improve the structure of any county or hundred bridge or its approaches as aforesaid upon which any work by this Order authorised shall be constructed nor impose on the County Council any liability which was not by law imposed upon them prior to the passing of this Order and in the event of the County Council desiring to rebuild alter strengthen widen repair or improve any such county or hundred bridge or its approaches as aforesaid the County Council shall give the Promoters one month's notice of their intention to carry out such works (except in the case of urgency caused by danger to traffic) and the County Council may require the Promoters at their own expense to remove or temporarily support their rails wires pipes or other plant in such manner as the circumstances of the case may reasonably require and if it becomes necessary for effecting any such rebuilding altering strengthening widening repairing or improving that the working and user of such tramway be wholly or in part stopped or delayed and the County Council give the Promoters three days' clear notice in writing requiring such stoppage or delay the working and user of such tramway shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such rebuilding altering strengthening widening repairing or improving and the County Council shall not be liable for any compensation claims damages costs or expenses for or in respect of such stoppage or delay When the rebuilding widening strengthening altering

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repairing or improving of such bridge shall have been completed the Promoters shall have the same rights and powers with regard to crossing such bridge and its approaches as they had before the works were carried out and may reinstate their rails wires pipes or other plant which work shall be done at their own expense and to the approval of the county bridgemaster.

(7) Any additional expense in the maintenance of any such bridge occasioned to the County Council by the construction or user of the tramway shall be borne by the Promoters.

(8) In constructing the tramway upon or over any bridge which is repairable by the inhabitants of the county of Lancaster or of any hundred therein or any parts of the approaches thereto or any culvert under a main road the Promoters shall not alter or interfere with the structure of such bridge approaches or culverts unless such alteration or interference be absolutely necessary for the purpose of constructing the tramway and in the event of any such alteration or interference the Promoters shall together with the prescribed notice submit to the County Council detailed drawings and specifications showing the proposed work as affecting such bridge approaches or culverts and the Promoters shall so construct and maintain the tramway in the road over such bridge and forming the approaches thereto and in the main road passing over such culverts as not to injuriously affect such bridge approaches or culverts and in the event of any injury being occasioned to such bridge approaches or culverts or any part or parts thereof respectively by the construction of the tramway on or over the same (whether such injury shall occur either during or after construction or in effecting the maintenance of the tramway) the County Council after seven days' written notice to the Promoters except in cases of emergency of their intention so to do may restore such bridge approaches and culverts or the part or parts thereof which may be injured to as good a state as they were in before such injury was occasioned at the expense of the Promoters and the Promoters shall repay to the County Council all reasonable expenses which they may be put to in restoring such bridge approaches and culverts and in maintaining and repairing so much of the road over such bridge approaches and culverts as the Promoters are liable to repair under this Order and the County Council may recover from the Promoters all such expenses so due as aforesaid.

(9) In the event of mechanical power being used on that portion of the tramway which is laid on any such bridge approaches or any culvert under the main road the County Council may execute such works as may be agreed between them and the Promoters (or in case of difference between them as may be determined by the Board of Trade) necessary for the strengthening of the fabric of such bridge or culvert provided such strengthening is needed for and by reason of the tramway apart from the ordinary traffic on the road in question and the County Council may execute all such agreed works at the expense of the Promoters and the County Council may recover from the Promoters all moneys reasonably expended by them in the execution

of such works as aforesaid If it becomes necessary for effecting such strengthening that the working of any portion of the tramway be wholly or in part stopped or delayed and the County Council give the Promoters three clear days' notice in writing requiring such stoppage or delay the working of such portion of the tramway shall be stopped or delayed accordingly but only for so long as may be necessary for effecting such strengthening and the County Council shall not be liable for any claims damages or expenses in respect of such stoppage or delay.

(10) If any such bridge or culvert as aforesaid upon or along which the tramway is laid be altered widened or rebuilt by the County Council the County Council may require the Promoters to alter the tramway in such manner as the circumstances of the case may reasonably require Provided that it shall be lawful for but not binding on the Promoters to contribute such sum as may be mutually agreed upon between the Promoters and the County Council towards the expense of altering widening or rebuilding any of such bridges or culverts as aforesaid.

(11) The Promoters shall not without the consent in writing of the County Council (which consent shall not be unreasonably withheld) place erect or attach any post or other support for any wire on or to the structure of any such bridge as aforesaid and shall on receiving three months' notice in writing (which notice shall not be given unreasonably) remove any post or support which shall be so placed erected or attached as aforesaid.

(12) For the purposes of this section the expression "the tramways" shall include posts cables and all other electrical appliances connected with or used with the tramway lines.

