# CHAPTER clxiv.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Bristol Tramways (Extensions), Bury and District Tramways, City of London and Metropolitan Tramways, Lincoln Tramways, Lincolnshire Tramways, Rochdale Tramways, Shepherd's Bush and Hammersmith Tramways, and Worcester Tramways. [11th August 1881.] A.D. 1881.

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

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

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

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

Short title.

**1.** This Act may be cited as the Tramways Orders Confirmation (No. 3) Act, 1881.

Confirmation of Orders in Schedule.

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

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# SCHEDULE.

## LIST OF ORDERS.

1. Bristol Tramways (Extensions). — Order authorising the Bristol Tramways Company (Limited) to construct additional tramways in the county of Gloucester, in the neighbourhood of the city of Bristol, and amending the Bristol and Eastern District Tramways Order, 1875, the Bristol Tramways (Extensions) Order, 1879, and the Bristol Tramways (Extensions) Order, 1880.
2. Bury and District Tramways.—Order authorising the construction of tramways in the boroughs of Bury and Salford, the Local Board Districts of Whitefield and Prestwich, the township of Tottington-Lower-End, in the parish of Bury, and the hamlet of Unsworth, in the parish of Prestwich-cum-Oldham, all in the county of Lancaster.
3. The City of London and Metropolitan Tramways. — Order authorising the construction of tramways in the parishes of Saint Mary, Lambeth, and Saint George the Martyr, Southwark, in the county of Surrey.
4. Lincoln Tramways.—Order authorising the construction of tramways from Lincoln to Bracebridge, in the division of Kesteven, in the county of Lincoln.
5. Lincolnshire Tramways. — Order authorising the construction of tramways in the city of Lincoln, and between that city and the town of Brigg, in the county of Lincoln.
6. Rochdale Tramways.—Order authorising the construction of tramways in the borough of Rochdale, and the district of the Wuerdle and Wardle Local Board, in the parish of Rochdale, and in the county of Lancaster.
7. Shepherd's Bush and Hammersmith Tramways.—Order authorising the construction of tramways in the Goldhawk Road, between Shepherd's Bush and Hammersmith, in the county of Middlesex.
8. Worcester Tramways.—Order authorising the construction of tramways in and near the city of Worcester.

## BRISTOL TRAMWAYS (EXTENSIONS).

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*Order authorising the Bristol Tramways Company (Limited) to construct additional Tramways in the county of Gloucester, in the neighbourhood of the city of Bristol, and amending the Bristol and Eastern District Tramways Order*, 1875, *the Bristol Tramways (Extensions) Order*, 1879, *and the Bristol Tramways (Extensions) Order*, 1880.

Short title.

1. This Order may be cited as "The Bristol Tramways (Extensions) Order 1881."

Incorporation of Acts.

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

Interpretation.

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

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

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

The expressions "the Order of 1875," "the Order of 1879," and the "Order of 1880," shall mean respectively the Bristol and Eastern District Tramways Order, 1875, the Bristol Tramways (Extensions) Order, 1879, and the Bristol Tramways (Extensions) Order, 1880, and the same are hereinafter referred to collectively as "the former Orders;" and

The term "person" shall include a corporation.

*Promoters.*

The Promoters.

4. The Bristol Tramways Company (Limited) shall be the Promoters for the purpose of this Order, and are in this Order referred to as the Promoters.

Lands by agreement.

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

*Construction of Tramways.*

Construction of tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited for the pur-

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poses of this Order (in this Order referred to as "the deposited plans" and "the deposited sections"), except as is herein-after provided, the tramways herein-after described, with all proper rails, points, junctions, plates, offices, weigh-bridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are—

TRAMWAY No. 11.—A tramway wholly situate in the parish of Horfield in the county of Gloucester commencing in the high road leading from Bristol to Gloucester by a junction with the existing tramways of the Promoters at a point opposite Egerton Road passing thence northwards along the aforesaid high road and terminating therein at a point opposite the south-west corner of the Horfield Barracks.

Tramway No. 11 shall, except as herein-after expressly provided, be a single line except between the following points, where it shall be a double line :

From a point 25 yards north of the commencement to a point opposite the northern side of Bishopston Church School-ground.

From a point opposite the Golden Lion Inn, Horfield, to a point 66 yards northward therefrom.

From a point opposite the Horfield Parish School in the aforesaid high road to a point 66 yards northward therefrom.

From a point opposite the south-west corner of the Royal Oak Inn, Horfield, to a point 66 yards north-east of the same point.

From a point in the aforesaid high road 50 yards southward from the road leading out of the said high road in a south-westerly direction to the Wellington Inn, Horfield, to a point 0·4 chain south-west of the termination of the Tramway.

Provided always, that Tramway No. 11 shall not be constructed as a single line with passing-places between a point 70 chains from its commencement as shown on the deposited plans and the termination of that Tramway until the road on which it is to be laid shall have been made not less than 32 feet in width.

The total length of Tramway No. 11 will be 1 mile 1 furlong 5·3 chains consisting of 5 furlongs 4·35 chains of single line and 4 furlongs ·95 chains of double line.

TRAMWAY No. 12.—A tramway wholly situate in the county of Gloucester commencing in the parish of Stapleton in the road leading to Fishponds by a junction with the tramway of the Promoters at a point opposite their Eastville depôt, passing thence north-eastward along the said road and terminating in the parish of Mangotsfield in that road at the junction of that road with the roads leading to Kingswood Hill and Down End.

Tramway No. 12 shall be a single line except between the following points, where it shall be a double line :

At its commencement for a distance of 2·5 chains.

From the point where the Midland Railway passes over the Fishponds Road to a point 3 chains north-eastward therefrom.

Between two points respectively 1 chain westward and 4·9 chains eastward of the Queen's Head public house in the last-mentioned road.

Between two points respectively 3 chains westward and 3·1 chains eastward from Crooked Lane.

Between two points respectively 7 chains and 14·1 chains westward of the Causeway.

Between two points respectively 2 chains and 6 chains northward of the Golden Lion public-house.

Between the Full Moon public-house and the road leading out of the Fishponds Road to Oldbury Court.

Between two points respectively 5 chains and 9 chains eastward from the Cross Hands public-house in Staplehill Road.

Between a point opposite Thicket Road and a point 4 chains eastward therefrom and between two points respectively 0·3 chains and 5·55 chains westward from the termination of the tramway.

The total length of Tramway No. 12 will be 2 miles 4 furlongs 9·35 chains, consisting of 1 mile 7 furlongs 5·3 chains of single line and 5 furlongs 4·05 chains of double line.

Tramway No. 13.—A tramway wholly situate in the county of Gloucester, commencing in the parish of St. George in the public highway leading from Bristol to Marshfield by a junction with the existing tramway of the Promoters at the termination thereof passing thence in an easterly direction along the said highway into and along the public highway leading through Bell Hill to Kingswood and terminating in the parish of Bitton in the said last-mentioned public highway at a point opposite the King's Arms public-house, Kingswood:

Tramway No. 13 shall be a single line except between the following points, where it shall be a double line:

For a length of 5·25 chains from its commencement.

Between two points respectively 15 chains and 11 chains westward from the World's End public-house.

From the World's End public-house to a point 3 chains eastward therefrom.

From a point 2 chains west of the Bell public-house on Bell Hill to a point 7·68 chains eastward therefrom.

From a point opposite the Lord Rodney public-house to a point opposite the Rose and Crown public-house.

From points respectively 5 chains and 9 chains eastward from the King's Head public-house.

From points respectively 6·5 chains and 9·5 chains eastward of the Black Horse public-house.

From points respectively 1·5 chains and 4·5 chains eastward from the Golden Hart public-house, and between two points respectively

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0·3 chains and 2·8 chains westward from the termination of the tramway.

The total length of Tramway No. 13 will be 1 mile 5 furlongs 7·55 chains consisting of 1 mile 1 furlong and 0·73 chains of single line and 4 furlongs 6·82 chains of double line.

For protection of works of Bristol Waterworks Company and Bristol United Gaslight Company.

7. If the Promoters desire under the authority of this Order to do any act which shall or may render necessary the removal or displacement of any of the mains or pipes, valves, syphons, plugs, or apparatus, or other works belonging to or controlled by the Bristol Waterworks Company or the Bristol United Gaslight Company, the Promoters shall give to the said Waterworks Company or to the said Gaslight Company, as the case may be, fourteen days' notice in writing of such desire, and the said Waterworks Company or the said Gaslight Company, as the case may be, shall forthwith (without prejudice nevertheless to the protection afforded them by the Tramways Act, 1870), make such removal or displacement as may be necessary and do all works incident thereto, and all expenses to be thereby incurred shall be defrayed by the Promoters. Nothing contained in this Order shall interfere with the exercise by the said Waterworks Company or the said Gaslight Company of the powers and privileges conferred upon them respectively by any Acts or Act of Parliament of laying down and maintaining and, as occasion may require, of repairing and altering any mains or pipes in and under any of the roads upon which the tramways may be laid under the authority of this Order. And the provisions of the Tramways Act, 1870, in favour of the local authority or the road authority shall be extended to and include the said Waterworks Company and the said Gaslight Company.

Provisions as to construction of tramways.

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

As to rails of tramways.

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

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

Penalty for not maintaining rails and road in good condition.

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

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

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

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

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

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

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

13. The Promoters may from time to time hereafter make all such crossings, passing-places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Order, as may from time to time be necessary or convenient to the efficient working of the tramways or any of them, or for providing access to any stables or carriage-houses, sheds, or works of the Promoters, subject to the approval of the road authority: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside

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of the footpath on either side of the road, if any owner or occupier of premises abutting on the place where such rail is proposed to be laid, by writing under his hand, addressed to the Promoters, express his objection thereto.

Temporary tramways may be made when necessary.

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

If any difference arise between the Promoters and any road authority with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway or temporary tramways under the authority of this section, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Application of road materials excavated in construction of works.

15. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters, so far as may be necessary, in or towards the reinstating of such road, and the maintenance, for six months after completion of any of the tramways within the district of such road authority, of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided that if, within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus is not removed by the said surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Promoters and any road authority.

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

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

*Motive Power.*

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Carriages may be moved by animal, steam, or mechanical power: conditions as to use of steam and mechanical power.

17. The carriages used on the tramways may be moved by animal power, and the carriages used on the following tramways (hereinafter referred to as "the Promoters Tramways"), that is to say, the tramways authorised by this Order and the existing tramways of the Promoters between East Street, Bedminster, and St. George (viâ Bath Street and Old Market Street) and the existing tramways between Old Market Street and Eastville and the tramways authorised by the Bristol Tramways Extensions Order, 1880, and any tramways authorised by any of the former Orders and not yet completed, may, subject to the provisions of this Order, during a period of seven years (commencing at the time of the passing of the Act confirming this Order in the case of tramways then open for public traffic, and in the case of tramways not then open for public traffic from the opening of the same for public traffic) and with the consent of the Board of Trade during such further periods of seven years as the Board of Trade may from time to time specify in any order to be signed by a Secretary or an Assistant Secretary of the said Board, be moved by steam power or any mechanical power:

Provided always, that nothing in this Order contained shall authorise the use of steam power or any mechanical power on Tramway No. 11 authorised by this Order, between a point 70 chains from the commencement of that tramway to the point of termination of the same unless the road between those points is made not less than 32 feet in width; or on Tramway No. 12 authorised by this Order, unless the roadway beyond the passing loop at the Queen's Inn is made not less than 24 feet in width; or on Tramway No. 3 authorised by the Order of 1875, or on Tramway No. 13 authorised by the Order of 1879, until in each case the road in which the same is laid has been widened so that a space of not less than nine feet six inches shall intervene between the nearest rail and the outside of the foot path on either side of such road, or, on Tramway No. 16, authorised by the Order of 1880 to be laid along the new street now in course of construction, unless the said tramway shall be so laid in such new street that a space of not less than nine feet six inches shall intervene between the nearest rail and the outside of the footpath on either side of such new street, except with the special approval of the Board of Trade specified by Order in manner aforesaid:

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

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

18. The Promoters or any person using steam or any mechanical power on any of the Promoters tramways contrary to the provisions of this Order, or to any of the regulations set forth in the Schedule to this Order annexed, or to any regulation added thereto or substituted therefor by any order made by the Board

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

Byelaws.

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

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

For regulating the emission of smoke or steam from engines used on the Promoters 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 Promoters tramways, and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages:

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

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

As to recovery of penalties.

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

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

21. The provisions of the Tramways Act, 1870, relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway, shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Order or

by any regulation made by the Board of Trade under the authority of this Order, at which engines and carriages are to be driven or propelled on the Promoters tramways under the authority of this Order; but the local authority may, if they think fit, make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders and byelaws to be signed, &c.

22. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by a Secretary or an Assistant Secretary of the Board of Trade, and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order.

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

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

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

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

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

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

No steam or mechanical power shall be used on the Promoters tramways, or any portion of the Promoters tramways, unless there is in force in relation to the Promoters tramways, or such portion of the Promoters tramways, a contract, agreement, or arrangement in accordance with the provisions of this section.

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

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

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

*Traffic, Tolls, &c.*

*Bristol.*

Tramways to form part of tramways authorised by the Order of 1875.

25. The tramways by this Order authorised shall be deemed to form part of the undertaking authorised by the Order of 1875, and sections seventeen and eighteen and twenty to twenty-three (both inclusive) of the Order of 1875, and section twenty-two of the Order of 1880, shall, as far as the same are applicable, apply to the tramways by this Order authorised in like manner in every respect as if the tramways authorised by this Order formed part of the tramways authorised by the Order of 1875.

*Miscellaneous.*

Agreements with Corporation as to user, &c. of Corporation tramways.

26. The Promoters and the Corporation may from time to time enter into, and carry into effect agreements and arrangements for or with reference to the leasing in perpetuity, or for a limited period, by or for the transfer to and vesting in or the running over, working, and using by the Promoters, for the purposes of traffic of every description, of the whole or any part of the tramways for the time being of the Corporation upon such terms and conditions (pecuniary and otherwise) as have been or may hereafter be agreed upon.

Provisions as to arbitration.

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

Form and delivery of notices.

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

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

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

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

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

Saving as to powers of borrowing on mortgage.

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

taking or such part being purchased by the local authority under section forty-three of the Tramways Act, 1870.

*Bristol.*
Saving for general Acts.

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

## SCHEDULE.

Break power of engines.

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

As to fittings of engines, &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

As to carriages.

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

Inspection of engines and carriages.

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

As to speed.

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

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

## BURY AND DISTRICT TRAMWAYS.

*Order authorising the construction of Tramways in the boroughs of Bury and Salford, the Local Board Districts of Whitefield and Prestwich, the township of Tottington-Lower-End, in the parish of Bury, and the hamlet of Unsworth, in the parish of Prestwich-cum-Oldham, all in the county of Lancaster.*

Short title.

1. This Order may be cited as "The Bury and District Tramways Order, 1881."

Incorporation of Acts.

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

Interpretation.

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

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

The term "person" shall include a corporation.

*Promoters.*

The Promoters.

4. Charles Philips, of No. 20, Bucklersbury, in the city of London, and his executors, administrators, or assigns, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

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

*Construction of Tramways.*

Construction of tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited for the purposes of this Order (in this Order referred to as the "deposited plans" and "deposited sections"), except as herein-after provided, the tramways herein-after described, with all proper rails, plates, offices, weigh-bridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

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The tramways authorised by this Order are—

Tramway No. 1.—A tramway one furlong six and three-quarter chains in length, consisting of one furlong two and a quarter chains of single line and four and a half chains of double line, and wholly in the Manchester and Bury New Road, commencing at a point five yards or thereabouts south-eastward from the Old Broughton toll-house, situate at the corner of Moor Lane, Higher Broughton, and terminating at the centre of Singleton Brook.

Tramway No. 1 shall be laid as a single line, except in the following instances, where it shall be laid as a double line; (that is to say,)

For a distance of three chains from its commencement.

For a distance of one and a half chains from its termination.

Tramway No. 2.—A tramway one mile five furlongs ·7 chain in length, consisting of one mile three furlongs 4·2 chains of single line and one furlong 6·5 chains of double line, and wholly in the Manchester and Bury New Road, commencing at the termination of Tramway No. 1 and terminating at a point twenty-eight yards south-eastward from Green Lane.

Tramway No. 2 shall be laid as a single line, except in the following instances, where it shall be laid as a double line:

For a distance of one and a half chains from its commencement.

Between two points respectively two hundred and ten yards or thereabouts and two hundred and seventy-six yards or thereabouts north-westward from George Street.

For a distance of sixty-six yards or thereabouts south-eastward from Hilton Lane.

Between points respectively ninety-two yards or thereabouts and one hundred and fifty-eight yards or thereabouts north-westward from Butterstile Lane.

Between points respectively two hundred and twenty-five yards or thereabouts and one hundred and fifty-nine yards or thereabouts south-eastward from Church Lane.

For a distance of sixty-six yards or thereabouts north-westward from Warwick Street.

Tramway No. 3.—A tramway one mile 4·35 chains in length, consisting of seven furlongs 2·1 chains of single line and one furlong 2·25 chains of double line, and wholly in the Manchester and Bury New Road, commencing at the termination of Tramway No. 2, and terminating at a point sixty-nine yards or thereabouts northward from the north-east corner of the Bull's Head Inn, Whitefield.

Tramway No. 3 shall be laid as a single line, except in the following instances, where it shall be laid as a double line:

Between points respectively six yards or thereabouts southward and sixty yards or thereabouts northward from the point of junction of the south side of the Manchester and Bury Old Road and the east side of the Manchester and Bury New Road, at Besses o'th Barn.

Between points respectively fifty yards and one hundred and sixteen yards northward from Livsey Street.

Between points respectively one hundred and twenty-nine yards or thereabouts and one hundred and ninety-five yards or thereabouts northward from the Mason's Arms Inn at Four Lane Ends.

For a distance of three and a quarter chains from its termination.

Tramway No. 4.—A tramway seven furlongs 6·45 chains in length, consisting of six furlongs 5·95 chains of single line and one furlong ·5 chain of double line, and wholly in the Manchester and Bury New Road, commencing at the termination of Tramway No. 3, and terminating at or near the centre of Blackford Bridge.

Tramway No. 4 shall be laid as a single line, except in the following instances, where it shall be laid as a double line:

For a distance of one and a half chains from its commencement.

Between points respectively one hundred and eighty-five yards or thereabouts and one hundred and nineteen yards or thereabouts southward from the roadway leading from the said Manchester and Bury New Road to Lily Hill.

Between points respectively two hundred and sixty-four yards or thereabouts and three hundred and thirty yards or thereabouts northward from the said roadway leading to Lily Hill.

Between points three hundred and eleven yards or thereabouts and two hundred and forty-five yards or thereabouts southward from the Bridge Inn at Blackford Bridge.

Tramway No. 5.—A tramway one mile six furlongs 3·5 chains, consisting of one mile three furlongs 2·45 chains and three furlongs 1·05 chains of double line, commencing at the termination of Tramway No. 4, proceeding along the Manchester and Bury New Road and Saint Mary's Gate, Bury, and terminating in the last-named street in line with the southern side of Moss Street.

Tramway No. 5 shall be laid as a single line, except in the following instances, where it shall be laid as a double line:

In the Manchester and Bury New Road, in the following instances:

Between points respectively ninety-eight yards or thereabouts and one hundred and sixty-four yards or thereabouts northward from the commencement of the tramway.

Between points respectively three hundred and twenty-one yards or thereabouts and two hundred and fifty-five yards or thereabouts southward from the roadway leading to Radcliffe Bridge at Hardy's Gate.

Between points respectively seventy-nine yards or thereabouts and one hundred and forty-five yards or thereabouts northward from the said roadway leading to Radcliffe Bridge.

Between points respectively one hundred and seven yards or thereabouts and one hundred and seventy-three yards or thereabouts northward from Cemetery Road.

Between points respectively fifteen yards or thereabouts southward and fifty-one yards or thereabouts northward from the southern side of Gigg Lane.

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Between points respectively two hundred and sixteen yards or thereabouts and one hundred and fifty yards or thereabouts southward from Ollivant Street.

Between a point thirty-nine yards or thereabouts south-eastward from the eastern angle of the Jolly Waggoner public-house and a point three yards or thereabouts northward from the northern side of Duke Street, Bury.

Tramway No. 7.—A tramway, 8·6 chains in length, consisting of ·6 chain of single line and eight chains of double line, commencing at the termination of Tramway No. 5, passing along Silver Street, Moss Street, Haymarket Street, and terminating in Haymarket Street in line with the western side of Market Street.

Tramway No. 7 shall be laid as a double line throughout, except in the following instance, where it shall be laid as a single line:

For a length of thirteen yards from its commencement.

The aforesaid tramways will be laid in the parishes of Manchester, Prestwich-cum-Oldham, and Bury, and the townships of Broughton, Prestwich, Pilkington, and Bury, or some or one of them.

Tramway No. 8.—A tramway three furlongs ·35 chain in length, consisting of two furlongs 7·15 chains of single line and 3·2 chains of double line, commencing in Market Street, Bury, at a point twenty-six yards or thereabouts northward from the Market House, passing thence along Market Street, Princess Street, King Street, and Rochdale Road, and terminating in the last-mentioned road, in line with the south-eastern side of King Street.

Tramway No. 8 shall be laid as a single line, except in the following instance, where it shall be laid as a double line:

In Market Street and Princess Street, between a point in Market Street ninety-four yards or thereabouts south-eastward from Haymarket Street and a point in Princess Street two yards or thereabouts eastward from Back Georgiana Street.

Tramway No. 9.—A tramway 5·35 chains in length, consisting of 4·35 chains of single line and one chain of double line, commencing in Market Street by a junction with Tramway No. 8 at a point seventeen yards or thereabouts westward from Back Georgiana Street, and passing thence into and along and terminating in Moss Street, in line with the western side of the Market House aforesaid.

Tramway No. 9 shall be laid as a single line throughout, except in Market Street, for a distance of one chain from its commencement, where it shall be laid as a double line.

Tramway No. 10.—A tramway two furlongs 5·7 chains in length, consisting of two furlongs 1·7 chains of single line and four chains of double line, and wholly in Rochdale New Road, Bury, commencing at the termination of Tramway No. 8 and terminating opposite to the centre of Pinhole Lane.

Tramway No. 10 shall be laid as a single line, except in the following instances, where it shall be laid as a double line:

For a distance of fifty-five yards or thereabouts eastward from the western side of Derby Street.

For a distance of one and a half chains from its termination.

Tramway No. 12.—A single line of tramway, 9·6 chains in length, commencing in Clough Street at a point fourteen yards or thereabouts northward from the Waggon and Horses Tavern, passing thence along Clough Street and Rochdale New Road, and terminating at the point of termination of Tramway No. 8.

Tramway No. 13.—A single line of tramway, ·95 chain in length, commencing in King Street by a junction with Tramway No. 8 at a point nine yards or thereabouts from the eastern end of that street, passing thence into and along Rochdale New Road, and terminating by a junction with Tramway No. 12 in line with the eastern side of Earl Street.

Tramway No. 14.—A tramway five furlongs 5·4 chains in length, consisting of four furlongs six chains of single line and 9·4 chains of double line, commencing in Clough Street at the point of commencement of Tramway No. 12, passing thence along Clough Street, Stanley Street, Water Street, Moor Side, and Walmersley Road, and terminating in the last-named road, opposite to the centre of Hamilton Street.

Tramway No. 14 shall be laid as a single line, except in the following instances, where it shall be laid as a double line:

In Stanley Street between Butcher Lane and a point situate forty-two yards or thereabouts north-eastward from Butcher Lane.

In Walmersley Road in the following instances:

For a distance of sixty-six yards northward from the southern side of Badger Street.

Between points respectively fifteen yards or thereabouts and eighty-one yards or thereabouts northward from Canning Street.

For one and a half chains from its termination.

Tramway No. 16.—A tramway 5·7 chains in length, consisting of 3·7 chains of single line and two chains of double line, commencing in Market Street at the point of commencement of Tramway No. 8, passing thence along Market Street into and along the open space at the northern end of that street, and terminating in such open space at a point thirty-seven yards or thereabouts westward from the principal entrance of the Derby Hotel.

Tramway No. 16 shall be laid as a single line, except for a distance of two chains from its termination, where it shall be laid as a double line.

Tramway No. 17.—A tramway one mile three furlongs 2·75 chains, consisting of one mile one furlong 5·75 chains of single line and one furlong seven chains of double line, commencing at the termination of Tramway No. 16, passing thence across the roadway leading from Fleet Street to Silver Street, into and along Bolton Street, Bury Bridge, Croston's Road, and Tottington Road, and terminating in the last-named road opposite to the northern side of the roadway leading from the Tottington Road to Moorfield House.

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Tramway No. 17 shall be laid as a single line, except in the following instances, where it shall be laid as a double line:

For a distance of one chain from its commencement.

In Bolton Street between points respectively thirty-three yards or thereabouts eastward and thirty-three yards or thereabouts westward of the eastern side of the Seven Stars public-house.

In Croston's Road for a distance of sixty-six yards from the southern side of Church Street.

In the Tottington Road in the following instances:

Between points respectively one hundred and eighteen yards or thereabouts and one hundred and eighty-four yards or thereabouts north-westward from Cottam Street.

Between points respectively ninety-four yards or thereabouts and twenty-eight yards or thereabouts south-eastward from Cinder Lane.

Between points respectively thirty-one yards or thereabouts and eighty-six yards or thereabouts north-westward from the south-eastern side of the Swan Inn.

For a distance of one and a half chains from its termination.

