CHAPTER ci.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Birmingham and Aston Tramways, Birmingham and Suburban Tramways, Birmingham and Western Districts Tramways, Manchester, Bury, and Rochdale Tramways (Extensions), and Walsall and District Tramways. A.D. 1882.

[12th July 1882.]

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

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

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

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

1. This Act may be cited as the Tramways Orders Confirmation (No. 3) Act, 1882. Short title.

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

A.D. 1882.

SCHEDULE.

LIST OF ORDERS.

1. Birmingham and Aston Tramways.—Order authorising the Birmingham and Aston Tramways Company, Limited, to construct additional street tramways in the parish of Birmingham, in the county of Warwick, and amending the Birmingham and Aston Tramways Order, 1880.
2. Birmingham and Suburban Tramways.—Order authorising the construction of tramways in the parishes of Birmingham, Aston, Handsworth, Yardley, and King's Norton, in the counties of Warwick, Worcester, and Stafford.
3. Birmingham and Western Districts Tramways.—Order authorising the construction of tramways in the parishes or places of Balsall Heath, Moseley, King's Norton, Rowley Regis, Tipton, and Coseley, in the counties of Worcester and Stafford.
4. Manchester, Bury, and Rochdale Tramways (Extensions).—Order authorising the construction of tramways in the boroughs of Bury, Rochdale, and Heywood, the local board districts of Royton, Castleton, Wuerdle and Wardle, Littleborough, Whitworth, Bacup, and Rawtenstall, and the townships of Tottington-Lower-End, in the parish of Bury, and Newchurch, in the parish of Whalley, all in the county of Lancaster, and amending the Bury and District Tramways Order, 1881, and the Rochdale Tramways Order, 1881.
5. Walsall and District Tramways.—Order authorising the construction of extension tramways in the borough of Walsall and parish of Wednesbury, in the county of Stafford, and amending the Walsall and District Tramways Order, 1880.

Birmingham and Aston.

BIRMINGHAM AND ASTON TRAMWAYS.

Order authorising the Birmingham and Aston Tramways Company, Limited, to construct additional Street Tramways in the parish of Birmingham, in the county of Warwick, and amending the Birmingham and Aston Tramways Order, 1880.

Short title.

1. This Order may be cited as "The Birmingham and Aston Tramways Order, 1882."

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 Tram-

ways 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 Order of 1880" shall mean the Birmingham and Aston Tramways Order, 1880:

The expressions "the borough" and "the corporation" shall mean respectively the borough of Birmingham in the county of Warwick, and the mayor, aldermen, and burgesses of the borough acting by the council:

The expression "the local board" shall mean the local board of health for the manor of Aston in the county of Warwick:

The expression "the Aston district" shall mean the district of the local board:

The expression "the tramways of the Promoters" shall mean the tramways authorised by the Order of 1880 and by this Order:

The term "person" shall include a corporation.

The Promoters.

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

Promoters of this Order to be substituted for Promoters of Order of 1880.

5. The Order of 1880 shall, from and after the passing of the Act confirming this Order, be read and construed as though in section four of the Order of 1880 the Promoters of this Order were substituted for the Promoters in the said section mentioned, and from and after the passing of the Act confirming this Order the undertaking authorised by the Order of 1880, together with all the rights, powers, and authorities conferred by the Order of 1880 upon the Promoters shall, subject to the duties, obligations, and liabilities of the Promoters in relation thereto, vest in and be exerciseable and enjoyable by the Promoters of this Order.

Construction of tramways.

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

The tramway authorised by this Order is—

A Tramway (No. 2) two furlongs two chains in length, commencing in Corporation Street at the south-west corner of the Old Square at a point 3·8 chains from Bull Street at its junction with Corporation Street, thence proceeding in a north-easterly direction along Corporation Street, thence along Aston Street and terminating in Aston Street at a point one chain from the south-east corner of Lancaster Street, measured in a north-easterly direction along Aston Street by a junction with Tramway No. 3 authorised by the Order of 1880.

A.D. 1882.

Birmingham and Aston.

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

So much of the Tramway (No. 7) described in section six of the Order of 1880 and authorised by that Order as lies between its commencement and the junction of Lichfield Road with Church Lane therein mentioned shall be laid as a double line instead of as a single line: Provided that the whole of such double line of tramway shall be so laid that a space of at least nine feet six inches shall intervene between the outside of the footpath on either side of the street and the nearest rail of the tramway.

Extending to this Order certain provisions of the Order of 1880.

7. The provisions contained in the following sections of the Order of 1880 shall, as far as applicable, extend and apply to the tramways by this Order authorised as if such tramways formed part of the tramways authorised by the Order of 1880; (that is to say,) sections six to eleven, both inclusive, and sections thirteen to twenty-two, both inclusive (relating respectively to the construction of the tramways), also the miscellaneous provisions of sections forty and forty-one, and of sections forty-nine to fifty-three, both inclusive, and of sections fifty-five to fifty-nine, both inclusive: Provided that in the application of the said sections the expressions "the tramways," "the undertaking," and "this Order" shall be construed to mean respectively the tramways and the undertaking by this Order authorised and this Order.

Local board may use tramway for sanitary purposes.

7a. The local board may in their own carriages or trucks at any time between the hours of twelve at night and six in the morning, use all or any of the tramways free of toll for sanitary purposes, and for the conveyance of scavengering stuff, road material, and night soil, and the local board may make such junctions, sidings, and works as they may think necessary or convenient for making communication to the tramways from their depôts and yards. Provided, that in the construction of such works no rail shall be laid by the local board so that a less space than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road, if any owner or occupier of premises abutting on the place where such rail is proposed to be laid, by writing under his hand addressed to the clerk of the local board, express his objection thereto.

As to gauge of tramways of Promoters.

8. Section twelve of the Order of 1880 is hereby repealed, and, subject to the provisions of this Order, the tramways of the Promoters 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 such tramways, but no carriage or engine used on such tramways shall exceed six feet three inches in width, or such other width as may from time to time be prescribed by the Board of Trade.

Protecting bridges over Birmingham Canal.