(13) If any question (except such as is to be determined by the Board of Trade as hereinbefore provided) arises under this section between the Promoters and the County Council that question shall be referred to arbitration under this Order.

For protection of Lancashire and Yorkshire Railway.

18. For the protection of the Lancashire and Yorkshire Railway Company (in this section called "the Company") the following provisions shall unless otherwise agreed between the Promoters and the Company be observed and have effect in relation to the construction and maintenance of the tramways and the works connected therewith and of any works for the purpose of working the tramways by mechanical power where the same are intended to pass under any bridge of the Company (that is to say):—

(1) In this section the word "apparatus" includes posts brackets electric wires conductors apparatus and any similar appliances to be used as or for the purposes of a motive power for the carriages running on the tramways and includes also any subways tunnels tubes openings excavations channels and pipes for the purposes of such apparatus:

(2) Before commencing any works under or adjacent to any bridge or other work belonging to or maintainable by the Company the

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Promoters shall give fourteen days' notice in writing to the Company of their intention to execute such works and such notice shall be accompanied by plans and sections showing the nature and extent of the intended works:

(3) The Promoters shall so construct reconstruct or alter and maintain and use the said tramway and apparatus and any works incidental thereto as not to alter or interfere with or injuriously affect the structure of any such bridge:

(4) If it shall be necessary in consequence of any intended lowering of the road under and adjacent to any bridge carrying the Company's railway over such road to underpin or otherwise strengthen the abutments of the said bridge the Company shall be at liberty to carry out such underpinning or strengthening at the cost in all respects of the Promoters:

(5) All works which may be necessary in constructing reconstructing altering and maintaining the tramways or apparatus under or adjacent to any such bridge shall be constructed and maintained in all things at the expense of the Promoters and under the superintendence and to the reasonable satisfaction of the engineer of the Company and the Promoters shall repay to the Company the expense of any temporary works or watching which the Company may think reasonably necessary to provide for the protection of the railway or the traffic thereon during the carrying out of any works affecting the railway:

(6) The Promoters shall not commence any works for the purpose of carrying overhead trolley or other wires for working the tramways under any railway of the Company until after one month's notice in writing to the Company and the Company may on receipt of such notice execute all works necessary for and incidental to the removal of their electric telegraphic telephonic and signalling wires and apparatus over the road along which the tramway is proposed to be laid and replacing the same underground or may make such other alterations in such wires or apparatus as may be reasonably necessary for the protection thereof or for avoiding danger from the breaking or falling of wires and the expenses reasonably incurred by the Company in carrying out the provisions of this sub-section shall be repaid to the Company by the Promoters on demand:

(7) The Promoters shall be responsible for and make good to the Company all losses damages and expenses which may be occasioned to the Company or any of their works or property by reason of the execution or failure of any of the works by this Order authorised or by reason of any act default or omission of the Promoters or their contractors or servants:

(8) Where any tramways will pass in front of the entrances to any passenger or goods stations of the Company no additional crossing passing place siding junction turnout or other work shall be made for

or in connection therewith for the distance thereon extending in front of the said entrances to such stations and for a length of ten yards at each end of such distance without the consent of the Company and without such consent no carriage used on the tramways shall be stopped or permitted to be stopped within such distance and lengths except only for so long as shall be reasonably necessary for the purposes of discharging and taking up passengers:

(9) If any difference shall arise under this section between the Promoters and the Company touching anything to be done or omitted to be done or not to be done or the reasonableness of any requirements or of any charges or in any manner in connection with the foregoing provisions of this section the matter in difference shall unless otherwise agreed be determined by a referee to be nominated by the Board of Trade under section 33 of the Tramways Act 1870.

Application of road materials excavated in construction of works.

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

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

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

Motive Power.

Provisions as to motive power.

21. The carriages used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):—

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade nor unless and until the passing places are of a length satisfactory to the Board of Trade:

(2) The Board of Trade shall make regulations (in this Order referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Order of mechanical power and for regulating the use of electrical power:

(3) The Promoters or any person using any mechanical power on the tramways contrary to the provisions of this Order or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

(4) The Board of Trade if they are of opinion—

(*a*) that the Promoters or such person have or has made default in complying with the provisions of this Order or of the Board of

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Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(*b*) that the use of mechanical power as authorised under this Order is a danger to the passengers or the public;

may by order either direct the Promoters or such person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Promoters or such person shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Mechanical power works.