The said tramways will be laid in the parish of Bury and in the townships of Bury, Elton, and Tottington Lower End, or some or one of them

Provided that any of the tramways which may be laid under the authority of this Order upon any bridge, or any parts of the roads adjacent thereto, under the jurisdiction of the justices, or which they are by law bound to maintain and repair, shall be laid as a single line only:

Provided that so much of Tramways Nos. 2 and 3 as are shown on Sheet No. 2 of the deposited plans shall be constructed in accordance with a certain plan deposited at the Board of Trade on the twenty-fifth day of March one thousand eight hundred and eighty-one, and signed by James William Newton on the part of the Promoters and by Henry G. Calcraft on the part of the Board of Trade; and provided also that so much of Tramways No. 12 and No. 14 as are shown on the last-mentioned plan shall be constructed in the manner therein indicated:

Provided also, that the Promoters shall not construct such portion of Tramway No. 7 in Moss Street as extends for a distance of twenty-eight yards or thereabouts westward from Knowsley Street other than as a single line until that portion of Moss Street is so widened as that a space of nine feet six inches shall intervene between the outer rail of such double line and the edge of the footpath on either side of the said street:

Provided also, that the Promoters shall so construct such portions of the tramways as consist of double line as that the space between the cars when passing be not less than one foot two inches, and the distance between the outside of the footpath on either side of the road and the nearest rail of the tramway, as regards Tramway No. 2, from Chester Street to the termination of that tramway, and for the whole length of Tramways Nos. 3, 4, 5, and 7, shall (unless with the consent of the owners and occupiers of premises abutting on the place where such rail is proposed to be laid) be not less than nine feet six inches.

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For protection of Lancashire and Yorkshire Railway Company and Bury and Tottington District Railway Company.

7. The Promoters shall so construct and maintain Tramways Nos. 3 and 5, in the Manchester and Bury New Road, where such road is carried by means of a bridge over the Lancashire and Yorkshire Railway, and Tramway No. 17 in the Tottington Road, where such road is carried by means of a bridge over the Bury and Tottington District Railway, and where the same tramway is carried over the railway bridge in Bolton Street, and over the tunnel carrying the canal belonging to the Lancashire and Yorkshire Railway Company at the junction of Bolton Road and Croston's Road, and by means of a bridge over a feeder of the said canal belonging to the Lancashire and Yorkshire Railway Company, so as not to alter or interfere with the construction of the said bridges or tunnel respectively, or of the approaches thereto, unless such alteration or interference with the construction of either of the said bridges or tunnel be absolutely necessary for the purpose of constructing the said tramways; and in the event of any such alteration of or interference with any of the said bridges or tunnel the Promoters shall, together with the notice required in such cases by section twenty-six of the Tramways Act, 1870, submit to such of the said Railway Companies as may be affected thereby detail drawings and specifications showing the proposed work as affecting such bridge or tunnel, and if any dispute or difference arises between the Promoters and such Railway Company as to such alteration or interference the same shall be left to the decision of the Board of Trade; and the Promoters shall so construct and maintain the said tramways as not to injuriously affect the stability of the said bridges or tunnel respectively and the approaches thereto. And in the event of any injury being occasioned to any of the said bridges or tunnel, or the approaches thereto, or any part or parts thereof respectively by the construction of the said tramways on or over the same (whether such injury shall occur either during or after the construction of or in maintaining the said tramways, or in or by the working or user thereof), the Railway Company or Railway Companies affected thereby may, at the expense of the Promoters, restore such bridges or tunnel and approaches, or the part or parts which may be injured, to as good a state and condition as they were in immediately before such injury was occasioned; and the Promoters shall recoup to and indemnify such Railway Company or Railway Companies against all sums, costs, and expenses which they may pay or be put to in restoring such bridges or tunnel and approaches in manner aforesaid, and in maintaining and repairing (in case of default by the Promoters) of so much of the road over the said bridges or tunnel and approaches as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870; and such Railway Company or Railway Companies may recover from the Promoters all such sums, costs, and expenses, together with full costs and charges, in like manner as any simple contract debt.

The Promoters shall, if necessary, and if so required by the Lancashire and Yorkshire Railway Company, but at the cost of the Promoters, pull down and reconstruct the said bridge over the feeder of their said canal, with such materials and in such manner in all respects as shall be reasonably approved of by the said Company.

In case it shall become necessary to strengthen the fabric of any bridge belonging to the Lancashire and Yorkshire Railway Company, the said Railway Company may execute such works as their engineer may deem necessary, but in all things at the expense of the Promoters, and the said Railway Company

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may recover from the Promoters, in manner aforesaid, all moneys expended by the said Railway Company in the execution of such works as aforesaid together with full costs. If it shall become necessary for effecting such strengthening that the working and use of any of the said tramways shall be wholly or in part stopped or delayed, and the said Railway Company shall give the Promoters three clear days notice in writing requiring such stoppage or delay, the working and user of such tramways or tramway shall be stopped or delayed accordingly, but only for so long as may be absolutely necessary for effecting such strengthening; and the said Railway Company shall not be liable for any compensation claims, demands, damages, costs, or expenses for or in respect of such stoppage or delay.

If any dispute or difference shall arise between the Lancashire and Yorkshire Railway Company and the Promoters respecting the necessity for the exercise of or in any way relating to the powers or provisions of this section or otherwise, such dispute or difference shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

The sleepers and other materials forming the substructure of Tramways Nos. 3, 5, and 17, where the same respectively cross the Lancashire and Yorkshire Railway Company's bridges, works, or property, shall, subject to the provisions of this Order, be such as shall be reasonably approved of by them.

Gauge of tramways.

8. The Tramways Nos. 1 to 7 (both inclusive) shall be constructed on a gauge of four feet eight and a half inches, and the Tramways Nos. 8 to 17 (both inclusive) shall be constructed on a gauge of three feet six inches, or such other gauge as may be required by the Board of Trade: Provided always, that so much of section thirty-four of the Tramways Act, 1870, as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the last-named tramways, but no carriages or engines used on any portion of the Tramways Nos. 1 to 7 (both inclusive) shall exceed six feet in width, and no carriages or engines used upon any portion of the Tramways Nos. 8 to 17 (both inclusive) shall exceed five feet six inches in width.

Provisions as to construction of tramways.

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

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Mode of formation of tramways.

10. The rails of the tramways shall be such as the Board of Trade, and as regards the tramways within the borough of Bury as the engineer and surveyor for the time being of the mayor, aldermen, and burgesses of the said borough may approve, and the tramways within the said borough shall be constructed, laid, and maintained according to such general specification as to the kind of rail, foundations, manner of laying, and repair thereof, as shall be reasonably approved by such engineer and surveyor, and as the Board of Trade shall approve; and the Board of Trade may from time to time, upon the application of the road authority of any district in which the tramways or any portion thereof are or is situate, require the Promoters to adopt and apply such improvements in the tramways within such district, including the rails thereof, as experience may from time to time suggest, having regard to the greatest security of the public and advantage to the ordinary traffic; and the Promoters shall, with all reasonable despatch, comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

As to construction of tramways within the borough of Bury.

11. For the protection of the mayor, aldermen, and burgesses of the borough of Bury (in this section referred to as "the said Corporation"), the following provisions shall, subject to the preceding provisions of this Order, have effect with respect to the construction of the tramways within the said borough (in this section referred to as "the said tramways"):

(As to entire widths of portions of roadways being maintained by Promoters in certain cases.)

(1.) Where a less distance than five feet intervenes between the nearest rail of any of the said tramways and the edge of the footpath the Promoters shall pave the same with stone paving setts, to be approved by the engineer or surveyor for the time being of the said Corporation, and the same shall be laid upon a six-inch bed of Portland cement concrete: Provided always, that no portion of any road within the said borough required by section twenty-eight of the Tramways Act, 1870, or by this Order to be maintained and kept in good repair by the Promoters shall be deemed to be so maintained and kept in repair unless it is paved by the Promoters with stone paving setts to the approval of the said Corporation signified in writing under the hand of the engineer or surveyor for the time being, the same being laid upon a six-inch bed of Portland cement concrete:

(One month's notice to be given before breaking up roads.)

(2.) Before any roads are broken up for the purpose of making any of the said tramways at least one month's previous notice of the intention so to do shall be given by the Promoters to the said Corporation, such notice to be accompanied by a specification showing the manner in which the Promoters propose to make, form, and pave the line and road, and the work shall not be commenced or undertaken until the said Corporation shall have approved of the mode in which it is to be done: Provided that unless the said Corporation shall give the Promoters notice in writing expressing their non-approval of such specification within one month from the delivery of such notice, the Promoters shall be at liberty to assume that such approval is given, but such approval shall in no case be unreasonably withheld, and the Promoters shall alter the specification

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(Notice under s. 28, Tramways Act, to specify the work to be done.)

subject to the provisions of this Order in such a manner as the said Corporation may reasonably require:

(3.) Any notice to be given under the twenty-eighth section of the Tramways Act, 1870, shall specify also the work to be done, and if such notice is not obeyed within the time in the said section mentioned, the said Corporation shall have power to execute the same, and recover the cost in a summary manner:

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

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

(As to surface drains and pipes.)

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

(Corporation to have access to sewers.)

(6.) The said Corporation shall at all times have free access to, and communication with, all their sewers and drains, and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Promoters; and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act, 1870, shall be applicable in the case of any sewer or drain of the said Corporation, as if the same were a pipe for the supply of gas or water:

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

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

(As to cleansing of tramways.)

(8.) The said Corporation may cleanse the roadway in which any of the said tramways is laid without reference to the tramways, but whatever cleansing, owing to snow or other matters impeding the traffic, is requisite for the proper working the said tramways shall be executed by and at the risk of

the Promoters, who shall remove the snow or other matter from off the road forthwith, and not place it on any other part of the road:

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

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

(Period of completion.)

(10.) The said tramways shall be completed within two years from the passing of the Act confirming this Order, or within such extended period as the Board of Trade may allow, and if on the expiration of that period the said tramways are not completed, the powers by this Order granted to the Promoters for constructing and maintaining the same, or otherwise in relation thereto, shall cease, and so much of the said tramways as are then constructed shall be vested in and shall then become the property of the said Corporation:

(Certain sections of the Tramways Act, 1870, to apply to Corporation.)

(11.) Sections thirty, thirty-two, and thirty-three of the Tramways Act, 1870, shall apply to the said Corporation with reference to the water and gas mains, pipes, and apparatus belonging to the said Corporation in like manner as the same apply to a company or person being the owner of water and gas mains or pipes: Provided that all works or interference with or in connexion with the water mains, pipes, or apparatus of the said Corporation under the thirtieth section of the Tramways Act, 1870, or otherwise, shall be made and executed by the said Corporation, and not otherwise, upon the request and at the cost of the Promoters:

(Corporation may stop traffic in certain cases.)

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

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

(13.) If the Promoters discontinue working the traffic upon any of the said tramways within the said borough for the space of an entire day (except Sundays, Christmas Day, or Good Friday), they shall be liable to pay to the said Corporation a penalty of ten pounds a day for every day, save and except the days in the last preceding sub-section named, on which they discontinue working such traffic: Provided always, that the Promoters shall not be liable to any such penalty if the discontinuance to work the said tramways arises from any act of the said Corporation or

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(Corporation may use tramways for road, gas, water, and sanitary purposes during certain hours.)

their officers, or from accident, or any other circumstance over which the Promoters have no control:

(14.) The said Corporation may, between the hours of eleven in the evening and six in the morning, and in such manner as they think fit (but subject to the reasonable byelaws for the time being in force with respect to the tramways), use the said tramways for the conveyance of road and sewer material, coals, pipes, and other materials for the gasworks, materials for and in connexion with waterworks, and for sanitary purposes, and for the conveyance of all material required for the works of the said Corporation, and shall have power to form connexions between any yard or works belonging to the said Corporation and the said tramways:

(Restrictions and provisions as to carriages.)

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

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

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

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

(17.) In case the Promoters carry animals, goods, minerals, or parcels on the tramways within the borough of Bury, they may, and when required by the Corporation of Bury 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:

(Extensions.)

(18.) The Promoters shall, at their own cost, before the twenty-third day of December 1881, make application to the Board of Trade for a provisional order authorising tramway extensions within the said borough, along Walmersley Road, from Hamilton Street to Limefield, Rochdale Road, from Albert Street to the boundary of the said borough, and also to connect the same through Heywood, with the borough of Rochdale, and, so far as the same shall be within the boundary of the borough of Bury, and subject to the provisions of such provisional order, such extended tramways shall respectively be constructed, formed, maintained, repaired, and used, and such portions of the roads on which such extended tramways may be laid shall be respectively paved, renewed, maintained, and repaired in all respects in the same manner as is by this Order provided, with respect to the said tramways and works by this Order authorised within the said borough, and to the roads and portions of roads along which the same are respectively to be laid, and the Promoters and the said Corporation shall, subject as aforesaid respectively, be under the same obligations and shall respectively have the same rights, powers, and privileges with regard to such extended tramways, and all works and matters connected therewith, and with regard to the expense of paving, renewing, maintaining, and repairing the portions of the road along which the said extended tramways may be laid, as if such extended tramways had formed part of the said tram-

ways authorised by this Order, or under such other obligations, terms, and conditions as may from time to time, subject as aforesaid, be agreed upon between the said Corporation and the Promoters in substitution therefor:

(Certain expenses of Corporation to be paid by Promoters.)

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

(Saving rights of Corporation.)

(20.) Except as is by this Order otherwise expressly provided, nothing in this Order contained shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, or authorities of or belonging to the said Corporation, but the said Corporation shall have, use, exercise, and enjoy the same as fully, freely, and effectually in all respects as they could or might have done if this Order had not been made and confirmed.

For protection of Corporation of Manchester.

12. For the protection of the mayor, aldermen, and citizens of the city of Manchester (in this section referred to as "the said Corporation,") the following provisions shall, subject to the preceding provisions of this Order, be in force, and have effect; (that is to say,)

Nothing in this Order contained shall authorise the Promoters to interfere with or use any tramway or tramways already or hereafter to be laid within the said city:

In the construction of the tramways the Promoters shall, subject to the consent of the road authority and of the Board of Trade, deviate in such places to such extent and in such manner as the resident engineer for the time being of the Manchester Corporation Waterworks may reasonably certify in writing to be necessary for avoiding interference with any mains, pipes, or valves, or apparatus belonging to the said Corporation, but no such deviation shall be so made as to leave a less space than nine feet six inches between the nearest rail of the tramway to be deviated, and the outside of the footpath unless the frontagers affected thereby consent to such deviation:

Sections thirty, thirty-two, and thirty-three of the Tramways Act, 1870, shall (subject to the other provisions of this section) extend and apply to the said Corporation with reference to the water mains, pipes, and apparatus belonging to the said Corporation in like manner as the same may apply to a company or person being the owner of water mains or pipes, provided that all works or interference with or in connexion with the water mains, pipes, or apparatus of the said Corporation, under the thirtieth section of the Tramways Act, 1870, or otherwise, shall be made and executed by the said Corporation, and not otherwise, upon the request and at the cost of the Promoters:

The cost of constructing, providing, and laying any new water mains, pipes, or apparatus in substitution for any which may be rendered useless by the construction of any of the tramways, and the value of any water mains, pipes, or apparatus belonging to or under the control of the said Corporation, rendered useless or unproductive to the said Corporation by

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the works authorised by this Order, shall on demand, and subject to credit being given for the value of the aforesaid matters so rendered useless to the said Corporation, be repaid to the said Corporation by the Promoters: Provided always, that whenever any new main, pipe, or apparatus of larger dimensions shall be substituted for any existing main pipe or apparatus, the Promoters shall (unless the increased dimensions be required by reason of the construction or existence of the tramways) only be required to pay the costs which would have been incurred by the substitution of a main pipe or apparatus of equal dimensions with the existing main pipe or apparatus:

The said Corporation shall not be liable to the Promoters for, and the Promoters shall indemnify the said Corporation against, any loss by reason of suspension of traffic, or any accident, damage, or injury either to the tramways, or to any of the works and property of the Promoters, or to any persons or property being conveyed on or using the same, or to any other person or property whatsoever, and all actions, suits, and costs in respect thereof which may, either during the progress of the works of the Promoters, or at any time hereafter, be caused by the bursting, breaking, or leakage of, or escape of water from, any main, or pipe, or other apparatus of the said Corporation crossing or being underneath (either wholly or partially) or near to any of the tramways or any work of the Promoters, or which may have been affected by any work of the Promoters, unless such accident, damage, or injury arise as the consequence of any wilful act or default of the said Corporation, or their officers or servants:

All and singular the sums and sum of money in this section provided to be paid by the Promoters to the said Corporation may be recovered by the said Corporation by all and the same means as any simple contract debt.

For protection of corporation of Salford.

13. For the protection of the mayor, aldermen, and burgesses of the borough of Salford (in this section referred to as "the said Corporation"), the following provisions shall, subject to the preceding provisions of this Order, have effect; (that is to say,)

The provisions of sections thirty, thirty-two, and section thirty-three of the Tramways Act, 1870, shall, subject to the other provisions of this section, extend and apply to the apparatus of the said Corporation, and to the said Corporation in respect thereof, and in construing those sections for the purposes of this section the word Company shall be construed to mean the said Corporation:

All works which may in any way interfere with any such apparatus may, if the said Corporation so think fit, be executed by them, but at the cost in all things of the Promoters:

If, by reason of the construction or maintenance of any of the said tramways, any new substituted or additional apparatus be requisite, the cost of constructing, providing, and laying of such apparatus shall be paid by the Promoters, subject to credit being given to the Promoters for the value of any apparatus rendered useless by the construction or maintenance of the said tramways and removed by the said Corporation: Provided that if such substituted apparatus be of increased dimensions, the additional cost arising from such increase shall, unless such increase be required by reason of the said tramways, be borne by the said Corporation:

The said Corporation shall not, either during the progress of the works of the Promoters, or at any time thereafter, be liable for any loss which may accrue to the Promoters by reason of any suspension of or interference with the traffic on the said tramways, nor for any accident, damage, or injury to the said tramways, works, or property of the Promoters, or to any person, animal, or thing travelling or conveyed on or using the said tramways or any road in which they may be laid, if such loss, accident, damage, or injury shall be caused by the bursting or breaking of, or the leaking or escape of, gas or water from any apparatus of the said Corporation, crossed or wholly or partially underneath, or near to, or affected by any of the said tramways, unless such accident, damage, or injury shall have been caused by any wilful act or default of the said Corporation, their officers or servants:

All moneys to be paid by the Promoters to the said Corporation under or by reason of any provisions of this section shall be payable on demand, and in default thereof may be recovered, with full costs of suit, in like manner as any simple contract debt of the like amount:

Nothing in this Order shall be construed so as to discharge, alter, or in anywise affect any covenant, condition, or provision of a lease dated the twenty-seventh day of July one thousand eight hundred and seventy-seven, and expressed to be made between the said Corporation of the one part, and William Turton and Daniel Busby of the other part, nor to lessen, alter, or prejudicially affect any rights, powers, interests, or remedies of the said Corporation thereunder:

Nothing in this Order shall authorise the Promoters to use or in any way interfere with any tramway not being a tramway of the Promoters which now is or hereafter shall be laid in the said borough, except with the previous consent of the said Corporation under their common seal:

The word "apparatus" in this section shall include gas and water mains, pipes, syphons, plugs, valves, fire-cocks, hydrants, and all apparatus used for the supply of gas or water.

For protection of Prestwich Local Board.

14. Notwithstanding anything in this Order contained, such portions of the Tramways Nos. 1 to 5 as are within the district of the Local Board of the district of Prestwich shall be so laid as to permit of a double line being hereafter laid, provided that a space not less than nine feet six inches shall intervene between the nearest rail of the tramway and the outside of the footpath on either side of the road. If the said Local Board shall hereafter require the Promoters so to do, the Promoters shall lay a second line provided the assent of the Board of Trade and of the owners and occupiers abutting on any place where a less space than nine feet six inches would intervene between the nearest rail of such line and the outside of the footpath on that side of the road is first obtained, and the Promoters shall use their utmost endeavours to obtain such assent. In laying such second line the Promoters shall, where necessary, at their own cost, alter the footpaths so as to leave a space of not less than nine feet six inches between the nearest rail of such second line and the outside of the footpath on that side of the road to the satisfaction of the surveyor of the said Local Board. The rails to be so laid shall be such and shall be laid in such a manner as the Board of Trade and the said Local Board approve.

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For protection of justices of county of Lancaster.

15. In constructing the tramways by this Order authorised upon or over any bridge or any parts of the road at either end of any bridge within the jurisdiction of the justices of the peace for the county palatine of Lancaster, the Promoters shall not alter or interfere with the structure of such bridge, or of the approaches thereto, unless such alteration or interference with the construction of such of the said bridges be absolutely necessary for the purpose of constructing the tramways, and in the event of any such alteration or interference the Promoters shall, together with the notice required in such cases by section twenty-six of the Tramways Act, 1870, submit to the said justices detail drawings and specifications showing the proposed work as affecting such bridge or bridges, and if any difference arise between the Promoters and the said justices as to such alteration or interference, or the necessity therefor, the same shall be left to the decision of the Board of Trade, and the Promoters shall so construct and maintain the tramways in the road over such bridge and approaches as not to injuriously affect such bridge and approaches; and in the event of any injury being occasioned to such bridge and approaches, or any part or parts thereof respectively by the construction of the tramways on or over the same (whether such injury shall occur either during or after construction, or in effecting the maintenance of the tramways), the said justices may restore such bridge and approaches, or the part or parts which may be injured, to as good a state as they were in before such injury was occasioned, at the expense of the Promoters, and the Promoters shall recoup to and indemnify the said justices against all sums, costs, and expenses which they may pay or be put to in restoring such bridge, and in maintaining and repairing so much of the road over such bridge and approaches as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870, and the said justices may recover from the Promoters all such sums, costs, and expenses, together with full costs and charges, in like manner as any simple contract debt of the like amount.

Nothing herein contained shall tend to lessen or control any right, power or authority, now vested in the said justices for altering or rebuilding any bridge, and the approaches thereto, repairable by the inhabitants of the said county, or any hundred therein which may be crossed or affected by the works of the Promoters, but all such rights, powers, and authorities shall remain in as full force as if this Order had not been made, and the said justices shall not be liable to make any compensation whatever for any damage or injury to the tramways by the altering or rebuilding of any such bridge and lengths of roadway adjacent thereto:

Provided that in altering or rebuilding any such bridge, or the approaches thereto, nothing shall be done to impede or interfere with the tramways for any greater length of time, or in any other manner than shall be necessary for the execution of the works; and before commencing such alteration or rebuilding, fourteen days notice thereof shall be given to the Promoters, and the said justices shall afford to the Promoters all necessary and reasonable temporary facilities for enabling them to continue the traffic on their tramways during such alteration or rebuilding.

If any bridge repairable by the inhabitants of the said county, or of any hundred therein upon or along which any of the tramways are laid, be altered or

rebuilt by the said justices, the said justices may require the Promoters to alter any such tramways in such manner as the circumstances of the case may reasonably require: Provided that, in case of any difference between the said justices and the Promoters as to such alteration, the same shall be referred to an arbitrator to be agreed upon between the parties, or to be appointed for that purpose by the Board of Trade on the application of either party. And provided also, that it shall and may be lawful for the Promoters to contribute such sum as may be mutually agreed upon between the Promoters and the said justices towards the expense of altering, widening, and enlarging any of such bridges as in this section mentioned.

Penalty for not maintaining rails and road in good condition.

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

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

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

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

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

18. If the road authority hereafter alter the level of any road along or across which any of the tramways is laid or authorised to be laid, the Promoters 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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Additional crossings, &c. may be made where necessary.

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

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

Temporary tramways may be made when necessary.

20. 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 road authority, necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof, the Promoters may, subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make, construct in the same or any adjacent road, and, with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain, so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

If any difference arise between the Promoters and any road authority with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway or temporary tramways under the authority of this section, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Application of road materials excavated in construction of works.

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

after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus is not removed by the said surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Promoters and any road authority.

Provisions as to works occasioned by the tramways.

22. The provisions of the thirty-second section of the Tramways Act, 1870, with respect to works by authorities, companies, bodies, and persons, and to additional expenses caused to any company, body, or person by reason of the existence of the tramways shall apply to all works in respect of the constructing of any new sewer or drain pipe, or the altering, repairing, laying down, improving, or enlarging any existing or future sewer or drain pipe, and to the additional expense in respect of the same, and the Promoters shall have no claim in consequence of the closing of the roads during the time required for the construction.

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

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

*Motive Power.*

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

24. The carriages used on the tramways may, subject to the provisions of this Order, be moved by animal power, and the carriages on the tramways (except Tramway No. 14 and Tramway No. 12) may during a period of seven years after the opening of the same for public traffic, and with the consent of the Board of Trade during such further periods of seven years as the Board of Trade may from time to time specify in any order to be signed by a Secretary or an Assistant Secretary of the Board of Trade, be moved by steam power or any mechanical power: Provided always, that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the Schedule A. to this Order annexed, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam or any mechanical power on the tramways.

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

25. The Promoters or any person using steam or any mechanical power on any of the tramways contrary to the provisions of this Order or to any of the regulations set forth in the Schedule A. to this Order annexed, or to any regu-

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

Byelaws.

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

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

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

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

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

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

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

As to recovery of penalties.

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

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

28. The provisions of the Tramways Act, 1870, relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway, shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Order, or

by any regulation made by the Board of Trade under the authority of this Order, at which engines and carriages are to be driven or propelled on the tramways under the authority of this Order; but the local authority may, if they think fit, make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders and byelaws to be signed, &c.

29. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by a Secretary or an Assistant Secretary of the Board of Trade, and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order.

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

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

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

Before using steam or any mechanical power upon any of the tramways or any part thereof under the authority of this Order, and thereafter from time to time, the Promoters or such person, and every such road authority, may enter into or renew, with or without modification, any contract, agreement, or arrangement with respect to the user by the Promoters or such person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, which they may think fit and the Board of Trade may approve.

In case any difference arises between any such road authority and the Promoters or such person as to the determination of any such contract, agreement, or arrangement, or in case any such road authority, after request in writing by the Promoters or such person, or the Promoters or such person, after request in writing by any such road authority, during a period of one month after such request, refuse or fail to enter into any such contract, agreement, or arrange-

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

No steam or mechanical power shall be used on the tramways or any portion of the tramways unless there is in force in relation to the tramways or such portion of the tramways a contract, agreement, or arrangement in accordance with the provisions of this section.

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

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

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

*Traffic upon Tramways.*

Traffic upon tramways.

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

Promoters not bound to carry goods.

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

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Limitation as to working certain tramways.