9. Sections twenty-three to twenty-seven, both inclusive, of the Order of 1880 are hereby repealed, and the following provisions shall apply and have effect in lieu thereof; (that is to say,)

Where any of the tramways of the Promoters are constructed upon any bridge carrying any road over a canal of the Company of Proprietors of the Birmingham Canal Navigations (in this Order referred to as "the Canal Company"), the following provisions shall apply:—

(*a.*) The Promoters shall give fourteen days' notice in writing to the Canal Company of their intention to commence any work which will affect or in

anywise interfere with the structural works of such bridge or such road and shall at the same time send sufficient specifications or other information to show the nature of such work, and such work shall be constructed to the reasonable satisfaction of the Canal Company, and so as not in any way to interfere with the traffic to, from or upon the canal or the towing paths or towing path thereof;

(*b.*) If such bridge is deemed by the Canal Company or their engineer for the time being to be of insufficient strength to carry locomotive engines or weights beyond the ordinary traffic of the district, the Promoters shall upon notice from the Canal Company to that effect, and before driving or carrying a locomotive engine or an extraordinary weight on or over such bridge, execute, at the cost of the Promoters, all such works as may be reasonably required by the Canal Company to prevent injury to such bridge by the driving or carrying thereon or thereover of a locomotive engine or an extraordinary weight. But notwithstanding the last preceding provisions the Promoters shall make good to and compensate the Canal Company for all damage that may be occasioned to any bridge, work, or property of the canal company by the driving or carrying on or over such bridge of any locomotive engine or extraordinary weight, or by or in consequence of the construction by the Promoters of any work or otherwise by any act or default of the Promoters.

(*c.*) Any additional expense in the maintenance of such bridge, or of the roadway on or over the same, or of the approaches thereto, occasioned by the construction, use, or maintenance of any such tramway shall be borne by the Promoters.

Saving of rights of Birmingham Canal Company to open roads.

10. Nothing in the Order of 1880 or in this Order shall take away or abridge any power of the Canal Company to open or break up any road along or across which any of the Tramways of the Promoters is laid or any power vested in the Canal Company for the purpose of erecting, constructing, raising, lowering, repairing, altering, rebuilding, or removing any bridge or any approach thereto or otherwise, but the exercise of such power shall be subject to the following provisions (that is to say):—

(*a.*) The Canal Company shall cause as little detriment or inconvenience to the Promoters as circumstances admit:

(*b.*) Any alteration of any such tramway and the works connected therewith that may be necessary shall be made by and at the expense of the Promoters, who shall also at the like expense replace and make good the same:

(*c.*) Before the Canal Company commence any work whereby the traffic on any such tramway will be interrupted, they shall (except in cases of urgency, when no notice shall be necessary) give to the Promoters notice of the intention of the Canal Company to commence such work, specifying the time at which they will begin to do so, such notice to be given forty-eight hours at least before the commencement of the work:

(*d.*) The Canal Company shall not be liable to pay to the Promoters any compensation for injury done to any such tramway or any work connected therewith by the execution by the Canal Company of any such work as

A.D. 1882.

Birmingham and Aston.

aforesaid, or by the reasonable exercise of the powers so vested in them as aforesaid:

(*e.*) Whenever for the purpose of enabling them to execute any such work the Canal Company so require the Promoters shall either stop the traffic on the tramway to which the notice refers where it would otherwise interfere with such work, or shore up and secure such tramway at their own risk and cost during the execution of the work there, provided that such work shall always be completed by the Canal Company with all reasonable expedition:

(*f.*) The Canal Company shall not execute such work, so far as it immediately affects such tramway, except under the superintendence of the Promoters, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work, or discontinue the superintendence during the progress of the work:

(*g.*) Any additional expense imposed upon the Canal Company by reason of the existence of such tramway or any of the works connected therewith, shall be borne by the Promoters.

Difference between the Promoters and Birmingham Canal Company.

11. If any difference arises between the Promoters and the Canal Company with respect to any interference or control exercised or claimed to be exercised by the Promoters, or on their behalf, or by the Canal Company, or on their behalf, by virtue of the Order of 1880 and this Order, or either of them, in relation to any of the tramways of the Promoters, or in relation to any work or proceeding of the Promoters or of the Canal Company, or with respect to the propriety of or the mode of execution of any work relating to any such tramway, or with respect to the amount of any compensation to be made by or to the Promoters, or on the question whether any work relating to any such tramway, or for the prevention of injury to any bridge, is such as ought reasonably to satisfy the Canal Company, or with respect to any other subject or thing regulated by or comprised in the Order of 1880, or in this Order, the matter in difference shall (unless the parties agree upon some other mode of reference) be settled by an engineer or other fit person nominated as referee by the Board of Trade on the application of the Promoters or of the Canal Company, and the expenses of the reference shall be borne and paid as the referee shall direct.

Rights of the Canal Company under their Acts not to be interfered with.

12. Except as in this Order expressly provided, nothing in the Order of 1880 or in this Order contained shall extend to prejudice, diminish, alter, or take away any of the rights, privileges, powers, or authorities vested in the Canal Company in or by all or any of the several Acts of Parliament now in force relating to their canals.

Rights of the Canal Company under the Tramways Act, 1870, &c. not to be interfered with.

13. Notwithstanding the special provisions herein-before contained for their protection and benefit, the Canal Company shall be entitled to the protection and benefit of every provision for the protection and benefit of canal companies or proprietors of canals contained in the Tramways Act, 1870, or any other general Act of Parliament, and in the Order of 1880, or in this Order or any or either of them.

Motive Power.

A.D. 1882.

Birmingham and Aston.

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

14. The carriages used on the tramways may be moved by animal power, and the carriages used on the tramways of the Promoters may, subject to the provisions of this Order, 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 Promoters shall not use steam or any mechanical power upon any of the tramways of the Promoters constructed within the borough or the Aston district respectively without the consent in writing of the Corporation or of the Local Board respectively, as the case may be, which consents the Corporation and the Local Board are hereby respectively empowered to give upon and subject to such terms and conditions as they may respectively think fit, so that no such consent shall be given for a longer period than seven years, and that such terms and conditions shall not be inconsistent with the provisions of this Order.

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

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

15. The Promoters or any person using steam or any mechanical power on any of the tramways of the Promoters 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 regulations 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 any of the tramways of the Promoters, 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 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.

A.D. 1882.

Birmingham and Aston.

Byelaws.

16. Subject to the provisions of this Order, the Board of Trade may from time to time make, and when made may rescind, annul, or add to, byelaws with regard to all or any of the tramways of the Promoters 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.

17. 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.

18. 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 of the Promoters 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.

19. 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.

20. 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 of the Promoters 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 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 between the Promoters or such person and such road autho-

rity, 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 of the Promoters 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 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 of the Promoters, or any portion of such tramways, unless there is in force in relation to such

A.D. 1882.

Birmingham and Aston.

tramways, or such portion of such 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 districts, having regard, in the first instance, to the requirements of the roads upon which the tramways of the Promoters are laid.