22. For the purpose of working the tramways by mechanical power the Promoters and their lessees subject to the provisions of this Order (and as to the lessees subject to the terms of their lease) may—

(*a*) construct provide maintain and use on any lands appropriated or acquired by them under the powers of this Order engines batteries dynamos and accumulators with all necessary and proper machinery and works;

(*b*) place construct erect lay down make and maintain on above or below the surface of any street or road within the district posts brackets electric conductors wires apparatus subways tunnels cables tubes and openings;

(*c*) with the consent of the owners and occupiers of any building affix to such building and maintain posts brackets electric conductors wires and apparatus.

Mechanical power works to be subject to Tramways Act 1870.

23. All works to be executed by the Promoters or their lessees in any street or road for working the tramways by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects (save as by this Order otherwise expressly provided) to the provisions of the Tramways Act 1870 as if they had been therein expressly mentioned.

Byelaws.

24. Subject to the provisions of this Order the Board of Trade may make byelaws with regard to any part of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say):—

For regulating the use of any bell whistle or other warning apparatus fixed to the engines or carriages:

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

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

For regulating the entrance to exit from and accommodation in the carriages used on the 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 byelaws and Board of Trade regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

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

Amendment of Tramways Act 1870 as to byelaws by local authority

25. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which engines are to be driven or propelled on the tramways under the authority of this Order but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

Special provisions as to use of electrical power.

26. The following provisions shall apply to the use of electrical power under this Order unless such power is entirely contained in and carried along with the carriages:—

(1) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:

(3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

(4) The Promoters shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of

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other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking:

(5) At the expiration of two years from the passing of the Act confirming this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:

(6) If any difference arises between the Promoters and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

(7) In this section the expression "the Promoters" includes any person owning working or running carriages over the tramways.

For protection of Postmaster-General.

27.—(*a*) Notwithstanding anything in this Order contained if any of the works by this Order authorised involves or is likely to involve any alteration of any telegraphic line belonging to or used by His Majesty's Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(*b*) In the event of the tramways 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 the undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the 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 Any difference which arises between the Postmaster-General and the Promoters as to compliance with this subsection shall be referred to arbitration:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking the Promoters shall pay the expense of all such alterations in the telegraphic lines of the

Postmaster-General as may be necessary to remedy such injurious affection:

(3) 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) 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 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 Any difference which arises between the Postmaster-General and the Promoters as to any requirements so made shall be referred to arbitration:

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works by this Order authorised is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such works or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated for the purposes of this Order at any works of the Promoters enter thereon for the purpose of inspecting the plant and the working of the same and the Promoters shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Promoters pursuant to the Board of Trade regulations:

(5) 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:

(6) 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 any act or the execution of any work in respect of which the penalty is claimed 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:

(7) 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

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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:

(8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order:

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

(10) Any question or difference arising under this section which is directed to be referred to 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 30 to 32 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:

(11) 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:

(12) In this section the expression "the Promoters" includes any person owning working or running carriages over the tramways.

Traffic upon Tramways.

Traffic upon tramways.

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

Promoters' lessees not bound to carry animals goods &c.

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

Provisions as to carriage of animals goods &c.

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

Rates.

Passengers' fares.

31. The Promoters' lessees may demand and take for every passenger travelling upon the tramways or any part thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile and for this purpose a fraction of a mile shall be deemed a mile.

As to fares on Sundays and holidays.

32. The Promoters' lessees or any person working or using the tramways shall not take or demand on Sunday or any public holiday any higher rates or charges than those levied by them on ordinary week days.

Passengers' luggage.

33. 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 Provided that all such personal luggage be carried by hand and at the responsibility of the passenger and do not occupy any part of a seat nor be of a form or description to annoy or inconvenience other passengers.

Cheap fares for labouring classes.

34.—(1) The Promoters' lessees at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day Good Friday and public holidays always excepted) at such hours not being later than seven in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Promoters' lessees in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Promoters' lessees to provide such service as may appear to the Board to be reasonable.

(3) The Promoters' lessees shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

Rates and charges for animals goods &c.

35. The Promoters' lessees may demand and take in respect of any animals goods minerals or parcels conveyed by them on the tramways including every expense incidental to such conveyance any rates or charges not exceeding the rates and charges specified in the schedule to this Order annexed subject to the regulations in that behalf therein contained.

Payment of rates.

36. The rates 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' lessees may by notice to be annexed to the list of rates and charges appoint.

Periodical revision of of rates and charges.

37. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by the Promoters or by their lessees or by twenty inhabitant ratepayers of the district that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the tramways or on such portion 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 reports that it has been proved to his satisfaction that all or any of the rates or charges should be revised the said Board may make

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an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Order authorised Provided also that a copy of this section shall be annexed to every table or list of rates published or exhibited by the Promoters or their lessees.

Miscellaneous.