34. Notwithstanding anything in this Order contained, Tramway No. 12, and that portion of Tramway No. 14 extending from its commencement in Clough Street to a point in Stanley Street, situate forty-two yards or thereabouts eastward from Butcher Lane, shall not be used by the Promoters between half-past eight o'clock in the forenoon and five o'clock in the afternoon, and may only be used by the Promoters before half-past eight o'clock in the forenoon and after five o'clock in the afternoon, for the sole purpose of communicating with the stables of the Promoters, by the passage of empty cars and not for public traffic (except when accidents or other special circumstances may necessitate user with empty cars for the purpose of communication), unless with the consent in writing of the Reverend Edward James Geoffrey Hornby, or the rector of the parish or parish church of Saint Mary, Bury, for the time being first had and obtained.

*Tolls.*

Tolls.

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

Passengers luggage.

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

Cheap fares for labouring classes.

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

Tolls for animals, goods, &c.

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

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Payment of tolls.

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

Periodical revision of tolls.

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

*Miscellaneous.*

Provisions as to arbitration.

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

Form and delivery of notices.

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

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

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

Agreements between Promoters and road authorities.

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

plates, sleepers, and works connected therewith, and the facilitating the passage of the traffic over the same.

Power to hold patents.

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

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

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

Saving as to powers of borrowing on mortgage.

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

Saving for general Acts.

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

## SCHEDULE A.

Break-power of engines.

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

As to fittings of engines, &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

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

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

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

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

## SCHEDULE B.

### TOLLS AND CHARGES FOR ANIMALS, GOODS, &C.

| | | Per mile. s. | d. |
|---|---|---|---|
| *Animals.* | | | |
| For every horse, mule, or other beast of draught or burden, - | per head | 0 | 6 |
| For every ox, cow, bull, or head of cattle - - - - | | 0 | 6 |
| For every calf, pig, sheep, or other small animal - - - | | 0 | 3 |
| *Goods and Minerals.* | | | |
| For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure and undressed materials for the repair of public roads or highways | per ton | 0 | 3 |
| For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs | per ton | 0 | 4 |
| 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 | 6 |
| For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things - - | per ton | 0 | 6 |
| For every carriage of whatever description - - - | each | 1 | 0 |

*Small Parcels.*

| | Per mile. s. | d. |
|---|---|---|
| For every parcel not exceeding seven pounds in weight - - each | 0 | 3 |
| For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - - - each | 0 | 5 |
| For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - - each | 0 | 7 |
| For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - - - each | 0 | 9 |

For any parcel exceeding fifty-six pounds in weight such sums as the Promoters may think fit:

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

*For the Carriage of Single Articles of Great Weight.*

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

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

*Regulation of Tolls.*

action of a mile beyond an integral number of miles shall be deemed a

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

With respect to all articles, except stone and timber, the weight shall be termined according to the usual avoirdupois weight.

respect to stone and timber, fourteen cubic feet of stone, forty cubic feet k, mahogany, teak, beech, or ash, and fifty cubic feet of any other timbe hall be deemed one ton weight, and so on in proportion for any smaller quanti

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*City of London, &c.*

# THE CITY OF LONDON AND METROPOLITAN TRAMWAYS.

*Order authorising the construction of Tramways in the parishes of Saint Mary, Lambeth, and Saint George the Martyr, Southwark, in the county of Surrey.*

Short title.

1. This Order may be cited as "The City of London and Metropolitan Tramways Order, 1881."

Incorporation of Acts.

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

Interpretation.

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

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

The term "person" shall include a corporation.

*Promoters.*

The Promoters.

4. The City of London and Metropolitan Tramways Company, Limited, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

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

*Construction of Tramways.*

Construction of tramways.

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

The tramways authorised by this Order are as follows—

A tramway forming part of Tramway (No. 2), 2 furlongs and 8·2 chains in length, and consisting of 2 furlongs and 5·2 chains of double line and 3 chains of single line.

Tramway (No. 3), a tramway 2 furlongs and 3·6 chains in length, and consisting of 2 furlongs and 2·2 chains of double line and 1·4 chains of single line.

Tramway (No. 3a), a tramway 1·4 chains in length, and consisting wholly of a double line.

The tramways authorised by this Order are more particularly described as follows:

A tramway forming a portion of Tramway (No. 2), commencing in St. George's Circus by a junction with the proposed tramway No. 53 on the plans deposited for the purposes of the South London Tramways Bill deposited in the Private Bill Office of the House of Commons on or before the thirtieth day of November 1880, situate on the north side of the said St. George's Circus, at a point on such tramway 0·45 chain or thereabouts, measured in a northerly direction, from the north-west corner of the Obelisk, in the said St. George's Circus, thence into and along the Westminster Bridge Road, and on the north side of the tramway of the London Tramways Company, Limited, in that road, passing thence in a north-western direction along the Waterloo Road, and terminating in that road at a point opposite the centre of the roadway of Holmes Terrace.

Tramway No 2 shall be laid throughout as a double line, except in the following instance, where it shall be laid as a single line:

In St. George's Circus and Westminster Bridge Road, between points respectively, the point of commencement of Tramway No. 2, and a point 0·4 chain or thereabouts, west of the southern corner of the Ophthalmic Hospital in St. George's Circus.

Tramway (No. 3), commencing in the Lambeth Road, by a junction with the proposed Tramway No. 51, on the plans deposited for the purposes of the said South London Tramways Bill, at a point on that road 0·55 chain or thereabouts west of the junction of St. George's Road with that road, passing thence in a south-eastern direction along the St. George's Road, and terminating in St. George's Road, at a point therein 0·8 chain or thereabouts east of the junction of Nelson's Place with St. George's Road.

Tramway No. 3 shall be laid as a double line throughout, except in the following instance, where it shall be laid as a single line:

In St. George's Road, at the point of termination of Tramway No. 3, and 1·35 chains or thereabouts, measured along that tramway from its termination.

Tramway (No. 3a), a double line commencing in the Lambeth Road by a junction with the proposed Tramway No. 51 on the plans deposited for the purposes of the said South London Tramways Bill at a point on that road 0·6 chain or thereabouts east of the junction of St. George's Road with Lambeth Road, and terminating in St. George's Road by a junction with Tramway No. 3, at a point therein 1·35 chains or thereabouts south-east of the junction of St. George's Road with Lambeth Road.

The said tramways will be situate in the parish of St. Mary, Lambeth, St. George the Martyr, in the borough of Southwark, all in the county of Surrey.

Provisions as to construction of tramways.

7. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall, at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways,

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

As to rails of tramways.

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

Penalty for not maintaining rails and road in good condition.

9. 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 by this Order authorised and of all other tramways of the Promoters, and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues; and such penalty may be recovered as by section fifty-six of the said Act is provided.

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

Special provision as to penalties for not maintaining tramways in good condition.

10. In addition to any other provisions of this Order the Promoters shall maintain and keep the tramways, by this Order authorised, and all other tramways belonging to them, in good condition and repair, to the satisfaction of the road authority of the district within which such tramways respectively are or may be situate; and if the Promoters at any time fail to maintain and keep

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

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

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

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

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

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

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

Temporary tramways may be made when necessary.

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

If any difference arises between the Promoters and any road authority with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway or temporary tramways under the authority of this section, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Application of road materials excavated in construction of Promoters works.

15. Except as by this Order otherwise expressly provided, any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any

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road authority may be applied by the Promoters, so far as may be necessary, in or towards the reinstating of such road, and the maintenance, for six months after completion of any of the tramways within the district of such road authority, of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided that if, within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus is not removed by the said surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Promoters and any road authority.

Saving rights of Metropolitan Board of Works to stop up streets.

16. Nothing in this Act contained shall extend or be construed to extend to alter, abridge, or take away any of the rights, powers and privileges conferred upon the Metropolitan Board of Works by the Metropolis Local Management Act, 1855, or any other Act relating to that Board, as to stopping for public traffic any road or street under the jurisdiction of that Board for the purpose of constructing, repairing, and maintaining the sewers along or under any such road or street.

Sewer authority to have access to sewers.

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

For the protection of the Lambeth vestry.

18. For the protection of the vestry of the parish of Saint Mary, Lambeth, (in this section referred to as "the Lambeth vestry") the following provisions shall, subject to the preceding provisions of this Order, have effect and be observed with respect to the construction of the tramways in the parish of Saint Mary, Lambeth:

(A.) The Promoters shall not commence the construction of any of the tramways or works in the parish of Saint Mary, Lambeth, until they shall have given to the Lambeth vestry twenty-one days notice in writing of their intention to commence the same, by leaving such notice at the office of the Lambeth vestry, with plans, elevations, sections, and other necessary particulars of the construction of the said tramways and works, nor until the Lambeth vestry shall have signified their approval of the same, unless the Lambeth vestry fail to signify such approval or their disapproval, or other directions, within twenty-one days after service of the said notice, and delivery of the said plans, elevations,

sections, and other particulars as aforesaid, in any of which events the Promoters may proceed forthwith with the works according to the said plans, elevations, and sections.

(B.) As regards all roads in the parish of Saint Mary, Lambeth, the existing paving of so much of the carriageway of every road whereon any of the tramways is laid as lies between the rails of such tramway, or as lies between the rails of any loop, passing-place, crossing, siding, or junction in connexion with any tramway; or as lies between the rails of such tramway and any such loop, passing-place, crossing, siding, or junction; or as lies between any two lines of tramway laid by the Promoters, and is not more than four feet in width; or as extends three feet beyond the rails of and on each side of every tramway, loop, passing-place, crossing, siding, and junction shall be taken up, and so much of such carriageway shall, unless the Board of Trade shall otherwise direct, be paved by the Promoters, at their own expense, with new Guernsey granite cubes of the same dimensions as are at the time of the passing of the Act confirming this Order laid down in the road in which the tramways shall be so constructed (if any), and if there be no such granite cubes in such road, then with granite cubes three inches by nine inches, all such granite cubes to be laid upon a foundation or substructure of Portland cement concrete of such thickness as shall be approved by the surveyor of the Lambeth vestry, and under the superintendence of and with such other usual materials, and in the manner required by and to the reasonable satisfaction of the surveyor of the Lambeth vestry, or with such other paving foundation or materials as the surveyor of the Lambeth vestry may approve, and every portion of such road (including the portions of road to be paved with wood under sub-section C. of this section) shall be deemed to be the portion of the road which is to be at all times afterwards maintained and kept in good condition and repair by the Promoters within the intent and meaning of this Order and the Tramways Act, 1870, and the reasonable expense to which the Lambeth vestry may be put on account of such superintendence shall be paid by the Promoters, and the remainder of the carriageway of every such road shall, if it be required by the Lambeth vestry, be taken up and relaid by the Promoters at their own expense with the paving and metal taken up, and under the superintendence of and in the manner required by and to the satisfaction of the surveyor of the said vestry.

(C.) At every place in Lambeth and Waterloo Roads, where any of the tramways passes a church or a chapel, the Promoters shall, if desired by the Lambeth vestry, pave the road within and between the rails, and for three feet on each side, with wood, including (as part of such three feet) at the edge of such wood pavement a stretching course of Guernsey granite of similar descriptions to that hereinbefore provided for.

(D.) So much of section twenty-six of the Tramways Act, 1870, as provides that the Promoters shall not do certain things therein mentioned,

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except under the superintendence and to the reasonable satisfaction of the road authority, unless that authority refuses or neglects to give such superintendence at the time specified in the notice, or discontinues the same during the works, and that the Promoters shall pay all reasonable expenses to which the road authority may be put on account of such superintendence, shall extend and apply also to the works in the twenty-seventh and twenty-eighth sections of the said Act, and the last preceding paragraph of this section referred to (except as to maintenance and repairs).

(E.) Any paving, metalling, or material excavated or displaced by the Promoters in the construction of their works from any road under the jurisdiction or control of the Lambeth vestry shall be the property of the said vestry, and the Promoters shall, when and as required, deliver so much of the said paving, metalling, or material as shall not be used in relaying the remainder of the carriageway as provided in sub-section B. to the surveyor for the time being of the said vestry, or to such person or persons as he may appoint to receive the same, and at such place not more than two miles from where the same is excavated as the said surveyor may direct: Provided that if, within seven days after the excavation of any paving, metalling, or material not required for the purpose of relaying the remainder of the carriageway aforesaid, the same is not delivered to the surveyor or such person or persons, or at such place as aforesaid, the Promoters shall forfeit and pay to the Lambeth vestry a sum not exceeding forty shillings for every day during which the said paving, metalling, or material is not so delivered, and such penalty shall be recoverable by and payable to the Lambeth vestry, and shall be a penalty within the meaning of section twenty-eight of the Tramways Act, 1870. Any difference between the Promoters and the Lambeth vestry, or their surveyor or other person with reference to any of the matters aforesaid, shall be determined in manner provided by the Tramways Act, 1870, with respect to differences between the Promoters and any road authority.

(F.) The Promoters shall at all times, with such materials, and in such manner as the Lambeth vestry shall direct, and to their satisfaction, 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 the paving laid down by the Promoters in pursuance of this section as aforesaid, and if the Promoters at any time make default in complying with this provision, or with any of the provisions of section twenty-eight of the Tramways Act, 1870, they shall (without prejudice to the enforcement in any manner of the requirements of this Order, or to any other remedy against the Promoters) be subject to a penalty not exceeding ten pounds for every day on which such default continues after forty-eight hours notice shall have been given to or left at the office of the Promoters by the clerk or surveyor for the time being of the Lambeth vestry, and such penalty shall be recoverable by and payable to the Lambeth vestry, and shall be a penalty

within the meaning of section fifty-six of the said Act. The proviso in section twenty-eight of the Tramways Act, 1870, contained, empowering the road authority, if the Promoters fail to comply with the provisions of that section, after seven days notice to the Promoters, to do the works therein mentioned and to be repaid the expense thereof by the Promoters, shall be read as though forty-eight hours were therein substituted for seven days, and as so altered shall extend and apply not only to the works necessary for the repairs and maintenance in that section mentioned, but also to the works necessary for the maintenance and repairs in this section provided for.

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

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

*Traffic upon Tramways.*

Traffic upon tramways.

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

*Tolls.*

Tolls.

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

Passengers luggage.

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

Cheap fares for labouring classes.

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

Tolls for parcels.

24. The Promoters may demand and take in respect of any parcels conveyed by them on the tramways, except as is by this Order specially provided,

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including the tolls and charges for the use of the tramways and of waggons or trucks, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding the tolls and charges specified in the Schedule to this Order annexed.

Payment of tolls.

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

Periodical revision of tolls.

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

*Miscellaneous.*

Provisions as to arbitration.

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

Agreements between Promoters and road authorities.

28. The Promoters and any road authority may, subject to the provisions of this Order, from time to time enter into any agreements with respect to the construction, maintaining, removing, renewing, repairing, and using of the tramways situated within the district of such road authority, and the rails, plates, sleepers, and works connected therewith, and the facilitating of the traffic over the same.

Form and delivery of notices.

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

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

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

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

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

Saving as to powers of borrowing on mortgage.

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

Saving for general Acts.

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

## SCHEDULE.

### List of Tolls for small Parcels.

*Any distance.*

| | *s.* | *d.* |
|---|---|---|
| For any parcel not exceeding in weight seven pounds - - | 0 | 3 |
| For any parcel exceeding seven but not exceeding fourteen pounds in weight - - - - - - - - | 0 | 5 |
| For any parcel exceeding fourteen but not exceeding twenty-eight pounds in weight - - - - - - - - | 0 | 7 |
| For any parcel exceeding twenty-eight but not exceeding fifty-six pounds in weight - - - - - - - - | 0 | 9 |

For any parcel exceeding fifty-six but not exceeding five hundred pounds in weight, the Promoters may demand any sum they think proper.

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# LINCOLN TRAMWAYS.

*Order authorising the construction of Tramways from Lincoln to Bracebridge, in the division of Kesteven, in the county of Lincoln.*

Short title.

1. This Order may be cited as "The Lincoln Tramways Order, 1881."

Incorporation of Acts.

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

Interpretation.

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

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

The term "person" shall include a corporation.

*Promoters.*

The Promoters.

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

Lands by agreement.

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

*Construction of Tramways.*

Construction of tramways.

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

The tramways authorised by this Order are,

Tramway No. 1.—Partly in the parish of Bracebridge, in the division of Kesteven, in the county of Lincoln, and partly in the several parishes of St. Botolph, St. Peter at Gowts, St. Mark, St. Mary-le-Wigford, and St. Benedict, all in the city of Lincoln, commencing at or near a point twenty yards north of the Board School of the parish of Bracebridge, in the Newark Road, and thence continuing along the Newark Road to the junction between that road and the turnpike road from Sleaford to Lincoln, known as the Sleaford Road, and thence passing into and along the High

Street in the city of Lincoln, where it terminates at a point about thirty-five yards south of the centre of the High Bridge. The total length of Tramway No. 1 is one mile six furlongs, and consists of one furlong five chains of double line and one mile four furlongs five chains of single line.

The said Tramway No. 1 shall be a single line except between the following points, where it shall be a double line:

From its commencement as aforesaid at or near a point twenty yards north of the Board School of the parish of Bracebridge for a length of three chains.

From a point opposite the north side of Manby Street, about two furlongs one and a half chains from the commencement of the said Tramway No. 1, for a length of three chains to a point opposite the centre of Russell Street.

From a point opposite St. Catherine's road, about five furlongs 9·50 chains from the commencement of the said Tramway No. 1, for a length of three chains to a point opposite the south-west corner of South Park Road.

From a point sixty chains north of the centre of Gowts Bridge, about one mile one furlong four chains from the commencement of the said Tramway No. 1, for a length of three chains to a point opposite St. Peter at Gowts National Schools.

From a point opposite St. Mark's churchyard, about one mile four furlongs 2·80 chains from the commencement of the said Tramway No. 1, for a length of three chains to a point 1·50 chains north of the centre of Tentercroft Street.

As to crossing railways on the level.

7. In the construction of Tramway No. 1 across the rails of the Manchester, Sheffield, and Lincolnshire Railway Company, and the rails of the Great Northern Railway Company, now laid respectively upon the level of the High Street, the same shall be constructed and maintained in accordance with the plans to be agreed upon by the engineers for the time being of the said railway companies respectively and of the Promoters, and under the superintendence and to the reasonable satisfaction of the engineers for the time being of the said railway companies respectively, at the cost of the Promoters, unless after twenty-one days notice given by the Promoters of their intention to commence such works respectively such superintendence is refused or withheld; and the said tramway portions so laid at the said level crossings respectively shall be maintained and kept in constant and efficient repair to the reasonable satisfaction of the engineers for the time being of the said railway companies respectively. The Promoters shall not stop on or otherwise interfere with or obstruct the traffic of the said railway companies respectively at such level crossings respectively, and the Promoters shall, in respect of the traffic upon the tramways at such level crossings respectively, be subject to such rules, byelaws, and regulations relating thereto as may be agreed upon between them and the said railway companies respectively. If by reason of the execution of any of the works, or any proceedings of the Promoters, or the failure of any such works, or any act or omission of the Promoters or of their servants, the rails or works of the said railway companies respectively be injured or damaged, such injury or damage shall forthwith be made good by the Promoters at their own

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expense. If the Promoters for forty-eight hours after notice to them in writing given in that behalf by the said railway companies or either of them fail to commence, or if, having commenced, they fail to complete with all reasonable despatch such works as may be necessary to make good such injury or damage, the said railway companies or either of them may execute such works, and unless the expense incurred by the said companies or company in and in relation to such execution be repaid by the Promoters on demand thereof in writing, the same may be recovered by the railway companies or company, as the case may be, with costs, in any court of summary jurisdiction. In the event of any difference between the Promoters and the said railway companies respectively, or their respective engineers, the same shall be settled by a referee to be appointed by the Board of Trade in the manner provided by section thirty-three of the Tramways Act, 1870.

Gauge of tramways.

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

Provisions as to construction of tramways.

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

Mode of formation of tramways.

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

Penalty for not maintaining rails and road in good condition.

11. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist and the substructure upon which the same rest; and if the Promoters at any time make

default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

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

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

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

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

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

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

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

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 road authority, necessary or expedient temporarily to remove or dis-

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continue the use of such tramway, or any part thereof, the Promoters may, subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make, construct in the same or any adjacent road, and, with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain, so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

If any difference arises between the Promoters and any road authority with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway or temporary tramways under the authority of this section, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

**Application of road materials excavated in construction of works.**

16. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters, so far as may be necessary, in or towards the reinstating of such road, and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided that if within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal such surplus is not removed by the said surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Promoters and any road authority.

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

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

18. The Promoters shall from time to time pay to the mayor, aldermen, and citizens of the city of Lincoln, acting as the urban sanitary authority for the same city (herein-after called the Corporation), any reasonable expense incurred by them in the employment of any engineer or surveyor to superintend or inspect the works of the Promoters, whether such remuneration shall be by way of extra allowance to the city surveyor or any other officer in the permanent employ of the Corporation, or otherwise.

19. The Promoters shall be liable to make good all damages and losses which may from time to time arise or be sustained in consequence of any injury which may happen to any sewer, gas, water, or other pipes, whether belonging to the Corporation or any other person, by reason of the construction of the tramways or other works of the Promoters.

*Traffic upon Tramways.*

Traffic upon tramways.

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

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

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

*Tolls.*

Tolls for passengers.

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

Passengers luggage.

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

Cheap fares for labouring classes.

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

Tolls for animals, goods, &c.

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

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tolls and charges specified in the schedule to this Order annexed, subject to the regulations in that behalf therein contained.

Payment of tolls.

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

Periodical revision of tolls.

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

*Miscellaneous.*

Provisions as to arbitration.

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

Form and delivery of notices.

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

(1.) Every notice shall be in writing or print, or partly in writing and partly in print, and if given by the Promoters or 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 that authority, body, or company, or of the Promoters, as the case may be, or by being sent by post in a registered letter, addressed to their respective clerk or secretary at their principal office.

Agreements between Promoters and

30. The Promoters and any road authority may, subject to the provisions of this Order, from time to time enter into any agreements with respect to the

construction, maintaining, removing, renewing, repairing, and using of the tramways situated within the district of such road authority, and the rails, plates, sleepers, and works connected therewith, and the facilitating of the traffic over the same.

road authorities.

31. Nothing in this Order shall take away, alter, or prejudicially affect the powers or liabilities of the county authority with respect to main roads under the provisions of the Highways and Locomotives (Amendment) Act, 1878.

Saving rights of county authority as to main roads.

32. The Corporation shall have power to use the tramways of the Promoters free of cost between the hours twelve o'clock p.m. and six o'clock a.m. for sanitary purposes and for the conveyance of scavenging stuff and nightsoil.

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

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

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

Saving as to powers of borrowing on mortgage.

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

Saving for general Acts.

36. The profits of the undertaking to be divided amongst the Promoters in any year shall not exceed the rate of twelve pounds ten shillings in the one hundred pounds by the year on the paid-up capital in the undertaking, which shall be deemed the prescribed rate, unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said yearly rate.

Profits of the promoters limited.

37. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient, after making up the deficiency in the dividends of any previous year as aforesaid, to make a dividend at the prescribed rate, the excess

Application of excess of profits over prescribed rate of dividend.

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beyond the sum necessary for such purpose shall from time to time be paid to the Corporation, and shall be applied by them in aid of the general district rate.

Annual statement of accounts to be sent to Corporation.

38. The Promoters shall make out and forward to the Corporation on or before the twenty-fifth day of March in each year an annual statement of accounts made up to the thirty-first day of December then next preceding, for the purpose of showing the capital of the Promoters invested in their undertaking, and their receipts, expenditure, and profits during the year so ending on the thirty-first day of December as aforesaid.

Copies of annual statement to be kept for sale.

39. The Promoters shall keep copies of such annual statement at their office, and sell the same to any applicant at a price not exceeding one shilling for each such copy.

Form of annual statement.

40. The Board of Trade, if they think fit, may prescribe the form in which such account shall be made out and delivered. In case the Promoters make default in complying with the provisions of this section they shall be liable to a penalty not exceeding two pounds for each day during which such default continues.

Annual statement as to repairs to be sent to Corporation.

41. The Promoters shall, in addition to such account as last herein-before mentioned, and at the same time that they forward the same, send to the Corporation a statement showing the sums spent by them on renewals and repairs of works during the preceding year ending on the thirty-first day of December as herein-before mentioned.

Books, &c. to be open for inspection by Corporation.

42. Any person or persons appointed for that purpose by the Corporation shall be entitled to inspect at all reasonable times the books, accounts, and vouchers of the Promoters, for the purpose of testing the said accounts so from time to time to be forwarded by the Promoters to the Corporation as herein-before mentioned.

Saving rights of county authority.

43. Nothing in this Order shall take away, alter, or prejudicially affect the powers or liabilities of the county authority with respect to main roads under the provisions of the Highways and Locomotives (Amendment) Act, 1878, and for the purposes of this Order the Corporation shall have the same powers within the city of Lincoln under the said Act as a county authority (as defined by that Act) has within their jurisdiction.

## SCHEDULE.

### TOLLS AND CHARGES FOR ANIMALS, GOODS, &c.

| | | Per mile. s. | d. |
|---|---|---|---|
| *Animals.* | | | |
| For every horse, mule, or other beast of draught or burden | per head | 0 | 6 |
| For every ox, cow, bull, or head of cattle - - - | per head | 0 | 6 |
| For every calf, pig, sheep, or other small animal - - | per head | 0 | 3 |
| *Goods and Minerals.* | | | |
| For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways - | per ton | 0 | 3 |
| For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, | | | |

| | Per mile. s. | d. |
|---|---|---|
| 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 | 4 |
| 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 | 6 |
| For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things - per ton | 0 | 6 |
| For every carriage, of whatever description - - - | 1 | 0 |

*Parcels.*

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

For any parcel exceeding fifty-six pounds in weight, such sum as the Promoters may think fit:

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

*For the Carriage of Single Articles of Great Weight.*

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

*Regulations as to Tolls.*

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

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

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

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

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# LINCOLNSHIRE TRAMWAYS.

*Order authorising the construction of Tramways in the city of Lincoln, and between that city and the town of Brigg, in the county of Lincoln.*

Short title.

1. This Order may be cited as "The Lincolnshire Tramways Order, 1881."

Incorporation of Acts.

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

Interpretation.

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

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

The expression "the city" shall mean the city of Lincoln:

The expression "the county authority" shall mean the justices of the peace in quarter sessions assembled for the parts of Lindsey in the county of Lincoln:

The expression "the county surveyor" shall mean the surveyor for the time being of the county authority:

The term "person" shall include a corporation.