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

21. Where steam or any mechanical power is used by the Promoters or any person on the tramways of the Promoters, 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 between the Promoters or such person and any road authority with respect to the user by the Promoters or such person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which 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.

Miscellaneous.

Tramways to form part of tramways authorised by Order of 1880.

22. The tramways by this Order authorised shall for the purposes of traffic thereon, and of the tolls and charges to be demanded and taken thereon, be deemed to form part of the undertaking of the Promoters authorised by the Order of 1880, and sections twenty-eight to thirty-nine, both inclusive, of the Order of 1880 shall, as far as applicable, apply to the tramways by this Order authorised and to the traffic upon the same, and to the tolls and charges authorised to be demanded and taken in respect of such traffic in like manner in every respect as if the tramways authorised by this Order formed part of the tramways authorised by the Order of 1880.

Running powers over and construction of Tramway No. 2.

23. In the event of the Birmingham and Suburban Tramways Order, 1882, being confirmed by Act of Parliament, passed before the first day of September 1882, the Birmingham and Suburban Tramways Company, Limited (in this Order referred to as the "Suburban Company"), may upon such terms as shall be agreed on between the Promoters and the Suburban Company, or as failing agreement may be settled by the Board of Trade, run over and use with their horses, engines, and carriages for the purposes of traffic of all kinds brought by them along their line from Birchfield and Perry Barr, the whole of Tramway (No. 2) by this Order authorised when the same is completed and open for public traffic. And in the event of the Suburban Company having before the said first day of September agreed with the Promoters for running powers over so much of Tramway (No. 3), authorised by the Order of 1880, as lies between the junc-

tion of Aston Street with Duke Street, Gosta Green, and the authorised termination of the said Tramway (No. 3), then the Suburban Company may, in like manner, and upon the like terms, run over and use with their horses, engines, and carriages, for the purposes of traffic of all kinds brought by them along their lines from Nechels and Saltley the whole of Tramway (No. 2), by this Order authorised when the same is completed and open for public traffic.

In the event of the said Tramway (No. 2) not being constructed under the powers contained in this Order within one year from the passing of the Act confirming this Order, then such tramway may be constructed by the Suburban Company as though they were the Promoters of this Order, and from and after the completion and opening for public traffic of the same by the Suburban Company the said Tramway (No. 2) shall be deemed to form and shall form part of the tramways authorised by the Birmingham and Suburban Tramways Order, 1882, and the Promoters of this Order may run over and use with their horses, engines, and carriages, for the purposes of traffic of all kinds, the said Tramway (No. 2) when the same is completed and open for public traffic.

Terms of such user.

24. The terms, conditions, and regulations to which the Promoters and the Suburban Company respectively shall be subject in respect of running over and using the said Tramway (No. 2), and the said portion of Tramway (No. 3) as aforesaid, and the tolls or other consideration to be paid by them for the same, shall, if not agreed upon between the Promoters and the Suburban Company respectively, be from time to time determined by an arbitrator, in pursuance of section thirty-three of the Tramways Act, 1870: Provided always, that such terms, conditions, and regulations shall in every case be approved by the Board of Trade.

Byelaws to be observed.

25. The Promoters and the Suburban Company respectively, in using or traversing the said Tramway (No. 2), and the said portion of the said Tramway (No. 3), in accordance with the provisions herein-before mentioned, shall at all times observe the regulations and byelaws for the time being in force on the said tramway, and portion of tramway, so used so far as the same shall be applicable to the Promoters and to the Suburban Company respectively, in the exercise of the said powers, and shall for their own acts and defaults in respect of such user incur all and the same liabilities as the owners of such tramway and portion of tramway respectively.

Commencement and completion of tramways.

26. If the Corporation elect to construct the tramways by this Order authorised to be laid within the borough, they shall not be required to commence the same until the Promoters have paid to the Corporation a sum of one thousand four hundred and fifty pounds (herein-after called "the security fund,") to be applied as herein-after mentioned, or have given to the Corporation a mortgage or other adequate security, to be approved by them for a like sum in a form to be agreed upon, or failing agreement to be settled by the junior conveyancing counsel for the time being of the Chancery Division of the High Court of Justice; but when such sum has been paid or when such mortgage or security has been given, the Corporation shall forthwith thereafter commence to construct the tramways, and they shall complete the same within six months after the commencement of the same, and within one year from the passing of the Act confirming this Order.

A.D. 1882.

Birmingham and Aston.

27. Sections forty-three, forty-four, and forty-five of the Order of 1880 are hereby repealed, and the following provisions shall apply and have effect in lieu thereof; (that is to say,)

Corporation to lease tramways in borough to Promoters.

(*a.*) If and when such of the tramways of the Promoters as are situate within the borough have been completed by the Corporation the Corporation shall, at the cost of the Promoters, cause to be prepared and execute a lease of the same to the Promoters for the term of twenty-one years at the rent, upon the terms, and subject to the conditions specified in the form of draft lease, signed in duplicate by the town clerk of the borough and the secretary of the Promoters, one copy of which is deposited with the said town clerk at his office, and the other copy of which is deposited with the secretary of the Promoters, or as near thereto as circumstances will permit, subject to the approval of the Board of Trade, and the Promoters shall accept such lease and execute a counterpart thereof.

Application of security fund.

(*b.*) At the expiration of two years after such of the tramways of the Promoters as are situate within the borough have been opened to the public and continuously worked by the Promoters in pursuance of such lease as aforesaid, the Corporation shall repay to the Promoters one half of the total security fund paid under the provisions of the Order of 1880, and this Order (the interest thereon as and when it becomes due being payable half-yearly to the Promoters), and the other half of such fund (the interest thereon as and when it becomes due being payable half-yearly to the Promoters) shall be retained by the Corporation as a security for the due payment of the rent and performance of the covenants, and conditions contained in such lease as aforesaid, with power to resort to such fund for the payment of any arrears of rent or damages sustained by breach of any of the covenants or conditions, and the balance (if any) of the security fund with the interest accrued thereon shall, at the expiration of the lease, be repaid to the Promoters.

Forfeiture of security fund in case of default.

(*c.*) If the Promoters fail to accept the said lease or execute a counterpart thereof, or fail to work such of the tramways of the Promoters as are situate within the borough, in accordance with the provisions of such lease and of the Order of 1880 and this Order, and the Tramways Act, 1870, at any time during the period of two years from the completion thereof, or shall within the same period make default in payment of the rent reserved by such lease, the security fund shall be forfeited to the Corporation, who may apply the same either in the reinstatement of the roads within the borough or otherwise for the general benefit of the borough.