Power to Council to work tramways.

38. Notwithstanding anything in the Tramways Act 1870 to the contrary the Council may place and run carriages on and may work and may demand and take rates and charges in respect of the tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks horses harness engines machinery apparatus steam cable electrical and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and in such case the several provisions in this Order contained relating to the working of the tramways and the taking of rates and charges therefor shall extend and apply mutatis mutandis to and in relation to the Council and the Council may work such tramways and demand and recover such rates and charges accordingly but nothing in this section shall empower the Council to construct any station for generating electrical power nor to create or permit a nuisance.

Regulations.

39. The regulations authorised by the Tramways Act 1870 to be made by the Promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Council be made by the Council alone.

Working agreements.

40. The Promoters may with the consent of the Board of Trade from time to time but subject to the provisions of this Order—

(1) enter into and fulfil contracts and agreements with any local authority or person who are authorised to enter into such contracts or agreements and are the owners or lessees of any tramways or light railways in any adjacent district which can be worked with any of the tramways of the Council with respect to—

(*a*) the construction or working of the whole or any part of the tramways by this Order authorised;

(*b*) the combined working by the Promoters and such local authority or person of their respective tramways and light railways;

(*c*) the granting of running powers over the tramways and obtaining running powers over such other tramways and light railways;

(*d*) the use by the contracting parties or any or either of them of their respective tramways light railways and works or any part or parts thereof;

(*e*) the interchange accommodation and forwarding of carriages passengers and traffic coming from or destined for the respective undertakings of the contracting parties; and

(*f*) the fixing collecting and apportionment of rates charges and other receipts arising from such combined working or traffic:

(2) confirm any such contracts and agreements which may be entered into before the confirmation of this Order.

Mortgages may include rents &c.

41. The Promoters may include in any mortgage of the local rate made by them under section 20 of the Tramways Act 1870 the moneys coming to them out of the rents reserved under any lease made under the authority of the Tramways Act 1870 or this Order and the rates charged and sums authorised to be taken or received by them under the provisions of this Order.

Orders &c. of Board of Trade.

42. All orders regulations and byelaws made and consents 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 and when purporting to be so signed the same shall be deemed to be duly made in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly.

Recovery of penalties.

43. Any penalty under this Order or under any byelaws or regulations made under this Order may be recovered in manner provided by the Summary Jurisdiction Acts.

Audit of accounts.

44. Section 58 of the Local Government Act 1894 shall apply to the accounts of the receipts and expenditure of the Promoters and of their committees and officers with respect to the tramways and the undertaking and to the audit thereof as if such accounts related to receipts and expenditure under the Public Health Act 1875.

Protection of local authority.

45. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 is hereby incorporated with this Order and in construing that section for the purposes of this Order the expression "this Act" where used in that section shall mean this Order.

Power to hold patents.

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

Form and delivery of notices &c.

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

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

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(2) Notices and other documents required or authorised to be served under this Order may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any local authority or company any such notice or other document shall be delivered or sent by post in a prepaid letter addressed to the clerk to the local authority at his office or to the secretary of the company at their registered or principal office.

Provisions as to arbitration.

48. 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 apply to the determination of any such difference as if the arbitration were pursuant to a submission.

Saving for general Acts.

49. Nothing in this Order contained shall exempt the Promoters or any person using the tramways or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum rates of rates and charges authorised by this Order.

SCHEDULE.

MAXIMUM RATES AND CHARGES FOR ANIMALS GOODS &c.

		Per Mile. s.	d.
Animals.			
For every horse mule or other beast of draught or burden	per head	0	4
For every ox cow bull or head of cattle	„	0	3
For every calf pig sheep or other small animal	„	0	1½
Goods and Minerals.			
For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways	per ton	0	2
For all iron ore pig-iron bar-iron rod-iron sheet-iron hoop-iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs	per ton	0	2½

	Per Mile. s.	d.
For all sugar grain flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - - - - - per ton	0	3
For cotton wools drugs and manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein - - - - - - - - - per ton	0	4
For every carriage of whatever description - - - -	1	0

Parcels.

	Any Distance. s.	d.
For any parcel not exceeding seven pounds in weight - - -	0	2
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - - - - - - -	0	4
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - - - - -	0	6
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight - - - - - - - - -	0	9

For any parcel exceeding fifty-six pounds in weight but not exceeding five hundred pounds in weight such sum as the person conveying the same may think fit:

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

For the Carriage of Single Articles of Great Weight.

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

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

Regulations as to Rates.

For articles or animals conveyed on the tramways for a less distance than a mile rates and charges as for one mile may be demanded.

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

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

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

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

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