*Promoters.*

The Promoters.

4. The Lincolnshire Road Railways Company, Limited, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may by agreement, from time to time, purchase and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes; provided that they shall not at any time hold for such purposes more than fifteen acres of land under the authority of this Order.

*Construction of Tramways.*

Construction of tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, 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 before the passing of the Act confirming this Order, the tramways herein-after described, with all proper rails, points, junctions, plates, offices, weigh-bridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are—

Tramway No. 1 (twelve miles three furlongs one chain or thereabouts in length, of which twenty-five chains or thereabouts is double line, and twelve miles and six chains or thereabouts is single line), commencing in Albert Street, Glamford Briggs, at or near the junction of that street with Bigby Street, and passing thence in a westerly direction along Bigby Street, Market Place, Market Street, over the county bridge, and along Bridge Street, and thence in a south-westerly direction along the public highway leading from Scawby Brook to Ermine Street, and thence in a southerly direction along Ermine Street, and terminating in that street at a point one chain or thereabouts north of the junction of that street with the public highway leading to Harpswell.

Tramway No. 1 shall be a single line, except between the following points, where it shall be laid as a double line:

From a point 3·85 chains from its commencement for a distance of thirteen chains;

From a point distant thirteen chains from its termination to a point distant one chain from its termination:

Provided always, that in Bigby Street, from a point opposite the west end of the Post Office to the commencement of Market Street, Tramway No. 1 shall be so laid that the distance between the outside of the footpath on the north side of Bigby Street and the rail of the tramway nearest to the said footpath shall not exceed nine feet:

Provided always, that in Ermine Street Tramway No. 1 shall be laid on the waste land lying on the west side of the said street wherever the county surveyor shall consider it practicable.

Tramway No. 2 (ten miles five furlongs seven chains or thereabouts in length), commencing in Ermine Street by a junction with Tramway No. 1 at the termination thereof in that street, and passing thence in a southerly direction along Ermine Street and Newport, and terminating in Newport opposite the northern corner of Rasen Lane.

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

Provided always, that in Ermine Street Tramway No. 2 shall be laid on the waste land lying on the west side of the said street, in the same manner as is herein-before provided with respect to Tramway No. 1.

Tramway No. 3 (five furlongs and 1·5 chains or thereabouts in length, of which twelve chains or thereabouts is double line, and three furlongs and 9·5 chains or thereabouts is single line), commencing in Newport by a junction with Tramway No. 2 at the termination thereof, and passing thence in a westerly direction along Rasen Lane and Burton Road, and terminating in that road at a point opposite the southern corner of a new road now being constructed and called or to be called Burton New Road.

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

From a point three-quarters of a chain from its commencement for a distance of six chains; this portion of the double line, however, be so constructed that one only of such lines can be used at one and the same time;

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From a point thirteen chains from its termination to a point one chain from its termination:

Provided always, that in Rasen Lane, from a point three-quarters of a chain from the commencement of Tramway No. 3 for a distance of six chains, the said Tramway No. 3 shall be so laid that the distance between the outside of the footpath on either side of Rasen Lane and the rail of the tramway nearest to the said footpath shall not exceed nine feet.

Tramway No. 4 (seven furlongs and 3·3 chains or thereabouts in length, of which 11·3 chains or thereabouts is a double line, and six furlongs and two chains or thereabouts is single line), commencing in Burton Road by a junction with Tramway No. 3 at the termination thereof, and passing thence in a southerly direction along Burton New Road, the Avenue, across Newland, along Gas Street, into Brayford Wharf, and terminating there at a point two chains or thereabouts south of Gas Street.

Tramway No. 4 shall be laid as a single line, except for the whole length of the Avenue and the Upper Avenue, where it shall be laid as a double line; the double line, however, shall be so constructed that one only of such lines can be used at one and the same time.

The tramways and works herein-before described will be situated as follows:

Tramway No. 1 will pass from, through, or into the several parishes of Brigg, Bigby, Wrawby, Broughton, Scawby, Hibaldstow, Redbourne, Waddingham, Kirton-in-Lindsey, Grayingham, Blyborough, Snitterby Willoughton, Bishop Norton, Hemswell, and Spittal, all in the parts of Lindsey in the county of Lincoln;

Tramway No. 2 will pass from, through, or into the several parishes of Spittal, Glentham, Caenby, Harpswell, Glentworth, Owmby, Normanby, Saxby, Fillingham, West Firsby, Spridlington, Ingham, Cammeringham, Brattleby, Hackthorn, Welton, Scampton, Aisthorpe, North Carlton, South Carlton, Riseholme, and Burton, all in the parts of Lindsey in the county of Lincoln, and the parishes of St. Nicholas and St. John, in the city of Lincoln;

Tramway No. 3 will be wholly situate in the parish of St. Nicholas, in the city of Lincoln; and

Tramway No. 4 will pass from, through, or into the several parishes of St. Nicholas, St. Peter in Eastgate, St. Mary-le-Wigford, and St. Martin, all in the city of Lincoln and county of the same city.

The portion of Tramway No. 1 in the town of Brigg shall, but subject to the provisions and restrictions herein-after contained, be constructed in accordance with a certain plan deposited at the Board of Trade on the 25th day of March 1881, and signed by Arthur J. Atchison, engineer, of 34 Great George Street, Westminster, S.W., on the part of the Promoters, and by Henry G. Calcraft on the part of the Board of Trade: Provided that the double line in Bigby Street shall be so constructed that one only of such lines can be used at one and the same time.

For protection of Elwes estates.

7. With respect to such part of Tramway No. 1 as lies within the town of Brigg and eastward of the said county bridge at Brigg, the following provisions shall be in force and have effect:

The Promoters shall not, without the previous consents in writing of the trustees for the time being of the Elwes estates, and of the tenant for life for the time being of the said estates, enter upon, take, or use for the purposes of the said tramway or any works or conveniences in relation thereto any portion of the market-place at Brigg, or any other space over or upon which rights of stallage and tolls are or have at any time heretofore been levied at or in fairs and markets by the said trustees, tenant for life, or the owner for the time being of the Elwes estates, and no tramway shall be constructed in the market-place, or Market Street, or Bigby Street without the like consents being first obtained.

For protection of county.

8. With respect to such of the tramways within the jurisdiction of the county authority, the following provisions shall be in force and have effect:

1. The Promoters shall, at their own expense, before constructing the tramway over the county bridge at Brigg, alter the approaches to the said bridge so that the gradients thereof shall not be less than one in thirty on each side; and shall for twelve months thereafter keep the whole of the said approaches and the footpaths so altered in proper repair to the satisfaction of the county surveyor, and shall at all times after the tramway has been laid maintain the roadway between the lines of rail, and also a width of two feet on each side thereof, for a distance of three hundred feet on each side, measured from the centre of the said bridge.
2. The sleepers of such tramways shall not be laid nearer to the extrados of the arch of the said county bridge at the crown than the county surveyor shall approve.
3. No engine of a greater weight than ten tons shall be allowed to cross the said county bridge without the consent of the county surveyor being obtained.
4. The county authority, by the county surveyor, shall have power to stop the traffic over the said county bridge in the event of repairs being at any time required to the structure, and the Promoters shall not be entitled to any compensation for any damages or loss they may sustain in consequence of such stoppage of traffic.
5. The Promoters shall, at their own expense, strengthen and lengthen all bridges and culverts respectively over which such tramways shall be constructed throughout the parts of Lindsey in such manner as the county surveyor shall deem satisfactory.
6. Such tramways throughout the whole length shall not be laid within ten feet of the centre of the road, measured from the centre of the present metalled part thereof, save and except at the said county bridge and the Ancholme Navigation bridge at Brigg, where the total width between the parapet walls will not admit of such construction, and in those cases it shall be laid as near to the footpaths as practicable.
7. The Promoters shall, at their own expense, alter, where necessary, all gates opening outwards on the side of the road nearest to such tramways so that the same shall open inwards.
8. The Promoters shall not publish any special byelaws or regulations relating to the mode of carrying on the traffic on such tramways

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unless the same shall have previously received the sanction of the county authority.

9. The Promoters shall pave with granite cubes the whole width of every cross road entering the main road on the same side of such tramways between the rails, and also a width of two feet on each side thereof; and where passing-places are constructed the Promoters shall pave with granite cubes the spaces between the two lines of metals and between the rails of each line, and also a width of two feet beyond each outer rail, for the whole length of such passing-place.

10. The Promoters shall so construct such tramways as not to interfere with or impede the surface drainage of the roadway, and shall, at their own expense, carry out all works which may be necessary to prevent such drainage being interfered with or impeded, to the satisfaction of the county surveyor.

11. The Promoters shall not erect any stations, depôts, or other buildings, or make any additional passing-places, on any portion of the roadway without the consent of the county authority being first obtained.

**For protection of Gainsborough District Highway Board.**

9. With respect to the tramways within the jurisdiction of the Gainsborough District Highway Board (in this section referred to as "the Board"), the following provisions shall be in force and have effect:

1. The Promoters shall, at their own expense, strengthen and lengthen all bridges and culverts, respectively, within the jurisdiction of the Board, over which such tramways shall be constructed, in such manner as the surveyor to the Board shall deem satisfactory:

2. Such tramways shall not be laid within ten feet of the centre of the road, measured from the centre of the present metalled part thereof:

3. The Promoters shall, at their own expense, alter, where necessary, all gates on the side of the road nearest to such tramways so that the same shall open into the fields or lanes instead of into the road:

4. The Promoters shall not publish any special byelaws or regulations relating to the mode of carrying on the traffic on such tramways unless the same shall have previously received the sanction of the Board:

5. At all places where such tramways shall be laid over any cross road within the jurisdiction of the Board, the Promoters shall pave such portion of the roadway as lies between the rail of such tramways and extends for a distance of two feet on either side thereof with granite pitching:

6. The Promoters shall so construct such tramways as not to interfere with or impede the surface drainage of the roadway, and shall, at their own expense, carry out all works which may be necessary to prevent such drainage being interfered with or impeded:

7 The Promoters shall not erect any stations, depôts, or other buildings on any portion of the roadway within the jurisdiction of the Board without the consent of the Board being first obtained:

8. In the event of such tramways being constructed the Board shall be referred to and consulted in all details, either of construction or otherwise so far as their jurisdiction extends.

10. With respect to the tramways within the jurisdiction of the Local Board of Brigg, the following provisions shall be in force and have effect:

For protection of Local Board of Brigg.

The said local board shall have power to stop the traffic through the market place during such hours on market days, fairs, and statute days as they may deem necessary.

Gauge of tramways.

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

Provisions as to construction of tramways.

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

As to rails of tramways.

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

Penalty for not maintaining rails and road in good condition.

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

In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion

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

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

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

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

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

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

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

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

Temporary tramways may be made when necessary.

18. 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 dis-

continue the use of such tramway or any part thereof, the Promoters may, subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make, construct in the same or any adjacent road, and, with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain, so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

If any difference arise between the Promoters and any road authority with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway or temporary tramways under the authority of this section, the same shall be settled in the manner specified by section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Application of road materials excavated in construction of works.

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 reinstating of such road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway of such road as the Promoters are by this Order required to maintain, and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided that if, within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus is not removed by the said surveyor or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor, or other person, with reference to any of the matters aforesaid, shall be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Promoters and any road authority.

Period for completion of tramways.

20. The time within which the tramways shall be completed and ready for public traffic shall be two years from the passing of the Act confirming this Order, unless the road authorities of the districts in which the same are by this Order authorised to be made, by writing under their respective seals, approve of such time being prolonged, and such time shall be prolonged by the special direction of the Board of Trade.

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

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

Promoters to make good damage to sewers.

22. The Promoters shall be liable to make good all damages and losses which may from time to time arise or be sustained in consequence of any injury which

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may happen to any sewer, gas, water, or other pipes, whether belonging to the mayor, aldermen, and citizens of the city of Lincoln, acting as the urban sanitary authority for the same city (hereinafter called the Corporation), or any other person, by reason of the construction of the tramways or other works of the Promoters.

As to crossing railways or tramways on the level.

23. In the construction of any of the tramways across the rails of any railway or tramway not belonging to the Promoters, now laid upon the level of any road, the same shall be constructed and maintained in accordance with a plan to be agreed upon by the engineer for the time being of the proprietors of such railway or tramway and of the Promoters, and under the superintendence and to the reasonable satisfaction of the engineer for the time being of the said proprietors, at the cost of the Promoters, unless, after seven days notice given by the Promoters of their intention to commence such works, such superintendence is refused or withheld, and such of the tramways as are laid at the said level crossing shall be maintained and kept in constant and efficient repair to the reasonable satisfaction of the engineer for the time being of the said proprietors. The Promoters shall not stop their engines or carriages on or otherwise interfere with the traffic upon the railway or tramway of the said proprietors at such level crossing, and the Promoters shall in respect of the traffic upon the tramways at such level crossing be subject to such rules, byelaws, and regulations relating thereto as may be agreed upon between them and the said proprietors. In the event of any difference between the said proprietors or their engineer and the Promoters, the same shall be settled by a referee to be appointed by the Board of Trade in the manner provided by section thirty-three of the Tramways Act, 1870.

Junctions with other tramways.

24. In the event of any tramways being hereafter constructed in any street or road immediately adjoining the tramways of the Promoters, the Promoters may, if they think fit, with the approval of the Board of Trade, and of the road authority of the district in which such street or road is situate, either themselves construct, or permit to be constructed, all necessary and convenient junctions and communications therewith.

Promoters may erect offices, stables, &c.

25. The Promoters may erect or construct on any lands which they may acquire under the powers of this Order, or which they may take on lease, any offices, stables, sheds, workshops, stores, or other buildings, yards, works, and conveniences for the purposes of the undertaking.

*Motive Power.*

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

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

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

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

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

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

Byelaws.

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

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

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

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

As to recovery of penalties.

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

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

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

Orders and byelaws to be signed, &c.

31. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by a Secretary or an Assistant Secretary of the Board of Trade, and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order.

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

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

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

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

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

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

No steam or mechanical power shall be used on the tramways, or any portion of the tramways, unless there is in force, in relation to the tramways or such portion of the tramways, a contract, agreement, or arrangement in accordance with the provisions of this section.

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

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

33. Where steam or any mechanical power is used by the Promoters or any person on the tramways or any part thereof, no contract, agreement, or arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid with respect to the user by the Promoters or such person, or the paving and keeping in repair, of the whole or any part of the roadway of any road within the district of any road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, shall continue in force for any period exceeding two years at any

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one time after the commencement of the use of steam or mechanical power as aforesaid, or the making of such contract, agreement, or arrangement: Provided always, that any such contract, agreement, or arrangement may from time to time be renewed with or without modification, or a new contract, agreement, or arrangement may be made instead thereof.

*Traffic upon Tramways.*

Traffic upon tramways.

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

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

35. In case the Promoters carry animals, goods, minerals, or parcels, they may carry the same in separate carriages or separate parts of carriages set apart for that purpose: Provided that this provision shall not apply to the carriage of passengers luggage.

*Tolls.*

Tolls for passengers.

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

Passengers luggage.

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

Cheap fares for labouring classes.

38. The Promoters, at all times after the opening of the tramways or any part or parts thereof for public traffic, shall and they are hereby required to run at least one carriage each way every morning in the week and every evening in the week (Sunday, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively as the Promoters think most convenient for artisans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the Promoters, nevertheless, not being required to take any fare less than one penny): Provided that the Board of Trade may from time to time, for good cause shown, either authorise the Promoters to discontinue the running of such carriage, or may order the Promoters to run an extra carriage at such hours as aforesaid, and may from time to time revoke alter, or modify such order, and in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such

carriages the said Board shall have power to fix and regulate the same from time to time.

Tolls for animals, goods, &c.

39. The Promoters may demand and take in respect of any animals, goods, minerals, or parcels conveyed by them on the tramways, except as is by this Order specially provided, including the tolls and charges for the use of the tramways and of waggons or trucks, and for motive power and every other expense incidental to such conveyance (except a reasonable charge for loading or unloading goods, and for delivery and collection, and any other service incidental to the business of a carrier when any such service is performed by the Promoters), any tolls or charges not exceeding the tolls and charges specified in the Schedule B. to this Order annexed, subject to the regulations therein contained.

Payment of tolls.

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

Charges may be made for special services.

41. Nothing herein contained shall be held to prevent the Promoters from taking any increased charge over and above the charges herein-before limited for the conveyance of goods or animals of any description, by agreement with the owners of and persons in charge of such goods or animals, either in respect of the conveyance of such goods or animals, or by reason of any other special service performed by the Promoters in relation thereto, or in like manner from demanding or taking any reasonable charge for providing, laying down, or for the use of any siding or sidings used by or for the convenience of freighters in loading or unloading goods or animals of any description.

Periodical revision of tolls.

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

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*Miscellaneous.*

Provisions as to arbitration.

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

Form and delivery of notices.

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

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

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

Agreement between Promoters and road authorities.

45. The Promoters and any road authority may, subject to the provisions of this Order, from time to time enter into any contracts and agreements with respect to the alteration of the widths or levels of any road or street vested in such road authority, and with respect to the construction, maintaining, removing, renewing, repairing, and using of the tramways situated within the district of such road authority, and the rails, plates, sleepers, and works connected therewith, and the facilitating the passage of the traffic over and along the same.

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

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

Saving as to powers of borrowing on mortgage.

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

Saving for general Acts.

48. Notwithstanding anything in this Order contained, the Promoters, and any persons using the tramways, shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon, and to any future revision or alteration,

under the authority of Parliament, of the maximum rates of tolls and charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power, steam power, or any mechanical power by any such general Act as aforesaid.

Saving rights of county authorities.

49. Nothing in this Order shall take away, alter, or prejudicially affect the powers or liabilities of the county authorities with respect to main roads outside the city of Lincoln, under the provisions of the Highways and Locomotives (Amendment) Act, 1878, and for the purposes of this Order the Corporation shall have the same powers within the city of Lincoln under the said Act as a county authority as defined by that Act has within their jurisdiction.

## SCHEDULE A.

Break power of engines.

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

As to fittings of engines, &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

As to carriages.

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

Inspection of engines and carriages.

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

As to speed.

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

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

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## SCHEDULE B.

### TOLLS AND CHARGES FOR ANIMALS, GOODS, &c.

*Animals.*

| | | Per mile. s. | d. |
|---|---|---|---|
| For every horse, mule, or other beast of draught or burden - | per head | 0 | 6 |
| For every ox, cow, bull, or head of cattle - - - | per head | 0 | 6 |
| For every calf, pig, sheep, or other small animal - - | per head | 0 | 3 |

*Goods and Minerals.*

| | | |
|---|---|---|
| For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure and undressed materials for the repair of public roads or highways, per ton - - - - - - | 0 | 3 |
| For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, per ton - - - - - - - | 0 | 4 |
| 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 | 6 |
| For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton - - - - - - - - | 0 | 6 |
| For every carriage, of whatever description, having two wheels - - | 1 | 0 |
| For every carriage, of whatever description, having four wheels - - | 1 | 6 |

*Small Parcels.*

| | Any distance. | |
|---|---|---|
| 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 |

| | Any distance. s. | d. |
|---|---|---|
| For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight | 0 | 7 |
| For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight | 0 | 9 |

For any parcel exceeding fifty-six pounds in weight, such sums as the Promoters may think fit.

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

*For the Carriage of Single Articles of Great Weight.*

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

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

*Regulation of Tolls.*

For all animals or goods conveyed on the tramways for a less distance than three miles the Promoters may demand tolls and charges as for three miles.

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

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

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

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

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*Rochdale.*

## ROCHDALE TRAMWAYS.

*Order authorising the construction of Tramways in the borough of Rochdale, and the district of the Wuerdle and Wardle Local Board, in the parish of Rochdale, and in the county of Lancaster.*

Short title.

1. This Order may be cited as "The Rochdale Tramways Order, 1881."

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 on lands by the Promoters of the undertaking), and of the Tramways Act, 1870, are hereby incorporated with this Order, except where the same are expressly varied by this Order.

Interpretation.

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

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

The expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Rochdale, in the county of Lancaster, acting by the Council;

The expression "the borough" shall mean the said borough of Rochdale;

The expression "the local board" shall mean the local board for the district of Wuerdle and Wardle;

The expression "the local board district" shall mean the district of the local board;

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

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

The expression "carriage" shall include "truck;" and

The term "person" shall include corporation.

*Promoters.*

The Promoters.

4. Charles Philips, of No. 20, Bucklersbury, in the city of London, and his executors, administrators, or assigns, shall be the Promoters for the purposes of this Order, and are in this Order refered to as "the Promoters."

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

*Construction of Tramways.*

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance, except as is herein-after provided, 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 before the passing of the Act confirming this Order (in this Order referred to as "the deposited plans" and "the deposited sections"), the tramways herein-after described, with all proper rails, plates, offices, weigh-bridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same. Construction of tramways.

The tramways authorised by this Order are—

Tramway No. 1.—A tramway one mile four furlongs 2·6 chains in length consisting of one mile one furlong 4·2 chains of single line, and two furlongs 8·4 chains of double line, and commencing in the roadway on the eastern side of Townhall Square, in line with the north side of Fleece Street, and passing thence in a northerly direction along the said roadway into and along the roadway on the northern side of South Parade, Drake Street, and the Oldham Road, and terminating in the last-mentioned road at a point one hundred and thirty-four yards, or thereabouts, southward from Broad Lane at Buersill.

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

In Townhall Square throughout:

In the roadway on the northern side of South Parade throughout:

In Drake Street, from the western end of that street to a point thirty-three yards, or thereabouts, southward from the drinking fountain in front of the Wellington Hotel:

In Drake Street and Oldham Road, at their junction between points respectively seventeen yards, or thereabouts, north-westward, and seventy-one yards, or thereabouts, south-eastward from the northern side of Kenion Street:

In the Oldham Road at the following places:

Between points respectively thirty yards, or thereabouts, north-westward, and twenty-five yards, or thereabouts, south-eastward from the intersection of the centre line of Milnrow Road with that of Oldham Road:

Between points respectively one yard, or thereabouts, and sixty-seven yards, or thereabouts, south-eastward from the bridge carrying the Lancashire and Yorkshire Railway over the said road:

Between points respectively twenty-four yards, or thereabouts, north-westward, and fifty-three yards, or thereabouts, south-eastward from the northern side of Crawford Street:

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For a distance of sixty-six yards, or thereabouts, northward from the centre of William Henry Street:

Between points respectively twenty-six yards, or thereabouts, northward, and forty yards, or thereabouts, southward from the northern side of Fraser Street:

For a distance of one and a half chains from its termination.

TRAMWAY No. 2.—A tramway one mile three furlongs two chains in length, consisting of one mile one furlong 0·7 chain of single line, and two furlongs 1·3 chains of double line, commencing in Drake Street by a junction with Tramway No. 1 at a point sixty-three yards, or thereabouts, north-westward from the junction of the western side of the Oldham Road with Drake Street, passing thence along Drake Street into and along the Manchester Road, and terminating in that road at a point one hundred and twelve yards, or thereabouts, south-westward from Law Street.

Tramway No. 2 shall be laid as a single line, except at the following places, where it shall be laid as a double line:

In Drake Street, between the commencement of the tramway and the northern side of School Lane:

In Drake Street, between points respectively thirty-three yards, or thereabouts, and ninety-nine yards, or thereabouts, westward from Milkstone Road:

In Drake Street, between a point twenty-nine yards, or thereabouts, south-westward from Trafford Street and the junction of Drake Street with the Manchester Road.

In Manchester Road, between the junction of Drake Street with that road and a point one hundred and thirteen yards, or thereabouts, northward from Mills Street:

In Manchester Road, between points respectively one hundred and forty-five yards, or thereabouts, and two hundred and eleven yards, or thereabouts, south-westward from King Street South:

In Manchester Road, between points respectively fourteen yards, or thereabouts, and eighty yards, or thereabouts, south-westward from Cheltenham Street:

In Manchester Road, for a distance of one and a half chains from its termination.

TRAMWAY No. 3.—A tramway 1·4 chains in length, consisting of ·5 chain of single line, and ·9 chain of double line, and commencing in South Parade by a junction with Tramway No. 1 at a point situate seventeen yards, or thereabouts, north-eastward from the corner of South Parade and Townhall Square, passing thence on to Rochdale Bridge, and terminating thereon at a point situate thirty yards, or thereabouts, measured in a north-westerly direction from the said corner of South Parade and Townhall Square.

Tramway No. 3 shall be laid as a double line throughout, except on Rochdale Bridge for a distance of eleven yards from its termination, where it shall be laid as a single line.

Tramway No. 4.—A tramway seven furlongs 4·5 chains in length, consisting of six furlongs 5·25 chains of single line and 8·8 chains of double line, commencing in the roadway on the eastern side of the Townhall Square by a junction with Tramway No. 1 at a point twenty-one yards, or thereabouts, north-westward from Fleece Street, passing thence on, to, and along Rochdale Bridge, the Butts, the open space between the Butts and Smith Street, Smith Street, the roadway, partly formed and partly in process of formation, called Entwisle Road, and passing thence into and terminating in Yorkshire Street at a point twenty-one yards, or thereabouts, north-eastward from the western side of the said Entwisle Road.

Tramway No. 4 shall be laid as a single line throughout, except at the following places, where it shall be laid as a double line:

For a distance of twenty-nine yards, or thereabouts, from its commencement:

In Smith Street, between points respectively twenty-nine yards, or thereabouts, westward, and twenty-six yards, or thereabouts, eastward from the western side of Milton Street.

In Entwisle Road, between points respectively one hundred and fifty-four yards, or thereabouts, and two hundred and nine yards, or thereabouts, eastward from George Street:

In Entwisle Road, between points respectively one yard, or thereabouts, and fifty-six yards, or thereabouts, north-eastward from the viaduct carrying the Shawforth branch of the Lancashire and Yorkshire Railway over the said Entwisle Road.

Tramway No. 5.—A tramway 8·9 chains in length, consisting of 5·9 chains of single line, and three chains of double line, and wholly in Yorkshire Street, commencing opposite or nearly opposite to the centre of Cheetham Street, and terminating at a point seven yards, or thereabouts, westward from Whitworth Road.