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; and the costs of and incidental to the arbitration and award shall, if either party so require, be taxed and settled as between the parties by any one of the taxing masters of the High Court of Justice; and such fees may be taken in respect of the taxation as may be

fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters; and all those enactments, including the enactments relating to the taking of fees by means of stamps, shall extend to the fees in respect of the said taxation.

SCHEDULE A.

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 on 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 of any district in which steam or any mechanical power is used on the tramways of the Promoters, 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 such tramways 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 movable facing-points shall not exceed the rate of four miles an hour.

A.D. 1882.

Birmingham and Suburban.

BIRMINGHAM AND SUBURBAN TRAMWAYS.

Order authorising the Construction of Tramways in the Parishes of Birmingham, Aston, Handsworth, Yardley, and King's Norton, in the Counties of Warwick, Worcester, and Stafford.

Short title.

1. This Order may be cited as "The Birmingham and Suburban Tramways Order, 1882."

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 terms "the local authorities" and "the road authorities" shall mean respectively the local authorities and the road authorities of all the districts within which the tramways are by this Order authorised to be constructed, and shall include the Rural Sanitary Authority for the District of the King's Norton Union;

The expressions "the Borough" and "the Corporation" shall mean respectively the borough of Birmingham in the county of Warwick, and the mayor, aldermen, and burgesses of the said borough of Birmingham acting by the council; and

The term "person" shall include a corporation.

Promoters.

The Promoters.

4. The Birmingham and Suburban 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 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 at the office of the Board of Trade for the purposes of this Order, as the same have been amended previous to the passing of the Act confirming this Order, (which plans

and sections so amended as aforesaid are in this Order respectively referred to as "the deposited plans" and "the deposited sections,") the tramways herein-after described, with all proper rails, plates, offices, weighbridges, turn-tables, stables, carriage-houses, engine-sheds, warehouses, works, and conveniences connected therewith or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are—

Northern Division.

Tramway No. 1, wholly situate in the borough and parish of Birmingham in the county of Warwick, commencing at or near a point in Albert Street 0·25 chains or thereabouts east of the intersection of Albert Street with Moor Street, passing thence in a westerly direction along Albert Street, terminating in Albert Street at a point 6·15 chains from the point of commencement.

The total length of Tramway No. 1 is 6·15 chains, and shall be laid as a single line throughout.

Provided always, that Tramway No. 1 shall not be constructed without the consent in writing of the Corporation.

Tramway No. 2, situate partly in the parish of Birmingham and partly in the parish of Aston, or one of them, in the county of Warwick, commencing by a junction with Tramway No. 1 in Albert Street near the intersection of Albert Street with Moor Street, proceeding thence in an easterly direction along Albert Street, Duddeston Row, Curzon Street, Vauxhall Road, Bloomsbury, Bloomsbury Street, and Nechells Park Road, and terminating in Nechells Park Road at a point in line with the buildings on the north side of Needham Street.

Tramway No. 2 shall be laid as a single line, except at the following points measured from the commencement of the tramway, where it shall be laid as a double line; (that is to say,)

From a point 3 furlongs 0·70 chains for a distance of 1 furlong 7·30 chains.

From a point 5 furlongs 3·50 chains for a distance of 3·00 chains.

From a point 6 furlongs 0·80 chains for a distance of 3·00 chains.

From a point 7 furlongs 2·30 chains for a distance of 3·00 chains.

From a point 1 mile 0 furlongs 5·40 chains for a distance of 2·00 chains.

From a point 1 mile 3 furlongs 8·20 chains for a distance of 3·00 chains.

From a point 1 mile 7 furlongs 6·20 chains for a distance of 3·00 chains.

The total length of Tramway No. 2 is 2 miles 0·30 chains, being 2 furlongs 4·30 chains of double line and 1 mile 5 furlongs 6·00 chains of single line.

Provided always, that so much of Tramway No. 2 as lies between Moor Street and Park Street shall not be constructed without the consent in writing of the Corporation.

Tramway No. 3, wholly situate in the borough and parish of Birmingham in the county of Warwick, commencing at a point in Albert Street by a junction with Tramway No. 2 1·40 chains or thereabouts east of the termination of Tramway No. 1, passing thence in an easterly direction

A.D. 1882.

Birmingham and Suburban.

along Fazeley Street and thence along Park Street, and terminating by a junction with Tramway No. 2 in Albert Street at a point 0·60 chains east of the intersection of Albert Street and Park Street.

Provided always, that so much of Tramway No. 3 as lies between Albert Street and Park Street shall not be constructed without the consent in writing of the Corporation.

The total length of Tramway No. 3 is 8·00 chains, and shall be laid as a single line throughout.

Tramway No. 4, wholly situate in the borough and parish of Birmingham, in the county of Warwick, commencing by a junction with Tramway No. 2 at a point in Albert Street where Park and Albert Streets intersect, passing thence in a northerly direction along Park Street to the junction of Masshouse Lane, thence in an easterly direction, and terminating by a junction with Tramway No. 2 in Duddeston Row at a point 1·80 chains or thereabouts west of the intersection of Bartholomew Row and Duddeston Row.

The total length of Tramway No. 4 is 5·00 chains, and shall be laid as a single line throughout.

Tramway No. 5, situate in the borough of Birmingham, and in the parishes of Birmingham and Aston, or one of them, in the borough of Birmingham, and county of Warwick, commencing at a point in Aston Street 4·50 chains north-east of the intersection of Moland Street with Aston Street, passing thence in a north-easterly direction along Aston Street, Lister Street, thence in an easterly direction along Great Lister Street, and terminating by a junction with Tramway No. 2 at a point in Bloomsbury Street, nearly opposite the south-east corner of Oliver Street.

Tramway No. 5 shall be laid as a single line, except at the following points, measured from the commencement of the tramway, where it shall be laid as a double line; (that is to say,)

From the commencement for a distance of 5·00 chains.

From a point 1 furlong 7·15 chains for a distance of 3·00 chains.

The total length of Tramway No. 5 is 6 furlongs 2·15 chains, being 8·00 chains of double line and 5 furlongs 4·15 chains of single line.

Tramway No. 6, situate in the borough of Birmingham and the parish of Aston, in the county of Warwick, commencing by a junction with Tramway No. 2 in Bloomsbury Street at a point opposite the south-east corner of Oliver Street, passing thence along Saltley Road in an easterly direction, and terminating at a point in Nechells Place, 1·80 chains north of the intersection of Saltley Road and Nechells Place.

Tramway No. 6 shall be laid as a single line, except at the following points, measured from the commencement of the tramway, where it shall be laid as a double line; (that is to say,)

From a point 2·95 chains for a distance of 3·00 chains.

From a point 9·75 chains for a distance of 3·00 chains.

The total length of Tramway No. 6 is 2 furlongs 4·70 chains, being 6·00 chains of double line, and 1 furlong 8·70 chains of single line.

Tramway No. 8, situate in the borough and parish of Birmingham, in the county of Warwick, commencing at a point in Corporation Street

2·00 chains or thereabouts south of the intersection of Lancaster Street and Steelhouse Lane, passing thence in a northerly direction along Lancaster Street, Newtown Row, and terminating at the borough and parish boundary dividing Birmingham from Aston.

Tramway No. 8 shall be laid as a single line, except at the following points, measured from the commencement of the tramway, where it shall be laid as a double line; (that is to say,)

From the commencement of the tramway for a distance of 3·10 chains.

From a point 5·70 chains for a distance of 4·70 chains.

From a point 1 furlong 3·30 chains for a distance of 3·00 chains.

From a point 2 furlongs 0·10 chains for a distance of 3·70 chains.

From a point 3 furlongs 2·70 chains for a distance of 8·60 chains.

From a point 5 furlongs 4·90 chains for a distance of 8·70 chains.

The total length of Tramway No. 8 is 7 furlongs 2·00 chains, being 3 furlongs 1·80 chains of double line and 4 furlongs 0·20 chains of single line.

Tramway No. 9, wholly situate in the parish of Aston in the county of Warwick, commencing at a point in High Street, Aston, at the termination of Tramway No. 8, being the parish boundary dividing Birmingham from Aston, passing thence in a northerly direction along High Street, Aston, and terminating at a point in Birchfield Road at the parish boundary dividing Aston and Handsworth.

Tramway No. 9 shall be laid as a single line, except at the following point, measured from the commencement of the tramway, where it shall be laid as a double line; (that is to say,)

From a point 6·80 chains for a distance of 2 furlongs 2·30 chains.

The total length of Tramway No. 9 is 4 furlongs 5·50 chains, being 2 furlongs 2·30 chains of double line and 2 furlongs 3·20 chains of single line.

Tramway No. 10, situate in the parish of Handsworth and Perry Barr in the county of Stafford, commencing at the termination of Tramway No. 9 at a point in Birchfield Road where the parish boundary separates Aston from Handsworth, passing thence in a northerly direction along Birchfield Road and terminating in Birchfield Road 2·40 chains or thereabouts south of the centre of the bridge over the London and North-Western Railway at Perry Barr Station.

Tramway No. 10 shall be laid as a single line, except at the following points, measured from the commencement of the tramway, where it shall be laid as a double line; (that is to say,)

From a point 3·65 chains for a distance of 3·00 chains.

From a point 3 furlongs for a distance of 3·00 chains.

The total length of Tramway No. 10 is 6 furlongs 4·55 chains, being 6·00 chains of double line and 5 furlongs 8·55 chains of single line.

Tramway No. 11, wholly situate in the parish of Aston in the county of Warwick, commencing at Six Ways by a junction with Tramway No. 9 at a point 0·50 chains south of the intersection of Lozells Road and High Street, Aston, passing thence in a westerly direction along Lozells Road and terminating at a point in Lozells Road 1·60 chains or thereabouts west of the intersection of Church Street and Lozells Road.

A.D. 1882.

Birmingham and Suburban.

Tramway No. 11 shall be laid as a single line, except at the following points, measured from the commencement of the tramway, where it shall be laid as a double line; (that is to say,)

From a point of 1·20 chains for a distance of 3·00 chains.
From a point of 1 furlong 3·70 chains for a distance of 3·00 chains.
From a point 2 furlongs 8·80 chains for a distance of 3·00 chains.
From a point 4 furlongs 4·65 chains for a distance of 3·00 chains.

The total length of Tramway No. 11 is 4 furlongs 8·65 chains, being 1 furlong 2·00 chains of double line and 3 furlongs 6·65 chains of single line.

Southern Division.

Tramway No. 1, situate in the parishes of Birmingham and Aston, in the borough of Birmingham, in the county of Warwick, commencing in the proposed New Great Queen Street at a point eighty-seven yards west of the intersection of that street with Dudley Street, and proceeding along Dudley Street, Pershore Street, Bromsgrove Street, Moat Row, Bradford Street, and Moseley Road, and terminating in that road at a point twenty-two yards south of its junction with Montpelier Road.

Tramway No. 1 shall be laid as a double line, except at the following points, measured from the commencement of the tramway, where it shall be laid as a single line; (that is to say,)

From a point 3·70 chains for a distance of 4·40 chains.
From a point 11·90 chains for a distance of 1 furlong 2·30 chains.
From a point 2 furlongs 7·90 chains for a distance of 5·70 chains.
From a point 8 furlongs 3·30 chains for a distance of 2·20 chains.
From a point 1 mile 0 furlong 8·70 chains for a distance of 3·00 chains.
From a point 1 mile 1 furlong 4·70 chains for a distance of 2·50 chains.
From a point 1 mile 2 furlongs 0·40 chains for a distance of 1 furlong 0·40 chains.

The total length of Tramway No. 1 is 1 mile 5 furlongs 4·14 chains, being 1 mile 1 furlong 2·64 chains of double line, and 4 furlongs 1·50 chains of single line.

Provided always, that so much of Tramway No. 1 as lies between its commencement and the intersection of Great Queen Street, when diverted by the London and North-Western Railway Company with Dudley Street, shall not be constructed without the consent in writing of the Corporation.

Provided also, that the said Tramway (No. 1) shall not, without the consent in writing of the London and North-Western Railway Company, be laid further west than a point thirty-five yards west of the intersection of Dudley Street with the new street to be made by the London and North-Western Railway Company in lieu of Great Queen Street.

Provided also, that from the south corner of Edgbaston Street for a distance of thirty-eight yards southward, the said Tramway (No. 1) shall be so laid that a clear space of not less than eight feet six inches shall intervene between the outside of the footpath on the eastern side of Pershore Street, and the extreme projection of the tramcars beyond the nearest rail of the said tramway.

Tramway No. 2, situate in the parish of King's Norton, in the districts of the Balsall Heath Local Board and the King's Norton Highway Board, in the county of Worcester, commencing in Moseley Road at the termination of

Tramway No. 1 as before described, and proceeding in a southerly direction along that road and the Alcester Road and terminating in that road about sixty-six yards south of the entrance to Moseley Park.

Tramway No. 2 shall be laid as a double line, except at the following points, measured from the commencement of the tramway, where it shall be laid as a single line; (that is to say,)

From a point 5 furlongs 3·20 chains for a distance of 6·85 chains.