Tramway No. 5 shall be laid as a single line, except at the following place, where it shall be laid as a double line:

For a distance of sixty-six yards eastward from the western side of Whitehall Street.

Tramway No. 6.—A tramway three furlongs 6·7 chains in length, consisting of three furlongs ·7 chains of single line, and six chains of double line, and wholly in Yorkshire Street, commencing at the termination of Tramway No. 5, and terminating at the point of termination of Tramway No. 4.

Tramway No. 6 shall be laid as a single line, except at the following places, where it shall be laid as a double line:

For a distance of sixty-six yards eastward from the western side of Lomax Street:

Between points respectively thirty-three yards, or thereabouts, westward, and thirty-three yards, or thereabouts, eastward from the centre of the bridge carrying the Shawforth branch of the Lancashire and Yorkshire Railway over Yorkshire Street.

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TRAMWAY No. 7.—A tramway six furlongs 6·9 chains in length, consisting of five furlongs 2·4 chains of single line, and one furlong 4·5 chains of double line, and commencing in Yorkshire Street at the termination of Tramway No. 6, passing along Yorkshire Street and the Halifax Road, and terminating in the last-mentioned road at or near the centre of Ash Brook.

Tramway No. 7 shall be laid as a single line, except at the following places, where it shall be laid as a double line:

In Yorkshire Street and Halifax road, at their junction between points respectively two yards, or thereabouts, and sixty-eight yards, or thereabouts, from the commencement of the tramway.

In the Halifax road at the following places:

Between points respectively nine yards, or thereabouts, southward, and fifty-seven yards, or thereabouts, northward from the southern side of Alice Street:

Between points respectively forty-eight yards, or thereabouts south-westward, and eighteen yards, or thereabouts, north-eastward from the south-western side of Henderson Street:

Between points respectively thirty-five yards, or thereabouts, south-westward, and thirty-one yards, or thereabouts, north-eastward from the north-eastern side of Buckley Lane:

Between points respectively sixty-six yards, or thereabouts, and eleven yards, or thereabouts, south-westward from the termination of the tramway.

TRAMWAY No. 8.—A tramway five furlongs four chains in length, consisting of four furlongs 6·5 chains of single line, and 7·5 chains of double line, wholly in the Halifax Road, commencing at the termination of Tramway No. 7, and terminating opposite, or nearly opposite, to the western side of the Ox and Plough Inn.

Tramway No. 8 shall be laid as a single line, except at the following places, where it shall be laid as a double line:

Between points respectively fifty-three yards, or thereabouts, and one hundred and nineteen yards, or thereabouts, eastward from the western side of the Five Alls Inn:

Between points respectively thirty-three yards, or thereabouts, and ninety-nine yards, or thereabouts, eastward from the milestone in the Halifax Road indicating two miles from Rochdale:

For a distance of one and a half chains from the termination of the tramway.

TRAMWAY No. 9.—A tramway ·9 chain in length, commencing in Yorkshire Street by a junction with Tramway No. 6 at a point twenty-seven yards, or thereabouts, from the termination of that tramway, passing thence into and along Entwisle Road, and terminating in the last-mentioned road by a junction with Tramway No. 4 at a point five yards, or thereabouts, eastward from Yorkshire Street.

Tramway No. 9 shall be laid as a single line throughout.

Tramway No. 10.—A tramway one mile five furlongs 5·53 chains in length, consisting of one mile two furlongs 8·03 chains of single line, and two furlongs 7·5 chains of double line, commencing in Yorkshire Street by a junction with Tramway No. 5 at its termination, passing thence into and along Whitworth Road, and terminating in that road at a point one hundred and one yards, or thereabouts, westward from the post office at Ending.

Tramway No. 10 shall be laid as a single line, except at the following places in the Whitworth Road, where it shall be laid as a double line:

Between a point eight yards, or thereabouts, south-eastward from Rope Street, and a point opposite to the northern side of Haynes Street:

For a distance of sixty-six yards northward from the southern side of Victoria Street:

Between points respectively thirty-seven yards, or thereabouts, and one hundred and three yards, or thereabouts, northward from Brierley Street:

Between points respectively twenty-three yards, or thereabouts, south-eastward, and thirty-two yards, or thereabouts, north-westward from the south-eastern side of Barnfield Street:

For a distance of sixty-six yards south-eastward from the Gale Inn:

Between points respectively eighty-six yards, or thereabouts, and twenty yards, or thereabouts, south-eastward from the roadway leading to Quarry Mills:

Between points respectively thirty yards, or thereabouts, south-eastward, and thirty-six yards, or thereabouts, north-westward from the south-east side of the Albion Inn:

Between points respectively one hundred and four yards, or thereabouts, and one hundred and seventy yards, or thereabouts, north-westward from the New Delight Inn:

Between points respectively seventy-two yards, or thereabouts, and one hundred and twenty-seven yards, or thereabouts, north-westward from Healey Mill:

For a distance of one and a half chains from its termination.

The aforesaid tramways will be laid in the parish of Rochdale, and in the townships of Castleton, Wardleworth, Wuerdle and Wardle, and Spotland, or some or one of them.

As to construction of part of Tramway No. 4.

7. With respect to Tramway No. 4, the following provisions shall have effect; that is to say,

(1.) Notwithstanding anything shown on the deposited plans or stated in this Order, Tramway No. 4 shall be so constructed that the centre line thereof for the whole length of that tramway west of Duncan Street will be six feet south of the position of the centre line of that tramway as shown on the deposited plans, or such less distance, not being less than four feet, as the Corporation, with the consent of the owners, lessees, and occupiers of the houses, shops, and warehouses

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abutting on that tramway, shall in writing under the hand of the town clerk of the borough require.

(2 ) The Promoters shall not construct so much of Tramway No. 4 shown on the deposited plans as is west of the footbridge adjacent to the Wellington Hotel, unless the Corporation shall within twelve months from the passing of the Act confirming this Order widen Smith Street and the Butts on the south side thereof respectively to such an extent as will admit of the said tramway being constructed in the position prescribed by the foregoing sub-section, and in the event of the Corporation not deciding within the time prescribed by the following sub-section to carry out the provisions thereof, they shall forthwith proceed to widen Smith Street and the Butts as herein-before provided in such manner as will allow of the construction of the tramway thereon as provided by the foregoing sub-section hereof.

(3.) If the Corporation do not within three months from the passing of the Act confirming this Order elect so to widen Smith Street and the Butts, they shall forthwith, after the expiration of the said three months, widen (on the south side) that part of Smith Street which is situate between Duncan Street and the said footbridge to such an extent as will admit of so much of the said tramway as shall be laid between those points being constructed in the position so prescribed as aforesaid, and shall construct across the River Roch a new bridge of sufficient strength and suitable in all respects to admit of the construction thereon of the junction tramway authorised by sub-section five hereof, and so that the said new bridge shall have a carriage-way not less than fifteen feet wide and the footway on the eastern side thereof not less than five feet wide.

(4.) The said new bridge and widening shall be completed within twelve months from the passing of the said Act.

(5.) So soon as the said new bridge shall have been completed the Promoters may construct and maintain a junction tramway to connect Tramway No. 4 with the double line of Tramway No. 1 in South Parade, and for that purpose may construct and maintain along one of the sides of the carriage-way of the said new bridge a single line of tramway.

(6.) The said new bridge shall be so placed as to admit of the said junction tramway being so constructed that not less than nine feet and six inches shall intervene between the outer edge of the footway immediately in front of the Wellington Hotel and the nearest rail of the said junction tramway.

(7.) The said junction tramway shall for all purposes form part of the tramways.

For protection of Lancashire and Yorkshire Railway Company.

8. The Promoters shall so construct Tramways Nos. 1, 4, 6, and 10 in the Oldham Road, the Entwisle Road, Yorkshire Street, and the Whitworth Road respectively, where such street and roads respectively are carried by means of bridges over or under the Lancashire and Yorkshire Railway, so as not to alter or interfere with the construction of the said bridges respectively or of the approaches thereto, unless such alteration or interference with the con-

struction of either of the said bridges be absolutely necessary for the purpose of constructing the said tramways, and in the event of any such alteration or interference the Promoters shall, together with the notice required in such cases by section twenty-six of the Tramways Act, 1870, submit to the said railway company detail drawings and specifications showing the proposed works as affecting such bridge, and if any dispute or difference arise between the Promoters and the said railway company as to such alteration or interference, the same shall be settled in manner herein-after provided, and the Promoters shall so construct and maintain the said tramways as not to injuriously affect the stability of the said bridges respectively and the approaches thereto. And in the event of any injury being occasioned to such bridges and approaches or any part or parts thereof respectively by the construction of the said tramways on or over the same (whether such injury shall occur either during or after the construction of or in maintaining the said tramways) or in or by the working and user thereof, the said railway company may, at the expense of the Promoters, restore such bridges and approaches, or the part or parts which may be injured, to as good a state and condition as they were in immediately before such injury was occasioned; and the Promoters shall recoup to and indemnify the said railway company against all sums, costs, and expenses which they may pay or be put to in restoring such bridges and approaches in manner aforesaid, and in maintaining and repairing (in case of default by the Promoters) of so much of the road over the said bridges and approaches as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870; and the said railway company may recover from the Promoters all such sums, costs, and expenses, together with full costs and charges, in like manner as any simple contract debt.

In case it shall become necessary to strengthen the fabric of any bridge belonging to the said railway company, the said railway company may execute such works as their engineer may deem necessary for strengthening such bridge accordingly, but in all things at the expense of the Promoters; and the said railway company may recover from the Promoters in manner aforesaid all moneys expended by the said railway company in the execution of such works as aforesaid, together with full costs.

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

If any dispute or difference shall arise between the said railway company and the Promoters respecting the necessity for the exercise of or in any way relating to the powers or provisions of this section or otherwise, such dispute or difference shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

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The sleepers and other materials forming the substructure of Tramway No. 10, where that tramway crosses the said railway company's works or property, shall be such as shall be reasonably approved of by them.

For protection of company of proprietors of the Rochdale Canal.

9. The Promoters shall so construct Tramway No. 1 in the Oldham Road, where such road is carried by means of a bridge over the canal of the company of proprietors of the Rochdale Canal, so as not to injuriously affect the said bridge or the approaches thereto. And in the event of any injury being occasioned to the said bridge or approaches, or any part or parts thereof respectively, by the construction of the said tramway on or over the same (whether such injury shall occur either during or after the construction of or in maintaining the said tramway), the company of proprietors of the Rochdale Canal may at the expense of the Promoters restore the said bridge or approaches, or the part or parts which may be injured, to as good a state and condition as they were in before such injury was occasioned, and the Promoters shall recoup to and indemnify the company of proprietors of the Rochdale Canal against all sums, costs, and expenses which they may pay or be put to in restoring the said bridge or approaches in manner aforesaid, and in maintaining and repairing (in case of default by the Promoters) of so much of the road over the said bridge or approaches as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870; and the company of proprietors of the Rochdale Canal may recover from the Promoters all such sums, costs, and expenses, together with full costs and charges in like manner as any simple contract debt may be recovered.

For protection of justices of county of Lancaster.

10. For the protection of the justices of the peace for the county palatine of Lancaster (in this section referred to as "the justices"), the following provisions shall have effect; that is to say,

In constructing the tramways by this Order authorised upon or over any bridge or any parts of the road at either end of any bridge within the jurisdiction of the justices, the Promoters shall not alter or interfere with the structure of such bridge, or of the approaches thereto, unless such alteration or interference with the construction of such of the said bridges be absolutely necessary for the purpose of constructing the tramways, and in the event of any such alteration or interference, the Promoters shall, together with the notice required in such cases by section twenty-six of the Tramways Act, 1870, submit to the justices, detail drawings and specifications showing the proposed work as affecting such bridge or approaches, and if any difference arise between the Promoters and the justices as to such alteration or interference or the necessity therefor, the same shall be settled in manner herein-after provided, and the Promoters shall so construct and maintain the tramways in the road over such bridge and the approaches as not to injuriously affect such bridge and approaches, and in the event of any injury being occasioned to such bridge or approaches or any part or parts thereof respectively by the construction of the tramways on or over the same (whether such injury shall occur either during or after construction, or in effecting the maintenance of the tramways) the justices may restore such bridge and approaches, or the part or parts which may be injured, to as good a state as they were in before such

injury was occasioned, at the expense of the Promoters, and the Promoters shall recoup to and indemnify the justices against all sums, costs, and expenses which they may pay or be put to in restoring such bridge, and in maintaining and repairing so much of the road over such bridge and approaches as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870, and the justices may recover from the Promoters all sums, costs, and expenses, together with full costs and charges in like manner as any simple contract debt.

Nothing herein contained shall tend to lessen or control any right, power, or authority now vested in the justices for altering or rebuilding any bridge and the lengths of roadway adjacent thereto repairable by the inhabitants of the said county or any hundred therein which may be crossed or affected by the works of the Promoters; but all such rights, powers, and authorities shall remain in as full force as if this Order had not been made, and the justices shall not be liable to make any compensation whatever for any damage or injury to the tramways by the altering or rebuilding of any such bridge and lengths of roadway adjacent thereto; provided that in altering or rebuilding any such bridge or length of roadway adjacent thereto nothing shall be done to impede or interfere with the tramways for any greater length of time or in any other manner than shall be necessary for the execution of the works, and before commencing such alterations or rebuilding fourteen days notice thereof shall be given to the Promoters, and the justices shall afford to the Promoters all necessary and reasonable temporary facilities for enabling them to continue the traffic on their tramways during such alteration or rebuilding.

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

If any dispute or difference shall arise between the justices and the Promoters respecting the necessity for the exercise of or in any way relating to the powers or provisions of this section or otherwise, such dispute or difference shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Gauge of tramways.

11. The tramways shall be constructed on a gauge of three feet six inches, or such other gauge not being less than three feet and six inches, as may be required by the Board of Trade: Provided always, that so much of section thirty-four of the Tramways Act, 1870, as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage,

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Further provisions as to construction of tramways.

shall not apply to carriages or engines used on the tramways; provided that no such carriage or engine shall be more than five feet six inches in width.

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

As to rails of tramways.

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

Penalty for not maintaining rails and road in good condition.

14. The Promoters shall, at all times and (subject to the special provisions of this Order) with such materials and in such manner as the road authority shall direct, and to their satisfaction, maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rests, and if the Promoters at any time make default in complying with this provision, or with any of the provisions of section twenty-eight of the Tramways Act, 1870, they shall (without prejudice to the enforcement in any manner of the other requirements of this Order or to any other remedy against the Promoters) for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues after seven days previous notice shall have been given or left at the office of the Promoters by the clerk or surveyor for the time being of the road authority, and such penalty shall be a penalty within the meaning of section fifty-six of the said Act. The proviso in section twenty-eight of the Tramways Act, 1870, contained, empowering the road authority if the Promoters fail to comply with the provisions of that section after seven days notice to the Promoters to do

the works therein mentioned and recover the expense thereof from the Promoters, shall extend and apply not only to the works necessary for the repairs and maintenance in that section mentioned, but also to the works necessary for the maintenance and repairs in this section provided for, and the said proviso shall be read as if the words "forty-eight hours" had been inserted therein in lieu of the words "seven days." In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made any such default as aforesaid, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade certify under the hand of a Secretary or an Assistant Secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are herein-before imposed with respect to offences.

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

15. If any road authority shall hereafter alter the level of any road along or across which any of the tramways is laid or authorised to be laid, the Promoters shall and they are hereby required 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.

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

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

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

17. The Promoters may, subject to the provisions of this Order, with the consent of the road authority, from time to time hereafter, make in, along, or across any road, all such crossings, turn-outs, or passing-places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Order, as may from time to time be necessary or convenient for the efficient working of the tramways or any of them, or for providing access to any stables carriage-houses, sheds, depositories, or works of the Promoters: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath, except in the case of the construction of so much of the junction tramway as shall be constructed on the said new bridge on either side of the road or street, excepting where such turn-outs, crossings, passing-places, sidings, or junctions are laid across such road or street, if any owner or occupier of premises abutting on the place where such rail is proposed to be laid, by writing, under his hand, addressed to the Promoters, object thereto: Provided further, that, after any such turn-out, crossing, passing-

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place, siding, junction (other than the said junction tramway if laid on the said new bridge), or other works have been made, the road authority may, by notice to the Promoters, require them to remove the same, and, if the road authority think fit, to relay the same in some other position to be specified in the notice, and the Promoters shall comply from time to time with the terms of such notice.

As to length of passing-places in the borough.

18. Notwithstanding anything in this Order contained to the contrary, no passing-place in the borough shall exceed sixty-six yards in length if the Corporation give notice, in writing, to that effect to the secretary of the Promoters within two calendar months after the passing of the Act confirming this Order.

Temporary tramways may be made when necessary.

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

If any difference arises between the Promoters and any road authority with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway or temporary tramways, under the authority of this section, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Application of road materials excavated in construction of works.

20. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of the local board 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 local board district of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the local board, or to such person or persons as he may appoint to receive the same: Provided that, if within seven days after notice in writing to the local board that the surplus of such paving, metalling, or material is ready for removal, such surplus is not removed by the said surveyor, or by some other person or persons 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 the local board or any surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Promoters and any road authority.

Materials of roads to belong to Promoters.

21. All road materials and paving excavated by the Promoters in the construction of the tramways in the borough shall belong to the Promoters.

As to macadamized roads.

22. In any road in the borough in which any of the tramways are to be constructed, and which are at present macadamized, the Promoters shall be entitled to use the whole of the materials from channel to channel, and shall in every case relay the portion of the road not required to be paved under the provisions of this Order with macadam to the satisfaction of the Corporation, and the Corporation shall maintain such road in an efficient state of repair until the Promoters commence to break up the same for the purpose of constructing the tramway thereon.

Paving and maintaining certain portions of roads.

23. The provisions of section twenty-eight of the Tramways Act, 1870, with respect to the maintaining and keeping in good condition and repair certain portions of roads in the borough whereon the tramways are laid shall extend to the construction of the tramways and to the maintenance thereof, subject to the following conditions; that is to say,

(1.) In every road in which a single line of tramway shall be laid the Promoters shall pave and maintain a width of four feet on either side of the centre line of the tramway for the whole length of such single line:

(2.) In every road in which a double line of tramway shall be laid the Promoters shall pave and maintain the whole width of the road included between the two outer rails of the tramways, and a width of two feet one and a half inches outside each of such outer rails:

Provided that in all cases in which by the requirement in writing of the Corporation any such double line shall be so laid that the distance between the two inner rails of such double line shall exceed four feet and three inches, the Corporation shall at their own cost pave and maintain such excess. For the purposes of this section, a passing-place shall be deemed a double line of tramway.

Promoters to pave portions of roads repairable by them with setts of specified size and material.

24. Where any portion of the tramways shall be laid in any road within the borough, the portion of the road required by section twenty-eight of the Tramways Act, 1870, and this Order, to be maintained and kept in good repair by the Promoters shall not be deemed to be so maintained and kept unless it is paved by the Promoters with granite setts, which in the case of any road which at the time of the construction of the tramways therein may be paved with granite, shall be of the same dimensions as the setts in such road, and in the case of any road not then so paved with granite setts of such depth (not exceeding six inches) and asphalted in such manner as the Corporation may reasonably direct and approve.

25. The Promoters shall pave with wood cubes or setts upon a foundation or substructure of concrete, to the satisfaction of the Corporation, so much of the roads repairable by them as lies in front, and extending for fifty yards at each end of such frontage of the town hall, infirmary, and every place of public worship, and shall also in like manner pave with wood cubes the part of any road repairable by them, the other parts of which road the Corporation may, at the time of the construction of the tramways, decide to so pave: Provided that the Corporation shall give notice to the Promoters of such decision before the Promoters commence to construct any tramway in such road.

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Corporation in certain events may pave, &c.

26. If at any time during the construction of the tramways in the borough the Promoters, in the opinion of the borough surveyor, make any default in paving any portion of any road in which any tramway is being laid, as under this Order the Promoters are bound to pave, the Corporation may give notice in writing to the Promoters of such default, and if at the expiration of forty-eight hours from the giving of such notice the Promoters fail to commence the necessary works to remedy such default, or having so commenced shall not in the like opinion prosecute the same to completion with all reasonable despatch, the Corporation may and shall execute such works at the same time as or forthwith after the tramway shall be laid on such road.

Corporation may maintain, &c. portions of roads maintainable, &c. by Promoters.

27. The Corporation may at any time and from time to time take upon themselves the repairing, maintaining, or repaving of such portions of any road within the borough whereon any tramway to be constructed under this Order is laid, as under this Order the Promoters are bound to repair or maintain for the whole or any part of the length of the tramway laid upon such road, and that notwithstanding that the Promoters may have theretofore repaired or maintained the same, or any part thereof, provided that the Corporation shall by notice in writing to the Promoters state when the Corporation intend to take upon themselves such repairing, maintaining, or repaving, and if the Corporation shall give such notice they shall execute such repairs, maintenance, or repaving, from and after the time and for the period mentioned in that behalf in such notice.

The materials to be used in such paving, repairing, maintaining, or renewing by the Corporation, shall (subject to the special provisions of this Order) be in the discretion of the Corporation, and the Promoters shall not interfere in any way in the paving, renewal, maintenance and repair of such portions of any such roads as in pursuance of such provisions as aforesaid, the Corporation are or shall become liable to pave, repair, or maintain the same or be liable in any way for any neglect or default in or about such paving, repairing, or maintaining.

The Promoters shall pay to the Corporation all the nett expenses of paving, repairing, and maintaining of such portions of the said roads as shall be paved, repaired, or maintained by the Corporation, and as but for this and the preceding sections the Promoters would have under this Order been bound to pave, repair, or maintain, together with five pounds per centum on such expenses, and the amount of such nett expenses to be paid from time to time by the Promoters under this section shall be ascertained in such manner as may from time to time be agreed upon between the Corporation and the Promoters, or as failing such agreement, in any case may be ascertained and certified from time to time by the engineer or surveyor for the time being of the Corporation; and such amounts shall be paid by the Promoters on demand, and the certificates and payments shall be so made in advance that the Corporation shall not in any way be required to furnish any money for such part of the works in hand as the Promoters may be liable to pay for.

Security for repayment of cost of paving and repairing roads.

28. In order to secure the payments by the Promoters of the amounts to be paid by them to the Corporation under the last preceding section, the Promoters shall on or forthwith after each of the usual quarter days deposit with the Corporation the amount which the engineer or surveyor for the time being of

the Corporation may certify to be in his judgment the amount which will be required to be paid by the Promoters under the said section for the works to be executed during the ensuing quarter, and the Corporation shall be at liberty to apply the moneys so deposited or any part thereof in or towards payment of any amount payable by the Promoters as aforesaid in respect of work executed during such quarter, and at the end of each quarter the amount, if any, not so applied, or so much thereof as may not be required, shall be carried forward as or towards the deposit for the next quarter, and any excess shall be paid to the Promoters, and if any sum be so carried forward as aforesaid, the Promoters shall for such quarter only deposit such an amount (if any) as will be required to make up the sum to be deposited as aforesaid.

The Promoters shall, on demand, repay to the Corporation all reasonable charges and expenses incurred by them for the supervision and inspection of any work done by the Promoters in connexion with the tramways within the borough, and the Corporation are hereby authorised to order such supervision and inspection of the works as they may deem proper.

Deviation from centre of the road in certain cases.

29. Subject to the approval of the Board of Trade, where any part of any of the tramways, if constructed according to the deposited plans and sections, would be so laid that a less space than nine feet six inches would intervene between the outside of the footpath on either side of the road and the inside rail of the tramway, the Promoters shall not construct such part in accordance with the deposited plans and the deposited sections, but they may and they are hereby required to deviate from the deposited plans and the deposited sections, and to construct such part of such tramway on one side of the road. The side of the road upon which such tramway is to be constructed shall be decided by the road authority.

Conditions where cabstands are removed.

30. Wherever any cabstand existing within the borough at the time of the passing of the Act confirming this Order shall be interfered with by the laying of any tramway, and shall for such purpose be required to be removed, the Promoters shall at their own costs take up the same, as well as any cabin or place used as a shelter or convenience by cabdrivers at or near any such stand, and shall reconstruct the same respectively, in such other position near to the former site as the Corporation shall determine, and with such materials as shall be suitable for the purpose, and be reasonably approved by the surveyor of the Corporation.

Promoters not to stop traffic except with consent.

31. The Promoters shall not in the construction, alteration, or relaying of any of the tramways stop up, or interfere with, any road so as to prevent the passage of traffic along such road, except with the previous consent in writing of the road authority.

Levels to be fixed by the road authority.

32. The levels at which the tramways are to be constructed shall be decided by the road authority, and any expense in the construction of the tramways over and above that which would have been incurred by the Promoters in following the levels shown on the deposited plans, and rendered necessary by such decision, shall be borne by the Promoters; provided that if by reason of any such alterations of levels any buildings or land be injuriously affected, the compensation (if any) payable therefor shall be paid by the road authority, who shall also execute at their own cost all works rendered necessary by such alteration of levels not forming an integral part of the construction of the tramways.

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Injury to streets, &c. and buildings to be borne by Promoters.

33. If, by reason of the construction of the tramways according to the levels shown on the deposited sections, any alteration is rendered necessary in the level of any of the streets or roads, or in the levels of the footways of such streets or roads, the expense of making such alteration, and of the making good all damage to any building or land by reason of such alteration, shall be borne and paid by the Promoters.

Tramways to be constructed simultaneously with repaving of streets.

34. So far as is practicable, having regard to the time limited by this Order for the construction thereof, the tramways within the borough shall be constructed simultaneously with the repaving of the streets in which the same are to be constructed, in case the Corporation deem it necessary to repave such streets respectively, within such a period as will reasonably permit of the completion of the tramways within the time limited by this Order, provided that the Corporation give to the Promoters not less than one month's previous notice of their intention to repave the same, and of the time proposed for the commencement of the works. In case any difference arise between the Promoters and the Corporation in respect of any of the provisions of this section, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlements of differences in the said section mentioned.

Provisions of this Order not to supersede provisions of ss. 26 to 33 of the Tramways Act, 1870.

35. The several provisions herein contained for the protection of the road authority and of any sewers, pipes, and apparatus shall not be deemed to supersede or dispense with the provisions of sections twenty-six to thirty-three, both inclusive, of the Tramways Act, 1870; but those provisions respectively (except in so far as they may be inconsistent with any of the special provisions herein contained) shall be and remain in full force and effect.