From a point 6 furlongs 0·80 chains for a distance of 3·30 chains.

From a point 6 furlongs 7·00 chains for a distance of 1·60 chains.

From a point 7 furlongs 2·20 chains for a distance of 5·50 chains.

From a point 1 mile 0 furlongs 0·80 chains for a distance of 6·70 chains.

The total length of Tramway No. 2 is 1 mile 1 furlong 0·60 chains, being 6 furlongs 6·35 chains of double line, and 2 furlongs 4·25 chains of single line.

Tramway No. 3, wholly situate in the parish of King's Norton, in the district of the King's Norton Highway Board in the county of Worcester, commencing at the termination of Tramway No. 2 as before described, proceeding round the Green at the junction of Church Road, and terminating in Alcester Road at a point 34 yards north of the termination of Tramway No. 2 by a junction with that tramway.

The total length of Tramway No. 3 is 7·08 chains and shall be laid as a single line throughout.

Tramway No. 4, situate in the parish of Birmingham and hamlets of Deritend and Bordesley, and in the parish of Aston in the borough of Birmingham in the county of Warwick, commencing in Bradford Street at a point seven yards north-west of Rea Street, and proceeding along that street in a north-easterly direction, thence along High Street Deritend, High Street Bordesley, Camp Hill, and Stratford Road, and terminating in that road at a point one hundred and ten yards south of its junction with Stony Lane.

Tramway No. 4 shall be laid as a double line, except at the following point, measured from the commencement of the tramway, where it shall be laid as a single line; (that is to say,)

From a point 6 furlongs 8·50 chains for a distance of 4·47 chains.

The total length of Tramway No. 4 is 1 mile 4 furlongs and 5·90 chains, being 1 mile 4 furlongs and 1·43 chains of double line, and 4·47 chains of single line.

Tramway No. 5, situate wholly in the parish of Yardley in the county of Worcester, commencing in Stratford Road at the termination of Tramway No. 4 as before described, and proceeding along that road in a south-easterly direction, and terminating in the said road at a point twenty-two yards south-east of its junction with Durham Road.

Tramway No. 5 shall be laid as a double line, except at the following point, measured from the commencement of the tramway, where it shall be laid as a single line; (that is to say,)

From a point 1 furlong 2·70 chains for a distance of 1 furlong 3·73 chains.

A.D. 1882.

Birmingham and Suburban.

The total length of Tramway No. 5 is 2 furlongs and 9·40 chains, being 1 furlong and 5·67 chains of double line, and 1 furlong 3·73 chains of single line.

Tramway No. 6, wholly situate in the hamlets of Deritend and Bordesley in the parish of Aston, in the borough of Birmingham, in the county of Warwick, commencing at the junction of Camp Hill and High Street, Bordesley, at a point about twenty-seven yards north-west of the entrance to Bordesley Railway Station, by a junction with Tramway No. 4 above described, proceeding along Coventry Road, and terminating in that road opposite the south-east side of Small Heath Park.

The total length of Tramway No. 6 is 1 mile 2 furlongs 7·10 chains, and shall be laid as a double line throughout.

Tramway No. 7, situate in the hamlets of Deritend and Bordesley, in the parish of Aston, in the borough of Birmingham, in the county of Warwick, commencing in Bradford Street, opposite the north-west side of Moseley Road, by a junction with Tramway No. 1, and proceeding along Bradford Street, and terminating in Camp Hill about fourteen yards south of its junction with Bradford Street.

The total length of Tramway No. 7 is 1 furlong 1·10 chains, and shall be laid as a double line throughout.

Tramway No. 8, wholly situate in the parish and borough of Birmingham, in the county of Warwick, commencing in Meriden Street, at its junction with Digbeth, and terminating at the junction of Rea Street and Digbeth.

Tramway No. 8 shall be laid as a single line, except at its termination, where it shall be laid as a double line for a distance of 1·08 chains.

The total length of Tramway No. 8 is 9·78 chains, being 1·08 chains of double line, and 8·70 chains of single line.

Tramway No. 12, wholly situate in the parish and borough of Birmingham in the county of Warwick, commencing in Fazeley Street at its junction with Park Street, by a junction with Tramway No. 3, in the Northern Division, and proceeding along Park Street in a south-westerly direction, thence along Bordesley Street, Meriden Street and Smithfield Street, and terminating at the junction of Moat Row and Bradford Street.

Tramway No. 12 shall be laid as a double line, except at the following points, measured from the commencement of the tramway, where it shall be laid as a single line :—

From a point 2·90 chains for a distance of 2·20 chains;

From a point 1 furlong 7·00 chains for a distance of 1 furlong 9·00 chains;

The total length of Tramway No. 12 is 3 furlongs 6·53 chains, being 1 furlong 5·33 chains of double line, and 2 furlongs 1·20 chains of single line.

Provided always, that from the commencement of the said Tramway (No. 12) for a distance of two chains to the south, the said tramway shall be so laid that a clear space of not less than eight feet shall intervene between the outside of the footpath on the western side of the road, and the extreme projection of the tramcars beyond the nearest rail of the said tramway.

Double lines to be laid in certain places.

7. Where according to the deposited plans it is proposed to lay down in any road a single line of tramway, and a less space than nine feet six inches

intervenes between the outside of the footpath on either side of the road, and the nearest rail of the tramway, the Promoters shall in lieu of such single line lay down a double line of tramway with proper passing-places.

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 or engine used on the tramways shall exceed five feet and nine inches in width, or such other width as may from time to time be prescribed by the Board of Trade.

Provisions as to construction of tramways.

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 such road authority and the Board of Trade a plan, sections, and specification, showing such tramways and the proposed mode of constructing, laying down, maintaining, and renewing the same, 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, sections, specification, and statement have been approved by such road authority and by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan, sections, and specification, 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

A.D. 1882.

Birmingham and Suburban.

Repairs to roads.

20. If at any time any part of any road in any district in which any of the tramways are laid, which part is by the Tramways Act, 1870, or by this Order, required to be maintained and kept in good condition and repair by the Promoters shall, in the judgment of the road authority of such district, be not maintained and kept in such good condition and repair, then it shall be lawful for such road authority to repair and mend the same, and to recover the costs incurred by them in so doing from the Promoters by all and the same means as any simple contract debt of like amount may be recovered; and it shall be lawful for such road authority to stop the traffic along any part of the tramways where any such part of any road is, in the judgment of such road authority, out of repair until such part of such road shall have been put into good condition and repair to the satisfaction of such road authority.

Extension of section 26 of the Tramways Act, 1870.

21. Sub-sections two, three, and four of section twenty-six of the Tramways Act, 1870, shall extend and apply to the works referred to in sections twenty-seven and twenty-eight of the said Act, and to all other works of every description affecting any sewer, or gas, or water main, or other works or property of or under the control or jurisdiction of any of the local or road authorities, or of the Birmingham, Tame, and Rea District Drainage Board.

Access to sewers.

22. The local authority of any district in which any of the tramways are laid, and in the borough the Birmingham, Tame, and Rea District Drainage Board, and their officers and servants respectively, shall at all times have free access to and communication with all existing and future sewers and drains, gas-pipes, and mains (whether public or private), under the control of or maintained or repaired by such local authority, and the said Board respectively, and the manholes, ventilating shafts, and other works in connexion therewith, and shall have power, without the consent or concurrence of the Promoters, to construct any new or additional public or private sewers or drains, gas-pipes, or mains, and any manholes, ventilating shafts, or other works connected therewith, and any lateral or private drains to communicate therewith; and the provisions contained in sections thirty-two and thirty-three of the Tramways Act, 1870, shall be applicable to the case of any such works as aforesaid as though the same were a pipe for the supply of gas or water laid before the construction of such tramways: Provided always, that if at any time after the passing of the Act confirming this Order any such sewers or drains (whether public or private), or any other works of or belonging to or under the control of such local authority or the said Board, as the case may be, 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 such local authority or the said Board, immediately thereupon or at any time thereafter, at the cost, expense, and risk of the Promoters, to do what such local authority or the said Board shall deem necessary for the thorough and efficient repair and reinstatement of such sewer, drain, or other works as aforesaid, and if the Promoters shall not on demand pay to such local authority or the said Board the reasonable costs and expenses incurred by them as aforesaid they may respectively recover the same from the Promoters by all and the same means as any simple contract debt of like amount may be recovered.

Breaking up streets by local or road authorities.

23. Nothing in this Order contained shall obstruct, hinder, prejudice, or prevent any of the local or road authorities from breaking up any road in their respective districts for any purpose for which they are respectively authorised to break up any road within their respective districts, and for such purpose they may stop the traffic along the tramways within their respective districts; and any extra cost occasioned by reason of such tramways being there, and incurred by any such local or road authority in the exercise of their powers, and in restoring the surface of any such road, and any of the tramways laid by the Promoters shall be borne by the Promoters, and be paid by them to such local or road authority, and may be recovered by such local or road authority from the Promoters by all the same means as any simple contract debt of like amount may be recovered.

Promoters not to have any claim in respect of interruption of traffic.

24. The Promoters shall have no claim whatever for any damage or interruption of traffic which may arise from any works executed by any of the road authorities in, on, under or over any road on which any of the tramways may be laid, or from the use of any implements or materials they may use in the maintenance thereof.

As to lighting apparatus and sewers of local authorities.

25. Sections thirty, thirty-two, and thirty-three of the Tramways Act, 1870, shall (subject to the provisions of this Order) extend and apply to the local authorities respectively with reference to the several lighting apparatus and sewers belonging, or which hereafter may belong to the local authorities respectively, in like manner as the same apply to a company or person being the owner of gas mains or water mains or pipes, and for the purpose of this section the word "company" in those sections shall include the several local authorities respectively: Provided that all works or interference with or in connexion with the lighting apparatus or sewers of the local authorities respectively under the thirtieth section of the Tramways Act, 1870, or otherwise, shall be made or executed by the local authority to whom the same belong, and not otherwise, upon the request and at the cost and risk in all respects of the Promoters.

Powers of local authorities with respect to laying down mains, &c.

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

Local authorities may lay additional mains, &c.

27. Nothing contained in this Order shall prevent the local authorities in their respective districts from laying at their own expense respectively, from time to time as they respectively may think proper, additional mains or pipes with all manholes, scour pipes, air and other valves for supplying gas, and also sewers or drains at, under, across, or near the tramways in such districts respectively, and the local authorities respectively shall not be liable for any damage to the tramways or compensation for loss of traffic thereon that may be caused by the laying of such additional mains or pipes and appurtenances, sewers, or drains, at, under, across, or near to the tramways, nor for the expense of the temporary lifting and replacing the tramways, which shall be done at the expense

A.D. 1882.

Birmingham and Suburban.

of the Promoters: Provided that the operations of the local authorities respectively shall be carried on so as to interfere as little as possible with the traffic on the tramways.

Cost of substituted sewers or lighting apparatus.

28. The cost of constructing, providing, and laying any new sewers, drains, or lighting apparatus, in substitution for any which may be rendered useless by the construction of the tramways, and the value of any sewer, drain, or lighting apparatus, belonging to or under the control of the local authorities respectively, and rendered useless or unproductive to the said local authorities respectively by the works authorised by this Order, shall on demand and subject to credit being given for the value of all or any of the aforesaid matters so rendered useless or unproductive, be paid to the local authority to whom the same belonged by the Promoters: Provided always, that whenever any new sewer, drain, or lighting apparatus of larger dimensions shall be substituted for any existing sewer, drain, or lighting 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 sewer, drain, or lighting apparatus of equal dimensions with the existing sewer, drain, or lighting apparatus.

Removal of sewers, drains, and lighting apparatus beneath tramways.

29. The Promoters shall at their own cost and risk in all respects if and when required by any of the local authorities forthwith remove so much of all drains and sewers and of all water-mains, pipes, and lighting apparatus belonging to such local authority as shall be situate under that part of any road which they are by section twenty-eight of the Tramways Act, 1870, or by this Order required to maintain and repair, and which would, in the opinion of such local authority, or their surveyor, be injuriously affected by the tramways or the works connected therewith of the Promoters, and shall reconstruct and relay with all needful alterations, so much as aforesaid of any such drains, sewers, mains, pipes, and lighting apparatus in such other parts of such road as may be prescribed by and to the reasonable satisfaction of such local authority.

As to removal of manholes.

30. When any of the tramways is constructed or intended to be constructed over any manhole or entrance into any sewer of any of the local authorities, or so close to such manhole or entrance as to make the use thereof dangerous or inconvenient in the opinion of such local authority, the Promoters shall, if required by such local authority, construct another manhole or entrance in lieu thereof in such position and according to such plan as may be approved by such local authority.

Alterations, &c. of lighting apparatus, sewers, &c.