Provisions as to gas and water companies to extend to local authority.

36. Sections thirty, thirty-two, and thirty-three of the Tramways Act, 1870, shall extend and apply to the local authority with reference to the pipes and apparatus belonging to them in like manner as the same apply to a company or person, being the owner of gas and water mains or pipes, tubes, wires, or apparatus, provided that all works or interference under the thirtieth section of the Tramways Act, 1870, or otherwise with or in connexion with such pipes and apparatus, shall be made or executed by the local authority, as the case may be, upon the request, and at the cost of the Promoters.

Extending application of s. 32 of the Tramways Act, 1870.

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

Extension of s. 26 of Tramways Act, 1870.

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

Promoters to remove certain sewers, &c. when required.

39. The Promoters shall, at their own cost, if and when required by the local authority, and if rendered necessary by the construction of the tramways, remove

all sewers and all pipes and apparatus belonging to the local authority or subject to their control, and which on the completion of the tramways would be under that part of any road which the Promoters are by section twenty-eight of the Tramways Act, 1870, or by this Order, required to maintain and repair, and shall, if and when so required, reconstruct or relay, and reconnect, alter, or amend all such sewers, pipes, and apparatus in such other parts of the said road, and in such manner as may be reasonably prescribed by the local authority.

Promoters to pay cost of new gas and water mains, &c. rendered necessary by their works.

40. The cost of from time to time constructing, providing, and laying any new or additional sewers, pipes, or apparatus in substitution for any which may be injuriously affected or rendered useless by the construction, use, or maintenance of the tramways and the value of any pipes or apparatus, belonging to or under the control of the local authority, rendered useless or unproductive to the local authority, as the case may be, by the works authorised by this Order shall, on demand, and subject to credit being given for the value of the aforesaid matters so rendered useless to the local authority, as the case may be, be paid to the local authority by the Promoters: Provided always, that whenever any new main pipe or apparatus, as aforesaid, of larger dimensions shall be substituted for any existing main pipe or apparatus, the Promoters shall (unless the increased dimensions be required by reason of the construction or existence of the tramways), only be required to pay the cost which would have been incurred by the substitution of a main pipe or apparatus of equal dimensions with the existing main pipe or apparatus.

Removal, &c. of mains, &c. to be effected by local authority at cost of Promoters.

41. Whenever the Promoters desire, under the authority of this Order, to do any act which may render necessary the alteration, removal or displacement of any sewers, pipes, or apparatus or works belonging to, or under the control of, the local authority, the Promoters shall give to the local authority fourteen days notice in writing of such desire, and the local authority shall thereupon forthwith, but without prejudice to the protection afforded to them by the Tramways Act, 1870, make such alteration displacement or removal, as the case may be, and do all work incidental thereto, and all reasonable expenses that may be thereby incurred shall be defrayed by the Promoters.

Exemption of local authority from liability in execution of own works.

42. Nothing in this Order shall prevent the local authority from time to time repairing, altering, amending, and maintaining any existing, or laying any new or additional sewers, pipes, or apparatus, under, across, or near the tramways, and the local authority shall not be liable for any damage to the tramways, or loss of traffic thereon, that may be caused by the execution of any of the aforesaid works, at, under, across, or near to the tramways, nor for the expense of taking up and relaying the parts of such tramways, as may be interfered with as aforesaid by the local authority, all of which shall be done at the expense of the Promoters, provided that the operations of the local authority shall be carried on so as to interfere as little as possible with the traffic on or construction of the tramways.

Corporation and local board to have access to sewers, &c.

43. The Corporation and the local board, and their respective officers and servants, shall at all times have free access to, and communication with, all existing and future sewers, pipes, apparatus, and other works in connexion there-

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with. Provided always, that if at any time after the passing of the Act confirming this Order, any such sewers or any other works of, or belonging to, or under the control of, the Corporation or the local board respectively, shall be or become injured or damaged by reason, or in consequence of, any act, deed, matter, or thing of, or by the Promoters or their servants, it shall be lawful for the Corporation or the local board, as the case may be, immediately thereupon, or at any time thereafter, at the cost, expense, and risk of the Promoters, to do what they shall respectively deem reasonably necessary in order to the thorough and efficient reinstatement of such sewer, drain, or other work as aforesaid; and if the Promoters shall not, on demand, pay the Corporation or the local board, as the case may be, the cost and expense incurred by the Corporation or the local board, as the case may be, the Corporation or the local board, as the case may be, may recover the same from the Promoters in like manner as any simple contract debt may be recovered.

Corporation or local board respectively not to be responsible for subsidence.

44. The Corporation and the local board respectively shall not be responsible to the Promoters for any damage the Promoters may sustain by reason of their having to repair or relay their lines from time to time in consequence of the ground subsiding after the construction or relaying of any sewer pipes and apparatus shall have been completed and the ground above the same filled in but in such construction or laying, and in the filling in of the ground above and around the same, the Corporation and the local board respectively shall proceed with all reasonable care and despatch. The Promoters shall be entitled to construct, maintain, and work temporary tramways in order to carry on their traffic during the time that any of the tramways, or any portion thereof, shall be interfered with under this or any other provision of this Order or otherwise.

Promoters to indemnify Corporation from accidents, &c. caused by escape of gas or water, &c.

45. The Corporation shall not be liable to the Promoters for, and the Promoters shall indemnify the Corporation against, any loss by reason of suspension of traffic, or any accidents, damages, or injuries, either to the tramways, works, and property of the Promoters, or to the persons and property being conveyed on or using the same, or to any other person or property whatsoever, and all actions, suits, and costs in respect thereof which may, either during the progress of the works of the Promoters, or at any time thereafter, be caused by the bursting, breaking, or leakage from any sewer, of or by any escape from any pipe or apparatus of the Corporation, crossing, or being underneath (either wholly or partially), or near to any tramway or work of the Promoters, unless such damages, accidents, or injuries arise as the consequence of any wilful act or default of the Corporation; the intention of this section being that the Corporation shall not by reason of the existence of the tramways, or the working of them by the Promoters or their assignees, or of the construction thereof, be liable to any greater extent than they might be liable if such tramways were not in existence, or if works in connexion with the construction or repair thereof were not at the time of any injury being caused being carried on: Provided always, that the Promoters shall not, nor shall their assigns or lessees, be liable for any damages, claims, or demands to which the Corporation would be liable if the tramways were not in existence, or if works in connexion therewith were not for the time being carried on.

Removal of tramways by Corporation.

46. If at any time it shall appear to the Corporation desirable that any of the tramways, or any part thereof within the borough, should be removed, the Corporation may remove the same at any time after the expiration of six months notice given by the Corporation to the Promoters, upon paying or making proper compensation to the Promoters; such compensation, in case of difference between the parties, to be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of differences in the said section mentioned, provided that if the Promoters object to such removal the matter shall be referred to and settled by the Board of Trade.

Promoters to be solely responsible for maintenance of tramways.

47. The sole responsibility of maintaining and working the tramways free from damage or accident shall rest with the Promoters, and they shall have no claim whatever for any damage or interruption of the traffic which may arise from any works executed or to be executed by the road authority, or from the use of any implements or materials used in the maintenance thereof, or by reason of any accident which may happen to any road under the control of the road authority, except where such damage or interruption of traffic results from wilful negligence or improper conduct in the execution of such works, or in the use of such implements or materials.

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

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

*Motive Power.*

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

49. The carriages used on the tramways may, subject to the provisions of this Order, be moved by animal power, and during a period of seven years after the opening of the same for public traffic, and with the consent of the Board of Trade, during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a Secretary or an Assistant Secretary of the said Board, by steam power, or any mechanical power: Provided always, that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the Schedule A. to this Order annexed, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may, and which they are hereby empowered to, make from time to time, as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam or any mechanical power on the tramways.

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

50. The Promoters or any person using steam or any mechanical power on any of the tramways contrary to the provisions of this Order, or to any of the regulations set forth in the Schedule A. to this Order annexed, or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order, shall for every such offence be subject to a penalty not exceeding ten pounds, and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day

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

Byelaws.

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

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

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

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

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

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

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

As to recovery of penalties.

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

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

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

they think fit, make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders and byelaws to be signed, &c.

54. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by a Secretary or an Assistant Secretary of the Board of Trade, and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order.

Corporation may make regulations as to use of bell, whistle, &c.

55. The use of the bell, whistle, or other warning apparatus within the borough under the provisions of this Order shall be subject to any regulations which, subject to this Order, or to any regulations made by the Board of Trade under the provisions of this Order, the Corporation may make, and which they are hereby authorised to make, subject as aforesaid, with respect to such use on the tramways within the borough.

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

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

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

Before using steam or any mechanical power on the tramways, or any part thereof, and thereafter from time to time, the Promoters or such person, and every such road authority, may enter into or renew, with or without modification, any contract, agreement, or arrangement with respect to the user by the Promoters or such person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road which they may think fit and the Board of Trade may approve.

In case any difference arises between any such road authority and the Promoters or such person as to the determination of any such contract, agreement, or arrangement, or in case any such road authority, after request in writing by the Promoters or such person or the Promoters or such person after

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

No steam or mechanical power shall be used on the tramways or any portion of the tramways unless there is in force, in relation to the tramways or such portion of the tramways, a contract, agreement, or arrangement in accordance with the provisions of this section.

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

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

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

The several provisions of this Order with respect to the paving, repairing, and maintaining by the Promoters of roads within the borough shall be deemed to be an agreement in that behalf between the Promoters and the Corporation within the meaning of this section, and shall not on any renewal or in the case of future revision thereof under the powers of this section be altered so as to prejudice or render the same less beneficial to the Corporation.

*Traffic upon Tramways.*

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Promoters to give running powers in certain events.

58. If at any time hereafter any tramways or tramway extensions or additions are constructed or purchased within or partly within the borough by the Corporation or any company or person (other than the Promoters), the Promoters shall, if and when, and as required by the Corporation or by such other company or person, and with the consent of the Board of Trade, permit all necessary and convenient junctions and communications to be made and maintained between the tramways of the Promoters and the tramways of the Corporation, or of such other company or person as aforesaid, as the case may be; and the Corporation or such other company or person as aforesaid, and the Promoters shall each respectively, if required by the other, and with such consent as aforesaid, grant to each other, and their respective assignees and lessees, all such reasonable running powers and traffic facilities over and on their respective tramways, and upon such terms and conditions as to compensation or otherwise as may be agreed upon between them, or, in case of difference, as shall be settled in manner provided by the thirty-third section of the Tramways Act, 1870. And the Corporation shall and will use their best endeavours to cause to be inserted in any Provisional Order or Act of Parliament which may be obtained by them, authorising them to construct any tramways or tramway extensions or additions within or partly within the borough, as the case may be as aforesaid, and in any Provisional Order or Act of Parliament which may be obtained by any other company or person authorising the construction by such other company or person of tramways or tramway extensions or additions within or partly within the borough as aforesaid, provisions for giving effect to the provisions of this section. Provided that in case of any such Provisional Order or Act of Parliament being made and confirmed or passed, the provisions of this section shall not be binding upon the Promoters except in the event of such provisions being inserted in such Provisional Order or Act of Parliament.

Power of Corporation to suspend traffic on tramways.

59. The Corporation shall have power, at any time, and from time to time, by giving twenty-four hours previous notice in writing to the Promoters, to absolutely stop, delay, or suspend the working of the tramways in any of the roads within the borough as well for police purposes, for regulating and facilitating traffic on any public occasion, procession, or demonstration, as for the execution of any works by the Corporation, or for or in the exercise of the powers of any local or general Acts, or of this Order, and for any purpose which the Corporation, in the exercise of their powers respectively for the good government of the borough or the safety of the public, deem necessary; such stoppage, delay, or suspension to continue only as long as may be reasonably necessary for the purposes aforesaid, or any of them, and the Promoters shall not be entitled to claim any compensation or damages in respect thereof.

Regulation of ordinary traffic in borough.

60. In addition to the powers reserved by section sixty-one of the Tramways Act, 1870, the Corporation may regulate the passage of all or any of the traffic along or across any road along or across which any tramways are laid down within the borough; and all or any of their officers may exercise the powers conferred upon them by the Corporation as well on as off the tramways, and with respect as well to the traffic of the Promoters as of other persons.

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Regulating hours and number of carriages to run daily.

61. The Promoters at all times after the opening of the tramways for public traffic shall, and they are hereby required (unless and until the Corporation shall give their consent to an alteration of this regulation), and in addition to any other carriages which they are required to run by this Order, to run carriages on each respective route, and from one extremity thereof to the other, once each way every half hour at least, between the hours of seven a.m. and ten p.m. during the months of April, May, June, July, August, and September, and between the hours of eight a.m. and eight p.m. during the months of October, November, December, January, February, and March (Sundays, Christmas Day, and Good Friday excepted during both periods), and any default or failure in this respect (unless arising from circumstances beyond the control of the Promoters) on any day after twenty-four hours notice from the Corporation that the same has occurred, shall be deemed to be, and shall be a discontinuance to work the tramways on such day within the meaning of the forty-first section of the Tramways Act, 1870.

Penalty for default of Promoters in working tramways.

62. If the Promoters make default or fail in working the traffic as required by the last preceding section upon any of the tramways for an entire day (except Sunday, Christmas Day, or Good Friday) they shall be liable to pay the Corporation a penalty of ten pounds a day, for every day save and except the days herein-before named, on which they make default or fail in working such traffic, and such penalty may be recovered by the Corporation as by section fifty-six of the Tramways Act, 1870, is provided: Provided always, that such default or failure, as in the last preceding section mentioned, shall not be deemed such discontinuance as is therein mentioned, nor shall the Promoters be liable to any such penalty if the default or failure to work the tramways shall arise from any acts of the Corporation or their officers, or from accidents or any other circumstances over which the Promoters have no control.

Tramway cars not to be stopped at certain places.

63. No tramway car shall be allowed to remain stationary, or stop for the purpose of taking up passengers, animals, goods, minerals, or parcels, or for any other purpose whatsoever, in the line of any road crossing within the borough.

Traffic upon tramways.

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

Promoters not bound to carry goods.

65. The Promoters shall not be bound to carry, unless they think fit, any animals, goods, minerals, or parcels, other than passengers luggage, not exceeding twenty-eight pounds in weight, nor shall they carry the same except subject to such reasonable regulations as the Corporation may prescribe in that behalf: Provided, nevertheless, that if at any time after the opening of the tramways, or any of them, or any part thereof, for public traffic, the Corporation by notice require the Promoters to arrange for and conduct, during specified hours of the day or night, a separate service within the borough for the transmission of animals, goods, minerals, or parcels, other than passenger luggage, the Promoters shall, within three months after the receipt of such notice, arrange for such service upon the terms of payment of tolls and charges in respect of such animals, goods, minerals, or parcels not exceeding the tolls and charges by this Order authorised, but such service shall not be required to exceed two journeys in each direction over the whole length of the tramways on each day (Sundays, Christmas Day, and Good Friday always excepted), and in the event of any difference arising between the Corporation and the

Promoters in respect thereof, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Breaks, and restrictions and provisions as to carriages.

66. All carriages used on the tramways within the borough shall be provided with efficient sleigh breaks, and also with efficient ordinary breaks worked by separate handles, and no carriage shall be used by the Promoters upon the tramways until such carriage has been submitted to and approved by an officer to be appointed for that purpose by the Corporation; and all the carriages to be used by the Promoters shall be kept in good repair and condition, to the reasonable satisfaction of such officer. No carriages coupled together shall be used upon the tramways if the Corporation object to such user, but this prohibition shall not extend to any engine drawing one carriage.

Penalty for running carriages without breaks.

67. In case the Promoters or their servants, contrary to the provisions of this Order, use on the tramways within the borough any carriage without efficient sleigh and ordinary breaks, or without lights, the Promoters shall, on information laid or complaint made, be subject to a penalty not exceeding five pounds for every day on which they shall have used any such carriage; and every such penalty may be recovered as by section fifty-six of the Tramways Act, 1870, is provided.

Lights on carriages after sunset.

68. Between sunset and sunrise the Promoters shall fix and maintain one white light at least in front of each carriage or of the first of two or more carriages coupled together or of each engine, and one red light at least at the rear of such carriage or the last of such carriages.

Lighting of streets or roads.

69. The Promoters may contract with the local or road authority, for or with reference to the lighting of all, or any, or any part of the roads along which the tramway is laid in the district of such local or road authority.

Corporation may require removal of any carriage, horse, or engine unfit for use.

70. The Corporation may cause to be removed from the tramways of the Promoters any carriage, horse, or engine which shall be certified by an Officer to be appointed by the Corporation, as aforesaid, to be unfit for use upon the tramways within the borough: Provided that every certificate to be made by such officer shall be in writing, and shall state fully the particulars in which, in his opinion, the carriage, horse, or engine (as the case may be) is unfit for use, and notice of every such certificate, with a copy thereof, shall be served upon the Promoters prior to any action being taken thereon by the Corporation: Provided further, that if any dispute shall arise between the Corporation and the Promoters, as to the fitness or unfitness of any such carriage, horse, or engine, the same shall be settled by two justices of the peace, who shall have full power and authority to make such order in reference thereto and as to payment of costs as they shall think fit, and such order shall be made and enforced in like manner as orders may be made and enforced under the Summary Jurisdiction Acts, 1848 and 1879.

Corporation may make additional regulations and byelaws.

71. The Corporation may, subject to the provisions of this Order, from time to time make under and according to the provisions of section forty-six of the Tramways Act, 1870, regulations and byelaws for all or any of the following purposes, with respect to the tramways within the borough, in addition to the purposes in the said section mentioned; that is to say,

For preventing the overcrowding of any carriages used on such tramways:

For insuring the sufficiency and fitness of the carriages used on such tramways, and the horses, animals, or engines drawing the same.

*Tolls.*

Tolls for passengers.

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

Passengers luggage.

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

Cheap fares for labouring classes.

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

If the Promoters fail to run such carriages within the borough as herein-before provided, they shall be liable to pay to the Corporation a penalty of not exceeding two pounds for every day on which they fail to do so, and such penalty may be recovered by the Corporation as by section fifty-six of the Tramways Act, 1870, is provided. Provided always, that the Promoters shall not be liable for any such penalty if the failure to run such carriages arise from any act of the Corporation, or of their officers, or from other circumstances over which the Promoters have no control.

Tolls, for animals, goods, &c.

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

Corporation and local board respectively may use tramways for certain purposes during certain hours.

76. The Corporation as to all the tramways, and the local board as to such of the tramways as are without the borough, at such times between the hours of eleven o'clock at night and five o'clock in the morning, as they shall think fit, may use the tramways for the conveyance of night soil, dung, manure, ashes,

rubbish, filth and other refuse, scavenging stuff, coal, cannel, coke, gas pipes, and apparatus, road metal and other materials required for their respective works, free of all tolls and charges whatsoever, and for this object may, if authorised to do so, without payment to the Promoters therefor, connect branch lines with the lines of the Promoters at such points as the Corporation may from time to time deem expedient, and may, for such purposes, subject to the provisions of this Order, use steam or any mechanical power on the tramways.

Payment of tolls.

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

Periodical revision of tolls.

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

*Miscellaneous.*

Cleansing of roads.

79. The Corporation may cleanse every road in the borough in which any of the tramways is laid without reference to such tramway; but whatever cleansing, owing to snow or other matter impeding the traffic, may be requisite for the proper working of such tramway shall be executed by the Promoters, who shall, in performing the same, remove the snow or other matters from off the road forthwith and without first placing it on any other part of the road.

Provisions as to arbitration.

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

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Arbitration.

81. If any difference arise between the Corporation and the Promoters touching anything to be done or not to be done by the Corporation or the Promoters, and for the settlement of which no special provision is made in this Order, the matter in difference shall (unless otherwise agreed on between the parties within ten days after such difference shall have arisen) be determined by a referee to be appointed by the Board of Trade upon the application of either of the parties under and according to the provisions of the Tramways Act, 1870, for the settlement of differences between a road authority and the Promoters.

Penalties.

82. Whenever the Promoters commit any breach of any provision of this Order for which no penalty is thereby expressly provided, they shall be liable to a penalty not exceeding five pounds for every day during which such breach shall continue after notice thereof by the Corporation.

Form and delivery of notices.

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

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

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

Proof of byelaws.

84. The Board of Trade shall be and they are hereby authorised to approve of byelaws made under the authority of section forty-six of the Tramways Act, 1870, and this Order, with respect to the undertaking authorised by this Order, and no such byelaw made after the passing of the Act confirming this Order shall have any force or effect unless the same shall have been so approved, and the production of a copy of any such byelaw, in writing or in print (including lithograph), or partly in one and partly in the other, signed by a Secretary or Assistant Secretary of the Board of Trade, or of a certified copy thereof, under the hand of the town clerk of the borough, shall be sufficient evidence of such byelaws in all courts of justice and legal proceedings.

Agreements between Promoters and road authorities.

85. The Promoters and any road authority may, subject to the provisions of this Order, from time to time enter into any agreements with respect to the construction, maintaining, removing, renewing, repairing, and using of the tramways situated within the district of such road authority, and the rails, plates, sleepers, and works connected therewith, and the facilitating of the passage of traffic over and along the same.

Power to hold patents.

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

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87. As security to the Corporation for the due fulfilment by the Promoters of the obligations to which, under the provisions of this Order, they are liable the Promoters shall, in addition to complying with the provisions of section twelve of the Tramways Act, 1870, and the rules made in pursuance thereof, and this Order, within two months after the passing of the Act confirming this Order enter into a bond with two sureties to be approved of by the Corporation to the amount of two thousand pounds, to pay and make good to the Corporation any claim which may arise at their instance against the Promoters; and if any difference should arise between the Corporation and the Promoters in relation to any such claim, the matter in difference shall be settled in manner provided by section thirty-three of the Tramways Act, 1870: Provided always, that if and so soon as the said tramways in the borough shall be constructed and opened for traffic the said security, or so much thereof as shall then remain in force shall cease to be of any force or effect.

General security to Corporation.

88. All and singular the sums and sum of money herein-before provided to be paid by the Promoters to the Corporation except as herein is otherwise provided, may be recovered by the Corporation by all and the same means as any simple contract debts.

Recovery of money.

89. Except as herein is otherwise expressly provided, nothing herein contained shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, or authorities of, or belonging to the Corporation; but the Corporation may have, use, exercise, and enjoy the same, as fully, freely, and effectually in all respects as they could or might have done if this Order had not been made and confirmed.

Saving rights of the Corporation.

90. Nothing in this Order shall prejudice or interfere with any rights of any person being the owner, lessee, or occupier of any subway, tunnel, pipe, or shafting constructed or laid under any road crossed by any of the tramways, and the provisions of section thirty-two (rights of authorities and companies, &c., to open roads) of the Tramways Act, 1870, shall extend and apply to and in relation to all such subways, tunnels, pipes, and shafting.

Saving certain rights under roads.

91. The provisions set forth in the Schedule C. to this Order annexed for the protection and benefit of the Corporation and the local board respectively, shall be of the same force and effect as if they were set forth in this Order, provided that, except as in this Order and in the said Schedule C. otherwise expressly provided, nothing in this Order or in the said Schedule C. contained shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, or authorities of or belonging to the Corporation or the local board, and the Corporation and the local board respectively may (save as aforesaid) have, use, exercise, and enjoy the same as fully, freely, and effectually in all respects as they could or might have done if this Order and the said schedule had not been made and confirmed.

Provisions in Schedule C. for protection and benefit of Corporation and local board to be in force.

92. The several provisions in this Order contained for the protection of the Corporation and the local board respectively, shall not be deemed to supersede or dispense with the provisions of sections twenty-six to thirty-three, both inclusive, of the Tramways Act, 1870, but those provisions respectively (except in so far

Provisions in Order not to supersede provisions of the Tramways Act, 1870.

as they may be inconsistent with any of the special provisions herein contained) shall be and remain in full force and effect.

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

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

Saving as to powers of borrowing on mortgage.

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

Saving for general Acts.

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

## SCHEDULE A.

Break power of engines.

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

As to fittings of engines, &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

As to carriages.

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

Inspection of engines and carriages.

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

As to speed.

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

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

## SCHEDULE B.

### Tolls and Charges for Animals, Goods, &c.

| *Animals.* | | Per mile. *s.* | *d.* |
|---|---|---|---|
| For every horse, mule, or other beast of draught or burden | per head | 0 | 3 |
| For every ox, cow, bull, or head of cattle - - - - | | 0 | 3 |
| For every calf, pig, sheep, or other small animal - - - | | 0 | 2 |

| *Goods and Minerals.* | | | |
|---|---|---|---|
| For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure, and undressed materials for the repair of public roads or highways | per ton | 0 | 3 |
| For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs | per ton | 0 | 3 |
| For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings - - - | per ton | 0 | 4 |
| For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things - | per ton | 0 | 4 |
| For every carriage of whatever description - - - | each | 1 | 0 |

*Small Parcels.*

| | Any distance. s. | d. |
|---|---|---|
| For every parcel not exceeding seven pounds in weight - each | 0 | 3 |
| For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - - - each | 0 | 4 |
| For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - - each | 0 | 6 |
| For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - - - each | 0 | 9 |

For any parcel exceeding fifty-six pounds in weight, such sums as the Promoters may think fit:

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

*For the Carriage of Single Articles of Great Weight.*

| | Per mile. s. | d. |
|---|---|---|
| For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, exceeds four tons, but does not exceed eight tons, such sum as the Promoters may think fit, not exceeding - - - - - per ton | 1 | 0 |
| For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, exceeds eight tons, such sum as the Promoters may think fit. | | |

*Regulation of Tolls.*

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

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

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

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

## SCHEDULE C.

PROVISIONS FOR THE PROTECTION AND BENEFIT OF THE CORPORATION AND THE LOCAL BOARD REFERRED TO IN THE FOREGOING ORDER.

1. In this Schedule the expression "undertaking," when used with reference to a purchase by the Corporation, shall mean and include the tramways about to be purchased by them, and all lands, stables, buildings, sheds, engines, carriages, rolling stock, horses, fixed and moveable plant, cash in hand and at bankers, and reserve fund, and all other property of the Promoters, appurtenant to or used for the purposes of the tramways about to be so purchased, and the expression "capital expended," when used in reference to such purchase, shall mean capital expended for such undertaking, and not included among the liabilities of the Promoters payable by the Corporation.

Separate accounts to be kept as to undertaking within the borough and the district.

The Promoters shall keep separate accounts of the capital expended on the undertaking within the borough, and within the local board district.

All contracts entered into and all moneys paid by the Promoters for making, forming, laying down, building, maintaining, repairing, renewing, or otherwise relating to so much of the undertaking as is within the borough, shall be separate from contracts entered into, and moneys paid for the like purposes, as to so much of the undertaking as is within the local board district.

Copies of Promoters half-yearly balance sheets to be furnished to the Corporation and local board.

2. A copy of every half-yearly balance sheet of the accounts of the Promoters shall within seven days after the same have been approved at an ordinary meeting of the Promoters be delivered to the Corporation, or to the town clerk of the borough for the time being, and to the local board, or to their clerk for the time being.

Promoters to produce their books, &c. to Corporation and local board.

3. The Promoters, on the request of the Corporation or of the local board, shall at all reasonable times, and shall from time to time produce to such person as the Corporation or the local board, as the case may be, shall require all the books, accounts, and vouchers with reference to the tramways and undertaking, and permit such person to take such copies of and extracts from such books and accounts as he may think fit.

Powers of Corporation and local board to purchase.

4. If at any time after the expiration of twelve years, and before the expiration of twenty-one years after the passing of the Act confirming the foregoing Order, the Corporation shall be authorised to acquire the undertaking, or so much of the same as shall be within the then limits of the borough, the Promoters shall, subject to the provisions herein-after contained, if thereunto required by the Corporation by notice in writing to be delivered at the office of the Promoters, addressed to the secretary of the Promoters, sell and convey the undertaking or so much thereof as aforesaid to the Corporation upon the terms following; that is to say,

If the Corporation shall at the expiration of the twelfth year after the passing the Act confirming the said Order, or within six months thereafter, give notice to the Promoters of their intention to purchase the undertaking, the Corporation shall pay to the Promoters a sum equal to the expended capital

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and the then liabilities of the Promoters, with an additional sum of money sufficient to make up average dividends at the rate of six pounds per centum per annum to the shareholders of the Promoters from the time or respective times when the tramways shall have been opened for traffic up to the completion of the purchase, if dividends at that average rate per cent. per annum shall not have been paid out of the profits of the Promoters, and if the Corporation shall at the expiration of such twelfth year as aforesaid, or within six months thereafter, give notice of their intention to purchase so much of the undertaking of the Promoters as shall be within the then limits of the borough, the Corporation shall pay to the Promoters a sum equal to so much of the expended capital as shall have been expended within the borough, and such proportion of the then liabilities of the Promoters as the capital expended within the borough shall bear to the whole of the expended capital, together with the like proportion of the said additional sum of money sufficient to make up the average dividends at the rate of six pounds per centum per annum as aforesaid, if dividends at that average rate shall not have been paid as aforesaid.

If the Corporation shall after the expiration of six months after the expiration of such twelfth year as aforesaid, and before the expiration of such period of twenty-one years, give notice of their intention to purchase the undertaking, the Corporation shall pay to the Promoters a sum equal to the expended capital and liabilities of the Promoters, with an additional sum of money sufficient to make up average dividends at the rate of six pounds per centum per annum during the first twelve years after the passing of the Act confirming the said Order, and average dividends at the rate of seven pounds per centum per annum after the first twelve years up to the completion of the purchase, if dividends during the said periods, and at the said rates respectively, shall not have been paid out of the profits of the Promoters; and if the Corporation shall, after the expiration of six months after the said period of twelve years, and within the said period of twenty-one years, give notice of their intention to purchase so much of the undertaking of the Promoters as shall be within the then limits of the borough, the Corporation shall pay to the Promoters a sum equal to so much of the expended capital as shall have been expended within the borough, and such proportion of the then liabilities of the Promoters as the capital expended within the borough shall bear to the whole of the expended capital, together with the like proportion of the said additional sum of money sufficient to make up average dividends during the periods, and at the rates respectively last aforesaid, if such dividends shall not have been paid as aforesaid, and if the Corporation shall purchase at or after the expiration of the said period of twenty-one years, then upon the terms and conditions, and subject to the provisions of the forty-third section of the Tramways Act, 1870:

Provided always, that, except as to such portion of the undertaking as is within the borough, the Promoters shall not be required to sell their undertaking to the Corporation, if the local board shall, under the provisions hereinafter contained, purchase such portion of the undertaking as is within the local board district; and

Provided also, that nothing herein contained shall be construed to make it obligatory on the Promoters to sell, nor shall they be required to sell the portion of their undertaking which shall be in the borough only, and in case

the local board do not, under the provisions herein-after contained, purchase so much of the undertaking as shall be within the local board district as aforesaid the Corporation shall not be entitled to purchase or acquire the portion of the undertaking which shall be within the borough, unless and until they shall also purchase the portion thereof which shall be within the local board district, and in any event the Corporation shall not be entitled to acquire the portion in the local board district unless and until they also purchase the portion in the borough.

The costs and expenses of the transfer to the Corporation of the undertaking, or such part thereof as aforesaid, shall, if the Promoters are required to transfer the undertaking, or such part thereof as aforesaid, within the said period of twenty-one years, be paid by the Corporation.

If any dispute or difference shall arise between the Corporation and the Promoters respecting any matter or thing relating to such transfer, or otherwise in relation to the preceding provisions of this schedule, such dispute or difference shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

If at any time after the expiration of twelve years, and before the expiration of twenty-one years after the passing of the Act confirming the said Order, the local board shall be authorised to acquire so much of the undertaking of the Promoters as shall be within the local board district, the Promoters shall, subject to the provisions herein-after contained, if thereunto required by the local board by notice in writing to be delivered at the office of the Promoters addressed to the secretary of the Promoters, sell and convey so much of the undertaking of the Promoters as shall be within the local board district as aforesaid upon the terms following; that is to say,

If the local board shall at the expiration of the twelfth year after the passing of the Act confirming the said Order, or within six months thereafter, give notice of their intention to purchase so much of the undertaking of the Promoters as shall be within the local board district as aforesaid, the local board shall pay to the Promoters a sum equal to so much of the expended capital as shall have been expended within the local board district, and such proportion of the then liabilities of the Promoters as the capital expended within the local board district shall bear to the whole of the expended capital together with an additional sum of money sufficient to make up average dividends at the rate of six pounds per centum per annum to the shareholders in respect to such portion as last aforesaid of the expended capital from the time or respective times when the tramways within the local board district shall have been opened for traffic up to the completion of the purchase, if dividends at that average rate per centum per annum shall not have been paid out of the profits of the Promoters.

If the local board shall, after the expiration of six months after the expiration of such twelfth year as aforesaid, and before the expiration of such period of twenty-one years, give notice of their intention to purchase so much of the undertaking of the Promoters as shall be within the local board district, the local board shall pay to the Promoters a sum equal to so much of the expended capital as shall have been expended within the local board district, and such

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proportion of the then liabilities of the Promoters as the capital expended within the local board district shall bear to the whole of the expended capital, together with a like proportion of the said additional sum of money sufficient to make up average dividends at the rate of six pounds per centum per annum during the first twelve years after the passing of the Act confirming the said Order, and average dividends at the rate of seven pounds per centum per annum after the first twelve years up to the completion of the purchase (if dividends during the said periods and at the said rates respectively shall not have been paid out of the profits of the Promoters), and if the local board shall purchase so much of the Promoters undertaking as shall be within the local board district at or after the expiration of the said period of twenty-one years, then upon the terms and conditions and subject to the provisions of the forty-third section of the Tramways Act, 1870: Provided that if and whenever the Promoters shall receive notice from or on behalf of the Corporation of their intention to buy the Promoters undertaking or so much thereof as shall be within the borough the Promoters shall thereupon within fourteen days after the receipt of such notice give notice thereof in writing to the local board, and it shall be obligatory on the local board within two calendar months from the receipt of such notice from the Promoters to intimate in writing to the Promoters their intention to buy or not to buy, as the case may be, so much of the Promoters undertaking as shall be within the local board district, and the Promoters shall thereupon immediately inform the Corporation of the notice they may receive from the local board and furnish to the Corporation a copy thereof.

If the local board shall fail to give such notice to the Promoters within two months from the receipt of the aforesaid notice from them, the local board shall be considered to have waived their right to purchase so much of the Promoters undertaking as shall be within the local board district as aforesaid. If the local board shall give notice that they desire to purchase so much as aforesaid of the Promoters undertaking as shall be within the local board district, they shall, if not then authorised to purchase the same, forthwith take all necessary steps to obtain the authority requisite to purchase the same, and if they do not thereupon obtain such authority they shall be considered to have waived their right to purchase the same.

The local board and the Corporation shall complete the respective purchases of the undertaking within the borough and the local board district respectively, so far as may be, at one and the same time:

Provided always, that if the Corporation, after giving such notice of their intention to purchase as aforesaid, shall not complete the purchase by them, it shall not be obligatory on the local board to carry out and complete the purchase of so much of the undertaking as shall be within the local board district; but this shall not prejudice the right of the local board to purchase so much of the undertaking as shall be within the local board district or of the Corporation to purchase so much of the undertaking as shall be within the borough, or (in the event of the local board not electing to purchase the portion in the local board district as herein-before provided) the whole undertaking at any subsequent period, and subject to the provisions of the foregoing Order in all respects and to the terms herein-before set forth:

Provided further, that nothing herein contained shall render it obligatory on the Promoters to sell so much of their undertaking as shall be within the borough unless the local board or the Corporation, as the case may be as hereinbefore set forth, shall purchase so much of the undertaking as shall be within the local board district.

The costs and expenses of the transfer of so much of the undertaking and works as shall be within the local board district shall, if the Promoters are required to transfer the same to the local board within the said period of twenty-one years, be paid by the local board.

In the event of the local board purchasing so much of the undertaking as shall be in the local board district as aforesaid, and of the Corporation not at the same time purchasing the remaining portion of the undertaking, the local board shall give to the Promoters, and the Promoters shall be entitled to the option of taking a lease of so much of the undertaking as shall be within the local board district for such a term as shall, with the period which shall then have elapsed from the passing of the Act confirming the said Order, make up a term of twenty-one years, at a rental and on the terms to be mutually agreed upon (or, in case of dispute, as shall be settled in the manner herein-after specified); but it shall be a condition of such lease that the same shall terminate on the Corporation at any time purchasing the portion of the undertaking within the borough.

If the Corporation exercise the power of purchase in this Schedule contained, they shall give to the Promoters the refusal of a lease of the tramways so purchased on the same terms and conditions on which they shall be willing to offer the same to any other lessee.

In any purchase of the tramways under the provisions of this Order, moneys expended by the Promoters in the acquisition of any patent rights shall not, unless such rights shall have been acquired for the sole purposes of the tramways, and with the consent of the Corporation under their common seal be deemed to be moneys properly payable by the Promoters, or in respect of which they have any claim for repayment from the Corporation.

If any dispute or difference shall arise between the local board and the Promoters respecting any matter or thing relating to such purchase or transfer, or to the rental or terms of such lease, or otherwise in relation to the preceding provisions of this Schedule, such dispute or difference shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

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*Shepherd's Bush and Hammersmith.*

## SHEPHERD'S BUSH AND HAMMERSMITH TRAMWAYS.

*Order authorising the construction of Tramways in the Goldhawk Road, between Shepherd's Bush and Hammersmith, in the county of Middlesex.*

Short title.

1. This Order may be cited as "The Shepherd's Bush and Hammersmith Tramways Order, 1881."

Incorporation of Acts.

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

Interpretation.

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

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

The expression "the District Board" shall mean the Board of Works for the Fulham District; and

The term "person" shall include a corporation.

*Promoters.*

The Promoters.

4. Robert Nicol Reid, and James Reid, both of Number twelve, Wharf Road, City Road, London, Contractors, and the survivor of them, and the executors or administrators of such survivor, their or his assigns, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may, 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 or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold for such purposes more than five acres of land.

*Construction of Tramways.*

Construction of tramways.

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

*Shepherd's Bush and Hammersmith.*

The tramways authorised by this Order are—

A tramway (No. 2 on the deposited plans) commencing in the parish of Hammersmith at the southern end of the Goldhawk Road, adjoining the high road leading from Hammersmith to Brentford (otherwise known as the Great Western Road), passing thence northward along the Goldhawk Road, and terminating in the Uxbridge Road, in the said parish of Hammersmith, by a junction with the existing tramways in that road.

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

From the commencement of the tramway to a point 55 yards northward from the centre of the bridge carrying the Kensington, Hammersmith, and Richmond Railway over the Goldhawk Road.

In the Goldhawk Road, between two points 32 yards east and 68 yards west of Rylett Road.

In the Goldhawk Road, from a point 100 yards east of Ashchurch Park Villas, to a point opposite the north-east corner of Paddenswick Road.

In the Goldhawk Road, from a point 28 yards west of Cathnoy Road, to the termination of the tramway.

The total length of the above tramway will be 1 mile 4 furlongs 2 chains, of which 3 furlongs 8·35 chains will be single line, and 1 mile 0 furlongs 3·65 chains double line.

The above tramways will be made and be situate in the parish of Hammersmith, in the county of Middlesex.

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

7. In the construction of Tramway No. 2 by this Order authorised under the railway bridge carrying the Kensington and Richmond branch of the London and South-western Railway Company over the Goldhawk Road in the parish of Hammersmith, the following provisions shall apply and have effect:

(A.) The tramway rails shall not be laid nearer than five feet to any abutment or pier of the railway bridge, so as to leave as much space as possible for the execution of any repairs of the railway bridge as may from time to time be necessary.

(B.) In the event of the South-western Company requiring for the repair or renewal of the railway bridge to erect scaffolding around or against any of the abutments or piers or under the superstructure thereof, they shall be at liberty to do so after having given seven days notice in writing to the Company of such their intention; and, if necessary, the Company shall, during the period required for the completion of such repair or renewal, conduct all their traffic upon one line of tramway rails under the railway bridge in such manner as may be found most convenient to the South-western Company for such repair or renewal.

(C.) The South-western Company may, if they deem fit, employ a watchman or inspector to watch and inspect the Tramway No. 2 during its construction under and within a distance of seven yards on either side of the railway bridge; and the wages of such watchman or inspector shall be borne by the Company, and be paid by them to the South-western Company; and the Company shall indemnify the South-western Company against and compensate them for any injury which may from time to time

*Shepherd's Bush and Hammersmith.*

happen to the property or works of the South-western Company from the construction or working of the tramways.

Mode of formation of tramways.

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

Provisions as to construction of tramways.

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

As to mode of laying down tramways, &c.

10. With regard to the mode in which the tramways shall be laid down and constructed and the materials to be employed, the following conditions shall, subject to the provisions of sections seven and eight of this Order, apply and have effect :—

The rails of the tramways shall be of Bessemer steel, weighing not less than fifty pounds per lineal yard, and shall be fixed by wrought iron wedges three feet apart on to cast iron supports ten inches wide at the base, giving continuous support to the paving stones which shall be laid on each side of the rail. Such supports shall weigh not less than sixty pounds per lineal yard. Concrete shall be laid six inches thick and eight feet wide for each single line, levelled off at the top to a correct surface and formed of three measures of screened Macadam free from dirt and two measures of good sharp sand and one measure of Portland cement. The rails, cast iron supports, points and crossings, plates and fastenings of approved material shall be laid on concrete, and the surface between the rails, and for a width of eighteen inches outside of them, shall be paved with approved granite setts six inches deep and four inches wide, and not less than six inches or more than nine inches long, laid on a bed of sand or approved ashes, their top surface level with the rails, and grouted with a liquid mixture of sand and lime, as shown upon a section and longitudinal section marked A, signed by the Promoters and sealed by the District Board, and deposited with the Board of Trade on the eighth day of April 1881.

*Shepherd's Bush and Hammersmith.*

Penalty for not maintaining rails and road in good condition.

11. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of the tramways and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision or with the provisions of section twenty-eight 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; and such penalty may be recovered in manner provided by section fifty-six of the said Act.

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

Special provision as to penalties for not maintaining tramways in good condition.

12. In addition to any other provisions of this Order, the Promoters shall maintain and keep the tramways in good condition and repair to the satisfaction of the District Board; and if the Promoters at any time fail to maintain and keep the same in good condition and repair to such satisfaction as aforesaid, they shall for every such default be subject to a penalty not exceeding five pounds for every day on which such default continues; and further, the District Board may, if they think fit, at any time, after three days' notice to the Promoters, open and break up the road, and do the works necessary for the proper repair of the said tramways, and the expense incurred in so doing shall be repaid to them by the Promoters, and such penalty and any expense incurred as aforesaid may be recovered in manner provided by the said section fifty-six of the Tramways Act, 1870, but by the said District Board only.

Promoters to give security to District Board for completion of tramways.

13. As security to the District Board for the due completion to their satisfaction of the tramways, and for the repair, maintenance, or restoration of the road, rails, and substructure, as provided for by the Tramways Act, 1870, and by this Order, the Promoters, in addition to complying with the provisions of section twelve of the Tramways Act, 1870, and Rule twenty-one of the Board of Trade Rules, in force at the time of the passing of the Act confirming this Order, shall, within two months after the passing of the Act confirming this Order, deposit with the Treasurer of the District Board the sum of one thousand pounds, or at the option of the District Board assign to such Treasurer such other security of not less value as the Board may consider sufficient, and the said sum, or any such security to be held in lieu thereof as aforesaid, shall be held by the said Treasurer during the continuance of and until the removal of the said Tramways, and in the event of

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any expense being incurred as aforesaid by the District Board in the repair, maintenance, or restoration of the road, rails, or substructure, they shall be at liberty to provide for and pay such expense out of the money or securities so to be deposited with their Treasurer, until the amount of such expenses shall have been recovered from the Promoters in manner aforesaid, and for this purpose to sell and convert, if they think fit, such securities or any part thereof; and upon the recovery of such amount from the Promoters, the District Board shall hold the same upon the same terms and for the same purposes as they held the moneys or securities applied in payment of the said expenses as aforesaid, and as if such amount so recovered had formed part of the original deposit; and if any difference arises between the District Board and the Promoters in relation to the due completion of the said tramways, such matter in difference shall be settled in manner provided by section thirty-three of the Tramways Act, 1870, provided that during the continuance of such deposit, the District Board shall pay to the Promoters interest on the said sum of one thousand pounds, at such rate as the District Board may receive for the same, or if securities of that value are (in lieu of cash) deposited with the Treasurer of the District Board as aforesaid, the interest or dividend on such securities shall be payable to and received by the Promoters.

Sewer authority to have access to sewers.

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

Saving rights of Metropolitan Board of Works to stop up streets.

15. Nothing in this Act contained shall extend or to be construed to extend, alter, abridge, or take away any of the rights, powers, and privileges conferred upon the Metropolitan Board of Works by the Metropolis Local Management Act, 1855, or any other act relating to that Board as to stopping for public traffic any road or street under the jurisdiction of that Board for the purpose of constructing, repairing, and maintaining the sewers along or under any such road or street.

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

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

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

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

Additional crossings, &c. may be made

18. The Promoters may from time to time hereafter make all such crossings, passing-places, sidings, junctions, and other works, in addition to those particu-

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

where necessary.

Temporary tramways may be made when necessary.

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

If any difference arise between the Promoters and the road authority with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway, or temporary tramways, under the authority of this section, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Application of road materials excavated in construction of works.

20. The Promoters may use, under the direction and to the satisfaction of the surveyor to the road authority, such quantity of paving, metalling, or material excavated by the Promoters in the construction of works, as shall be required for the purpose of forming the concrete substructure of the tramways, and all surplus paving, metalling, or material so excavated shall remain the property of the road authority, and the Promoters shall, at their own costs and charges, remove and cart away such surplus paving, metalling, or material, to such places as the road authority or their surveyor may require; and if at any time the Promoters fail to comply with these several provisions they shall be subject to a penalty not exceeding five pounds, and to a further penalty of five pounds per day for every day on which the Promoters shall proceed with the said work of construction, laying down, maintenance, and renewal of the tramways without complying with the aforesaid provisions, such penalties to be recovered in manner set out in the fifty-sixth section of the Tramways Act, 1870.

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

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

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*Traffic upon Tramways.*

Traffic upon tramways.

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

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

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

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

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

*Tolls.*

Tolls for passengers.

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

Passengers' luggage.

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

Cheap fares for labouring classes.

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

Tolls for animals, goods, &c.

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

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Payment of tolls.

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

Periodical revision of tolls.

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

*Miscellaneous.*

Provisions as to arbitration.

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

Form and delivery of notices.

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

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

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

Agreements between Promoters and District Board.

33. The Promoters and the District Board may, subject to the provisions of this Order, from time to time enter into any contracts and agreements with respect to the construction, maintaining, removing, renewing, repairing, and using of the tramways situated within the Fulham district, and the rails, plates,

sleepers, and works connected therewith, and the facilitating the passage of the traffic over and along the same.

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

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

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

35. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing, signed by a Secretary or an Assistant Secretary of the said Board, provided that the Promoters at any time after the passing of the Act confirming this Order, notwithstanding that the tramways may not have been opened for public traffic for a period of six months, or completed or commenced, may, with the consent of the Board of Trade, sell the undertaking to any person or persons, corporation or company, or to the local authority of the district under and in accordance with the provisions of the forty-fourth section of the Tramways Act, 1870.

Saving as to powers of borrowing on mortgage.

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

Saving for general Acts.

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

## SCHEDULE.

### Tolls and Charges for Animals, Goods, &c.

*Animals.*

| | | Per mile. s. | d |
|---|---|---|---|
| For every horse, mule, or other beast of draught or burden - | per head | 0 | 6 |
| For every ox, cow, bull, or head of cattle - - - | per head | 0 | 6 |
| For every calf, pig, sheep, or other small animal - - | per head | 0 | 3 |

*Goods and Minerals.*

| | | | |
|---|---|---|---|
| For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure and all undressed materials for the repair of public roads or highways, per ton - - - - - - - - | | 0 | 3 |
| For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs - | per ton | 0 | 4 |
| 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 | 6 |
| For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things - | per ton | 0 | 6 |
| For every carriage of whatever description having two wheels - - | | 1 | 0 |
| For every carriage of whatever description having four wheels - - | | 1 | 6 |

*Parcels.*

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

For any parcel exceeding fifty-six pounds in weight, such sums as the promoters may think fit:

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

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*For the Carriage of Single Articles of Great Weight,*

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

*Regulation of Tolls.*

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

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

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

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

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*Worcester.*

## WORCESTER TRAMWAYS.

*Order authorising the construction of Tramways in and near the city of Worcester.*

Short title.

1. This Order may be cited as "The Worcester Tramways Order, 1881."

Incorporation of Acts.

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

Interpretation.

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

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

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

The expression "the corporation" shall mean the mayor, aldermen, and citizens of the city, acting by the Council; and

The term "person" shall include a corporation.

For the purposes of this Order the expression "the Company" in section thirty of the Tramways Act, 1870, shall, as far as the same is applicable, mean and include the Corporation.

*Promoters.*

The Promoters.

4. Thomas Fothergill McNay, of 21, Abingdon Street, and René James Tahourdin, of 1, Victoria Street, in the city of Westminster, and the survivor of them, and the executors or administrators of such survivor, their or his assigns, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

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

*Construction of Tramways.*

Construction of tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited for the purposes of this Order (in this Order referred to as "the deposited plans" and "the deposited sections"), except as herein-after provided, the tramways herein-after described, with all proper rails, points, junctions, plates, offices, weigh-bridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are—

TRAMWAY No. 1.—1 mile 3 furlongs and 6·9 chains or thereabouts in length (of which 2 furlongs 7·2 chains or thereabouts is double line and 1 mile 9·7 chains or thereabouts is single line), commencing in The Cross at the south end thereof and opposite Broad Street, and passing thence northward along The Cross and into and along Foregate, Foregate Street, The Tything, Barbourne, and Ombersley Road, and terminating in that road at a point three yards or thereabouts south of the junction of Vine Lane with the said Ombersley Road.

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

(A.) For a distance of fifty yards or thereabouts from its commencement.

(B.) From the junction of Saint Nicholas Street with The Cross to a point forty yards or thereabouts north of the north side of Sansome Street.

(C.) Between points respectively fifty-five yards and one hundred and twenty-one yards north of the north side of Pierpoint Street.

(D.) Between points respectively eighty-eight yards and one hundred and fifty-four yards north of the north side of Saint Mary Street.

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(E.) From the junction of Little London with The Barbourne to a point in The Barbourne sixty-six yards or thereabouts northwards of the said junction.

(F.) Between points respectively one hundred and three yards and one hundred and fifty-eight yards north of the north side of Saint George's Lane.

(G.) Between points respectively two hundred and forty-two yards and three hundred and eight yards north of the south side of the old toll-house at the junction of the Ombersley and Droitwich Roads.

(H.) Between points in the Ombersley Road respectively three yards and forty-four yards south of the south side of Vine Lane.

TRAMWAY No. 2.—4 furlongs 4 chains or thereabouts in length (of which 4·75 chains or thereabouts is double line and 3 furlongs 9·25 chains or thereabouts is single line), commencing in The Cross by a junction with Tramway No. 1 at a point twenty-two yards or thereabouts south of the junction of Angel Street with The Cross, and passing thence into and along Saint Nicholas Street, Lowesmoor Shrub Hill, and terminating at Shrub Hill eighty yards or thereabouts northwards from the junction of Tallow Hill with the Newtown Road.

Tramway No. 2 shall be a single line except at the following places where it shall be a double line:

(A.) Between points in Lowesmoor respectively thirty-eight yards and one hundred and four yards westward of the junction of Pheasant Street with Lowesmoor.

(B.) In Shrub Hill for a distance of thirty-eight yards or thereabouts from its termination.

TRAMWAY No. 3.—1 mile 1 furlong 6 chains or thereabouts in length (of which 1 furlong 3·9 chains or thereabouts is double line and 1 mile and 2·1 chains or thereabouts is single line), commencing in The Cross by a junction with Tramway No. 1 at a point thereon seventeen yards or thereabouts from its commencement, and passing into and along Broad Street, Bridge Street, the Severn Bridge, the New Road, St. John's Road, and Bransford Road, and terminating at the junction of Little Boughton Street with the Bransford Road.

Tramway No. 3 shall be a single line except at the following places where it shall be a double line:

(A.) For a distance of thirty yards or thereabouts from its commencement.

(B.) In Broad Street between points respectively eighty-three yards and one hundred and eighty-eight yards from the east end of Broad Street.

(C.) In the New Road between points respectively forty-six yards and one hundred and twelve yards or thereabouts from the south-west end of the Severn Bridge.

(D.) Between points of sixty-eight yards and one hundred and twenty-three yards or thereabouts west of the southernmost end of Upper Henwick Road.

(E.) Between points respectively seventy-seven yards and twenty-five yards or thereabouts from its termination.

The above tramways will pass from, through, or into or be situate in the several parishes and places following; (that is to say,) Saint Swithin, Saint Nicholas, Tything of Whistones, Claines, Saint Martin, All Saints, Saint Clement, Saint John-in-Bedwardine, in the city and in the county of Worcester.

Provided that the double lines of tramway in the Foregate and in Broad Street shall be constructed so that no greater space than four feet six inches shall intervene between the centre line of one line of tramway and the centre line of the other line of tramway, and such double lines of tramway shall be worked as single lines only, and at least one cross-over shall be constructed in the Foregate and Broad Street respectively, to enable cars to pass from one line to the other; and provided also that the tramway in Ombersley Road shall be so laid that a space of not less than nine feet six inches shall intervene between the outside of the footpath and the nearest rail of the tramway except between the several points in the said road marked C & D respectively on the deposited plans.

Double lines.

7. The corporation may at any time either before or after any part of the tramways is laid down, by resolution require the Promoters to construct or (if previously laid down) to remove, and reconstruct with a double line of rails, the whole or any part of any tramway situate or intended to be situate in any road in the city of a less width than twenty-three feet between the footpaths on each side thereof. Provided that in the construction of such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if any owner or occupier of premises abutting on the place where such rail is proposed to be so laid, by writing under his hand addressed to the Promoters express his objection thereto.

For protection of Great Western and Midland Railway Companies.

8. Nothing in this Order or in the Acts wholly or partially incorporated with this Order contained shall take away, diminish, or affect any of the rights, privileges, or powers vested in the Great Western Railway Company and the Midland Railway Company (in this section referred to as "the two companies"), or either of them, and the Promoters shall not without the consent of the two companies or either of them, as the case may be, in writing under their respective common seals, first had and obtained, take, use, or in any manner interfere with any part of the railway or the works connected therewith, or any land belonging to the two companies, or either of them, and the Promoters shall not, without the consent of the two companies in writing under their respective common seals, construct so much of Tramway No. 2 as lies between the canal shown on the deposited plans as the Worcester and Birmingham Canal, and the termination of the said Tramway No. 2.

For protection of the Sharpness New Docks, &c. Company.

9. If any damage be occasioned to any bridge or roadway repairable by the Sharpness New Docks and Gloucester and Birmingham Navigation Company by any car, carriage, or any other vehicle of the Promoters, or by the construction of the tramways, or by the repairing or relaying of the rails, the Promoters shall, at their own expense, repair or make good any such damage under the superintendence and to the reasonable satisfaction of the surveyor to

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the said company, and the reasonable costs of such superintendence shall be paid by the Promoters: Provided that if within forty-eight hours after notice in writing in that behalf, under the hand of the said surveyor, the Promoters have not commenced to repair and make good such damage, or if, having commenced the same, they do not diligently proceed therewith so as to complete the same with all reasonable despatch, the said surveyor may, at the cost of the Promoters, execute and do all such works and things as may be reasonably necessary to repair and make good such damage.

For protection of the Worcester Bridge Trustees.

10. If any damage be occasioned to the Worcester bridge or to any roadway repairable by the Worcester Bridge Trustees by any car, carriage, or any other vehicle of the Promoters, or by the construction of the tramways, or by the repairing or relaying of the rails, the Promoters shall, at their own expense, repair or make good any such damage under the superintendence and to the reasonable satisfaction of the surveyor to the said trustees, and the reasonable costs of such superintendence shall be paid by the Promoters: Provided that if within forty-eight hours after notice in writing in that behalf, under the hand of the said surveyor, the Promoters have not commenced to repair and make good such damage, or if having commenced the same they do not diligently proceed therewith so as to complete the same with all reasonable despatch, the said surveyor may, at the cost of the Promoters, execute and do all such works and things as may be reasonably necessary to repair and make good such damage.

For protection of Messieurs Hill, Evans, and Company.

11. Nothing in this Order or in the Acts wholly or partially incorporated with this Order contained, shall alter, prejudice, or affect any of the rights, powers, or privileges of Messieurs Hill, Evans, and Company, under and by virtue of the Worcester Railways Act, 1870, and the Promoters shall lay down and construct so much of the tramways in Shrub Hill as is intended to be laid across the railway constructed under the powers of the last-mentioned Act in accordance with a plan and specification to be previously submitted to and approved by Messieurs Hill, Evans, and Company, or their engineer: Provided that if within one month from the date of the submission of such plan and specification, Messrs. Hill, Evans, and Company do not signify their disapproval thereof, they shall be deemed to have approved thereof, and in the event of the disapproval thereof by Messieurs Hill, Evans, and Company, then the mode of laying down and constructing such tramways over the said railway shall be determined by a competent engineer, to be appointed by the Board of Trade on the application of either party, and all works to be executed by the Promoters under the authority of this Order so far as they shall affect the said railway shall be carried out and maintained under the superintendence and to the reasonable satisfaction of the engineer of Messieurs Hill, Evans, and Company, but at the expense (including such superintendence) of the Promoters, and the Promoters shall repair and make good all damage that may from time to time or at any time be occasioned to the said railway by such tramways, or by the working thereof, or by any matter connected therewith.

Sewer authorities to have access to sewers.

12. The Corporation and every other sewer authority shall at all times have free access to and communication with all their sewers and drains, and power to lay lateral and private drains to communicate therewith, and the pro-

visions contained in the thirty-second and thirty-third sections of the Tramways Act, 1870, shall be applicable in the case of any sewer or private drain of or under the control of the sewer authority as if the same were a pipe for the supply of gas or water, and the provisions of this section shall be without prejudice to the powers, rights, and authorities of any person or persons or body under any other section of this Order.

Removal of man-holes, ventilators, &c.

13. The Corporation may remove at the sole cost in all respects of the Promoters any man-hole, ventilator, or other communication with any sewer mains, pipes, valves, syphons, plugs, tubes, wires, or apparatus, or other works belonging to, or controlled by, the Corporation, which are situate under that part of any road on which any tramway is intended to be laid, or which the Promoters are by section twenty-eight of the Tramways Act, 1870, or this Order required to maintain and repair, and which the Corporation may deem likely to be injured or affected by such tramway, and may at the like cost reconstruct and relay any such work or thing in such part of such road as the Corporation may think fit.

If the Promoters desire under the authority of this Order to do any act which shall or may render necessary the removal or displacement of any man-hole, ventilator, or other communication with any sewer mains, pipes, valves, syphons, plugs, tubes, wires, or apparatus, or other works belonging to or controlled by the Corporation, the Promoters shall give to the Corporation fourteen days notice of such desire, and the Corporation may (without prejudice, nevertheless, to the protection afforded to them by sub-section two of section thirty of the Tramways Act, 1870) make such removal or displacement as may be necessary, and do all works incidental thereto, and all the expenses incurred by the Corporation in carrying into effect the provisions of this section shall be defrayed by the Promoters. If the Corporation neglect or refuse to do such works the Promoters may, at their own expense, execute the same to the satisfaction and in accordance with the directions of the Corporation or their surveyor.

Alterations of private cellars, vaults, &c.

14. If, in constructing any of the tramways, it should be necessary to alter or reconstruct any vault, cellar, archway, or culvert under any road, or to execute any work for properly maintaining the same, the Promoters shall, at their own expense, execute every such work to the reasonable satisfaction of the owner of the vault, cellar, archway, or culvert affected, and shall save harmless and indemnify the Corporation, or other road authority, and all other bodies and persons, from all claims for damage or injury, or otherwise, in respect of any such alteration or re-construction of any such vault, cellar, archway, or culvert, or the execution of any such work as aforesaid.

Gauge of tramways.

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

Provisions as to construction and rails of tramways.

16. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of

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constructing, laying down, maintaining, and renewing any of the tramways, deliver to the Board of Trade and (so far as regards the tramways within the city) to the Corporation a plan showing the proposed mode of constructing, laying down, maintaining and renewing such tramways, and a statement of the materials intended to be used therein, and a description of the rails of such tramways, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan, statement, and description, have been approved by the Board of Trade and (so far as regards the tramways within the city) by the Corporation, and after such approval the works shall be executed in accordance in all respects with such plan, statement, and description, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act: Provided always, that if the Corporation shall disapprove of such plan, statement, or description (so far as the same relates to the tramways within the city), or any part thereof, or shall not signify their approval thereof within one month from the date of such delivery to them of such plan, statement, and description, then the Board of Trade, after considering any representations that the Corporation may desire to make to them thereon, shall determine the mode of constructing, laying down, maintaining, and renewing the tramway or tramways referred to in such plan, statement, and description, and the materials and rails intended to be used therein, or so much thereof respectively as shall not have been approved of by the Corporation:

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

Provision as to paving certain roads.

17. In constructing so much of Tramway No. 1 as is proposed to be laid from opposite the north side of Angel Street along the Foregate to opposite the south side of Shaw Street, the Promoters shall pave with wood cubes or sets upon a foundation or substructure of concrete, to the satisfaction of the Corporation, the whole of the roadway, from kerb to kerb between the limits aforesaid, and the Promoters shall, opposite any church, public building, or other place within the city if at any time they are specially required by notice in writing by the Corporation to the Promoters to do so, pave in like manner as aforesaid so much of the street or road opposite to such church, public building, or other place, as lies between the rails of the tramway; and so much of every road within the city whereon any tramway authorised by this Order is laid as lies between the rails of such tramway, and extends eighteen inches beyond the outside of the rails of and on each side of such tramway shall be paved by the Promoters (except as herein otherwise provided) with stone or granite cubes or sets, or shall be macadamised by the Promoters in such

manner as may be required by and to the satisfaction of the Corporation; and in addition to the requirements of section twenty-eight of the Tramways Act, 1870, the Promoters shall, at their own expense, at all times maintain and keep in good condition and repair, and with such materials and in such manner as the Corporation shall direct, and to their satisfaction, so much of every road within the city as the Promoters are or may be liable to pave.

Power to Corporation to undertake paving or repair of roads.

18. If the Corporation shall at any time be of opinion that the Promoters have not complied with the provisions contained in this Order, or in any Act incorporated therewith, as to the repairs and maintenance of any road within the city or any part thereof, the Corporation shall be entitled at any time, or from time to time, on giving to the Promoters one calendar month's notice in writing of their intention so to do, to take upon themselves the paving and renewal, repair, and maintenance, or any of them, of the whole or any part of any such road whereon any tramway is laid, or of the whole or any part of any road which, under this Order or any Act incorporated therewith, the Promoters are, or but for this section would be, bound to pave, renew, repair, or maintain, and from time to time, or at any time, to relinquish the same to the Promoters, on giving the like notice; and the expenses of all such paving, renewal, maintenance, and repairs as the Corporation shall take on themselves under this section shall be borne by the Promoters, and shall be ascertained quarterly in advance in such manner as may from time to time be agreed on between the Corporation and the Promoters, or failing such agreement in any case as shall be ascertained from time to time by the engineer or surveyor for the time being of the Corporation, and his certificate of the amount thereof shall be conclusive on all parties. After the Corporation shall have taken upon themselves any such paving, renewal, repairs, or maintenance as aforesaid, and until they shall relinquish the same to the Promoters as aforesaid, the Promoters shall, within seven days after each of the usual quarter days, pay to the Corporation the amount of their estimated expenditure for the next succeeding quarter, so ascertained by such agreement or certificate as aforesaid, and the Corporation shall be at liberty to apply the same or any part thereof in payment for such paving, renewal, repairs, and maintenance as aforesaid during such next succeeding quarter, and at the end of each quarter the amount, if any, not so applied or so much thereof as may not be required, shall be carried forward as or towards the deposit for the next succeeding quarter, and any excess shall be repaid to the Promoters, and if any sum be so carried forward as aforesaid, the Promoters shall for the quarter then next succeeding only deposit such an amount (if any) as will be required to make up the sum to be deposited as aforesaid: Provided always, that so long as the Corporation shall continue to exercise the powers by this section conferred on them, the Promoters shall not be under any liability either in respect of penalties under the provisions in that behalf contained in this Order, or otherwise, for default in the paving, renewal, maintenance, and keeping in good condition and repair of any part of any road, the paving, renewal, maintenance, and repair of which shall be so undertaken by the Corporation under the provisions of this section.

Penalty for not maintaining rails and road

19. The Promoters shall, subject to the provisions of this Order, at all times maintain and keep in good condition and repair, and so as not to be a danger

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in good condition.

or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest, and also so much of the surface of the road between and on each side of the rails as the Promoters are required to construct or maintain; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall (without prejudice to any other remedy of the Corporation or of any person or persons against them) for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

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

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

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

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

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

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

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

under his hand addressed to the Promoters, express his objection thereto: Provided also that the number and situation of such crossings, passing-places, sidings, junctions, and other works shall be determined by the road authority. If any crossing, passing-place, siding, junction, or other work so made with the consent of the road authority as aforesaid, or any part thereof, is subsequently objected to by such road authority, such road authority may by written notice to the Promoters require them to remove the same, and if such road authority so think fit to re-make or relay the same in some other position to be specified in the notice, and the Promoters shall comply with such requirement: Provided that the expense of every such removal, re-making, or relaying shall be borne by the road authority making such requirement.

Temporary tramways may be made when necessary.

23. 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 road authority, necessary or expedient temporarily to remove or discontinue the use of such tramway, or any part thereof, the Promoters shall discontinue the use thereof, and may, subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make and construct in the same or any adjacent road, and with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

If any difference arises between the Promoters and any road authority with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway or temporary tramways under the authority of this section, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Traffic in roads not to be impeded.

24. During the construction of any works by this Order authorised in any roads the Promoters shall cause as little impediment as possible to the traffic along such roads, and shall make such arrangements in the execution of such works as the road authority may from time to time by writing require for preventing such traffic from being unnecessarily impeded.

Promoters to be solely responsible for maintaining the tramways free from damage or accident.

25. The sole responsibility of maintaining the tramways, and so much of the surface of the road between and on each side of the rails as the Promoters are by this Order, or by any Act in whole or in part, incorporated therewith required to maintain, free from damage or accident, shall, subject to the provisions of this Order, rest with the Promoters, and they shall have no claim whatever for any damage that may be done thereto, or from any interruption of traffic or otherwise which may arise from any works executed or to be executed by the road authority, or from the use of any steam roller or traction engine or other implements or things, or from any materials used in the maintenance of the roads, or by reason of any accident which may happen to any bridge or road under the control of the road authority, except where such damage or interruption of traffic results from the wilful negligence of the road authority.

Application of road materials excavated in

26. Any paving, metalling, or material excavated or removed by the Promoters in the construction of their works from any road under the jurisdiction

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or control of the road authority of any district, may be applied by the Promoters so far as may be necessary in or towards the reinstating of such road pursuant to the provisions herein contained, and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used for the purposes aforesaid at such place or places within such district as the surveyor for the time being of such road authority may appoint, and in no case shall the Promoters or any person acting under their authority, sell any such paving, metalling, or material, unless for the space of fourteen days after notice in writing to such road authority that the surplus of any such paving, metalling, or material is ready for removal, such surveyor shall fail or neglect by himself or by some person or persons authorised by him for that purpose, to direct the Promoters where to deliver such surplus paving, metalling, or material, in which case the surplus thereof referred to in such notice shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor, or other person with reference to any of the matters aforesaid, shall be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Promoters and any road authority.

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

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

*Traffic upon Tramways.*

Traffic upon ramways.

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

Promoters not bound to carry parcels above a certain weight.

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

Carriages to be used on tramways.

30. The carriages to be used on the tramways within the city shall, subject to the provisions of the Tramways Act, 1870, be of such width (not exceeding that by this Order herein-before provided) and of such design and construction, and the wheels of the carriages shall be of such form and dimensions as shall be approved by the Corporation, and a drawing thereof shall be submitted to the Corporation prior to the opening of the tramways for public traffic for their approval, and no alteration in such drawing shall be made after such approval without the consent of the Corporation, nor shall the outsides of the carriages without such consent be used for advertising purposes, and it shall not be lawful for the promoters or any other person or company to use any tramway for running thereon any carriage with flange wheels or other wheels suitable only to run on the rails by this Order prescribed in contravention of this provision: Provided that if the Corporation shall fail for the space of one calendar month after submission to them of any such drawing to express their disapproval thereof by notice in writing under the hand of their town clerk, they shall be deemed to have approved thereof.

Further regulations as to traffic.

31. In addition to the regulations referred to in section forty-six of the Tramways Act, 1870, the Corporation may, subject to the provisions of the said section, make regulations as to the traffic on the tramways, or any part thereof within the city on Sundays, Christmas Day, and Good Friday. The Corporation or the mayor of the city shall have power, by public notice, to prohibit or regulate the traffic on the tramways or any part thereof within the city on any special occasions, when and for so long as the public convenience shall in their or his opinion render such prohibition or regulation necessary or desirable.

*Tolls.*

Tolls for passengers.

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

Passengers luggage.

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

Cheap fares for labouring classes.

34. The Promoters, at all times after the opening of the tramways or any part or parts thereof for public traffic, shall and they are hereby required to run at least one carriage each way over each of the tramways every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than five in the evening respectively, as the Promoters think most convenient for artizans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any toll or charge less than one penny): Provided that the Board of Trade may from time to time, for good cause shown, and (as regards the tramways within the city) with the consent of the Corporation, either authorise the Promoters to discontinue the running of such carriage, or may order the Promoters to run an extra carriage at such hours as aforesaid, and may from time to time revoke, alter, or modify such order; and in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such carriages, the said Board shall have power to fix and regulate the same from time to time.

Tolls for parcels.

35. The Promoters may demand and take in respect of any parcels conveyed by them on the tramways, other than passengers luggage not exceeding twenty-eight pounds in weight, including the tolls and charges for the use of the tramways, and for waggons or trucks, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding the tolls and charges specified in the Schedule to this Order annexed.

Payment of tolls.

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

Periodical revision of tolls.

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

*Miscellaneous.*

Special provisions in case of discontinuance of tramways during construction or insolvency of Promoters.

38. If at any time after the commencement of the construction of the tramways or any of them and before the opening of the whole of the tramways for public traffic, the Promoters discontinue the construction of any tramway within the city or of any part thereof for the space of one calendar month (such discontinuance not being occasioned by circumstances beyond the control of the Promoters, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control), or if it appears to the Corporation that the Promoters are insolvent so that they are unable to complete or maintain the tramways within the city or work the same with advantage to the public, the Corporation, if they think fit, may by resolution declare that the powers of the Promoters with respect to any tramway within the city the construction whereof shall be so discontinued, or with respect to the whole of the tramways within the city in case of insolvency, shall from the date of such resolution be at an end, provided that at least fourteen days previous notice in writing under the hand of the town clerk of the intention to propose such resolution shall have been given or sent to the Promoters, and upon such resolution being passed, the said powers of the Promoters shall cease and determine as to any such tramway or the whole of the tramways within the city, unless the Board of Trade otherwise order within two calendar months after the passing of any such resolution. When any such resolution

has been passed, the Corporation may, unless the Board of Trade shall otherwise order as aforesaid, remove the tramway or tramways mentioned in such resolution in like manner and subject to the like provisions as to the payment of the costs of such removal and to the same remedy for recovery of such costs in every respect as in cases of removal under section forty-one of the Tramways Act, 1870.

In case of such discontinuance of any one or more of the tramways or such insolvency of the Promoters and of any order being made by the Board of Trade under the provisions of sections forty-one or forty-two of the Tramways Act, 1870, it shall be lawful for the Corporation, if they think fit, subject to and in accordance with the provisions of section forty-three of the Tramways Act, 1870, and within three months after any such order by the Board of Trade in lieu of exercising the powers conferred upon a road authority by sections forty-one or forty-two of the Tramways Act, 1870, to cause a valuation of the then value of so much of the tramways as is then constructed or in course of construction (exclusive of any allowance for past or future profits thereof or any compensation for compulsory sale or other consideration whatsoever), and an estimate of the cost of the removal thereof and of the reinstatement of the roads to be made, and upon payment by the Corporation to the Promoters or other the person or persons for the time being entitled to give a legal discharge for the same of so much money as shall represent the excess of the said valuation over the said estimate, so much of the said tramways as aforesaid shall vest in and become the absolute property of the Corporation: Provided, that if any dispute shall arise between the Promoters and the Corporation as to the amount of any such valuation or estimate, the same shall be referred to and settled by a referee to be appointed by the Board of Trade in manner provided by section thirty-three of the Tramways Act, 1870: Provided further, that if the amount of such estimate shall in any case exceed the amount of such valuation, it shall be lawful for the Corporation to take possession of so much of the said tramways, and thereupon the same shall vest in and become the absolute property of the Corporation, without any payment or compensation to the Promoters, and such excess in the amount of such estimate shall be forthwith paid to the Corporation by the Promoters, and in each case the Corporation may remove so much of the said tramways, or may retain or otherwise deal with the same as they may think fit, and the Board of Trade shall, subject to the Tramways Act, 1870, approve.

Evidence of discontinuance of traffic.

39. The failure by the Promoters for seven consecutive days to run ten carriages at least over any of the tramways shall (except where such failure shall arise from the exercise by any road authority of any powers conferred or that may hereafter be conferred on them of prohibiting or otherwise interfering with the traffic on any of the tramways or by reason of any road being under repair or from any other cause or causes beyond the control of the Promoters) be deemed to be a discontinuance of the working of the tramway or tramways or the part thereof as to which such failure shall happen within the meaning of section forty-one of the Tramways Act, 1870, and of this Order: Provided always, that the exercise of any such powers by any road authority other than the Corporation, or the repair of any street or road outside the city shall not be

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a sufficient cause for a failure by the Promoters to run carriages within the city or prevent such failure from being a discontinuance under this section.

As to cleansing of roads and tramways within the city.

40. The Corporation may cleanse the whole or part of any road in which any tramway within the city is laid without reference to the tramways, but whatever cleansing owing to snow or other matters impeding the traffic of the tramways within the city is requisite for the proper working thereof or making the part of the road repairable by the Promoters fit for ordinary traffic shall be executed by and at the risk of the Promoters, who shall remove such snow and other matters therefrom with all reasonable despatch, and shall not place the same or permit the same to be placed or remain on any other part of the road.

Provisions as to arbitration.

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

Form and delivery of notices.

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

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

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

Agreement between Promoters and road authorities.

43. The Promoters and any road authority may, subject to the provisions of this Order, from time to time enter into any agreements with respect to the construction, maintaining, removing, renewing, repairing, and using of the tramways situated within the district of such road authority, and the rails, plates, sleepers, and works connected therewith, and the facilitating of the traffic over the same.

Costs and expenses of Corporation.

44. All costs and expenses which may be incurred by the Corporation by reason of this Order or the application for the same, other than and except the costs incurred by the Corporation since the making of the Order by the Board of Trade, or the construction or existence of the tramways or any of them, or of any act, omission, or default on the part of the Promoters in connexion therewith, shall be paid by the Promoters within three months after the same respectively are incurred.

Power to Corporation to purchase.

45. If at any time after the expiration of fourteen years and before the expiration of twenty-one years from the passing of the Act confirming this Order the Corporation shall be desirous to acquire the undertaking, the Promoters shall if required by the Corporation by six months previous notice in writing, sell and convey to the Corporation, and the Corporation shall purchase the undertaking, and all lands, buildings, works, material, horses, and plant of the Promoters used for the purposes of the tramways, and the

amount of purchase money and compensation for the same shall, in case of difference, be settled and determined by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party, and the expense of the reference shall be borne and paid as the referee shall direct; and upon such sale all the rights, powers, and authorities of the Promoters in respect to the undertaking under this Order, shall be transferred to, vested in, and may be exercised by the Corporation in like manner as if the tramways were constructed by the Corporation under the powers conferred upon them by a Provisional Order under the Tramways Act, 1870, and in reference to the same they shall be deemed to be the Promoters; and the Corporation may pay the purchase money and all expenses incurred by them in relation to such purchase out of the like rate and shall have the like powers to borrow on the security of the same as if such purchase money and expenses were incurred in applying for, obtaining, and carrying into effect any Provisional Order obtained by them under the Tramways Act, 1870.

If profits of Promoters exceed ten per cent. excess to be divided with road authorities.

46. When in any year the profits of the undertaking of the Promoters shall exceed ten per centum on the capital expended by the Promoters, the surplus profits above such ten per centum shall be divided equally between the Promoters and the Corporation and the other respective road authorities in whose districts the tramways are situate *pro ratâ* according to the lengths of the tramways within such districts.

Rights of private persons, &c. to open roads.

47. Nothing contained in this Order or in any Act or part of an Act incorporated therewith, shall take away or abridge any power, right, or authority of any person or persons to open or break up any road along or across which any tramway is laid for the purpose of laying down, repairing, altering, or removing any sewer, or drain, or any pipe, tube, or apparatus for the supply of gas or water or other purposes.

Saving of the powers of the Corporation.

48. Nothing contained in this Order or in any Act or part of an Act incorporated therewith shall take away or abridge any power, right, or authority of the Corporation whether conferred or acquired by statute, custom, or otherwise, and the Corporation shall not in the exercise of any such powers, rights, or authorities be subject to the superintendence or control of the Promoters under sub-section five of section thirty-two of the Tramways Act, 1870.

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

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

Saving as to powers of borrowing on mortgage.

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

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*Worcester.*

gage will not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being acquired by or becoming vested in the local authority under section forty-three of the Tramways Act, 1870, or under any of the provisions of this Order.

Saving for general Acts.

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

## SCHEDULE.

### TOLLS AND CHARGES FOR PARCELS.

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

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

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