31. 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 of the lighting apparatus, sewers, drains, manholes, covers, or water-pipes or other apparatus or works belonging to or under the control of any of the local authorities, the Promoters shall give to such local authority fourteen days notice in writing of such desire, and such local authority shall thereupon forthwith, but without prejudice to the protection afforded to them by the Tramway, Act, 1870, or by this Order, make such alteration, displacement, or removal, as the case may be, and do all works incidental thereto; and all reasonable expenses that may be thereby incurred by such local authority shall be defrayed by the Promoters.

Alterations to gas or water mains, &c. belonging to the Corporation.

32. If the Promoters desire, under the authority of this Order, to do any act which shall or may in the opinion of the engineer of the Corporation having superintendence of the gas or water mains or pipes, valves, syphons, plugs, or apparatus, or other works belonging to or under the control of the Corporation, render necessary the removal or displacement of any of such gas or water mains or pipes, valves, syphons, plugs, or apparatus or other works, the Promoters shall give to the town clerk of Birmingham fourteen clear days notice in writing of such desire, and a similar notice to such engineer accompanied by plans and sections and other necessary particulars showing the works proposed to be executed by the Promoters, so far as they affect the gas and water mains or pipes, valves, syphons, plugs, or apparatus or other works proposed to be interfered with; and the Corporation may, if they think fit, make such removal or displacement as they may consider necessary, and do all works incidental thereto, and all expenses to be thereby incurred shall be defrayed by the Promoters, and if the Promoters do not on demand pay to the Corporation the expenses so incurred by them, the Corporation may recover the same by all and the same means as any simple contract debt of like amount may be recovered. And the certificate of such engineer, under whose superintendence such displacement or removal shall have been made as to the expenses incurred by them as aforesaid, shall be binding and conclusive upon the Promoters, and the Promoters shall not be entitled to inquire into or question the propriety or necessity of any works executed by the Corporation for effecting any such displacement or removal as aforesaid.

The provisions of this section shall be in addition to, and not in substitution for, any of the provisions contained in the Tramways Act, 1870, and sub-section four of section thirty of that Act in favour of the Company or person therein mentioned shall be extended to and include the Corporation as the owners of gas and water undertakings.

Protection of gas and water apparatus.

33. 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 any waterworks company or any gaslight company, or other person empowered by Act of Parliament to supply water or gas, the Promoters shall give to such waterworks company or gaslight company, or such other person as aforesaid, as the case may be, fourteen days notice in writing of such desire, and such waterworks company or gaslight company, or such other person 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 incidental thereto, and all reasonable expenses to be thereby incurred shall be defrayed by the Promoters. Nothing contained in this Order shall interfere with the exercise by such waterworks company or gaslight company or such other person of any powers or privileges conferred upon them respectively by any Act of Parliament of laying down or 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

A.D. 1882.

Birmingham and Suburban.

favour of the local authority, shall be extended to and include all such companies or persons.

Mode of laying tramways to be uniform throughout.

34. Subject to the provisions of this Order the carriages to be used on the tramways and the wheels and breaks attached thereto, and the mode of laying down the tramways and the form of the rails, sleepers, fastenings, and grooves, if any, shall be such as the road authorities and the Board of Trade shall approve, but so that the mode and form shall be the same throughout the whole length of the tramways, and in case of difference between the road authorities they shall be such as the Board of Trade shall determine.

Traffic on roads not to be stopped or impeded.

35. During the construction, alteration, or relaying of any of the tramways, the Promoters shall not stop up or interfere with any road, so as to prevent or impede the passage of traffic along such road, or alter the level of the surface of any road or part thereof except with the previous consent in writing of the local authority of the district in which such road is situated.

As to alterations of sidings, &c.

36. Whenever the Promoters at any time desire to construct or have constructed any junction, siding, refuge, or resting-place in any road in any district in which any of the tramways may be laid, the Promoters shall make such alterations as the road authority of such district may deem necessary, and demand in the construction of any such junction, siding, refuge, or resting-place in the line and direction of such tramway. In case of any dispute with respect to any matter provided for by this section, the decision of the Board of Trade shall be final and binding on both parties.

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

37. 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 deposit before opening roads in districts of road authorities.

38. Before the Promoters open or break up any road within the district of any of the road authorities following, namely, the Manor of Aston local board, the Handsworth local board, the Balsall Heath local board, and the King's Norton Highway Board, they shall deposit in a bank to be approved by the road authority of such district to a joint account in the names of the Promoters and such road authority, a sum of money (in this section referred to in relation to any road authority as "the deposit fund") to be calculated at the rate of one thousand pounds for every mile of tramway, (and so in proportion for a part of a mile of tramway,) by this Order authorised to be constructed within such district, and of their intention to construct which the Promoters shall have given such road authority notice in writing.

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

On the completion of the tramways in the district of any of the said road authorities to the satisfaction of the surveyor of such road authority, the deposit fund shall be paid or transferred to the Promoters.

If the tramways within the district of any of the road authorities having been commenced are not completed within the time limited by the Tramways Act, 1870, or within such extended time as may be duly sanctioned in accordance

with the provisions of this Order, the deposit fund shall be paid out or transferred to the road authority of such district, and the same shall be applied by them in payment of the expenses incurred by them in the removal of so much of such tramways as shall have been laid down by the Promoters, and in restoring the road to the satisfaction of their surveyor (the balance of the deposit fund being paid to the Promoters) and for the purpose of such restoration, such road authority shall be at liberty to break up or use any part of the materials of such tramways.

If the deposit fund is insufficient to reimburse such road authority the expenses so incurred, such road authority shall be at liberty to sell the materials of such tramways (or the remaining portion thereof as the case may be), and apply the proceeds in or towards satisfaction of such expenses, and the balance (if any) shall be paid to the Promoters; or if such proceeds of sale are insufficient the Promoters shall on demand pay to such road authority such deficiency, and in case of non-payment the same may be recovered by such road authority by all and the same means as any simple contract debt of like amount may be recovered.

Promoters to make deposit before opening roads in the borough.

39. Before the Promoters open or break up any road within the borough they shall deposit in a bank in the borough, to be approved of by the Corporation, to a joint account in the names of the Corporation and the Promoters, a sum of money, to be calculated at the rate of two thousand five hundred pounds for every mile of single line of tramways by this Order authorised to be laid within the borough: Provided always, that the Corporation shall not require the whole sum by this section secured to be deposited at one time; but the Promoters may, if they prefer to do so, from time to time give a notice in writing to the Corporation stating their intention to begin to lay any part of the tramways within the borough; (but so that the same shall form a continuous line from the centre of the borough to the boundary thereof, or as near thereto as such tramways may be authorised,) and shall at the same time pay into such bank a sum of money equal to two thousand five hundred pounds for every mile of single line of tramway specified in such notice, and the Corporation shall accept such sum on account of the deposit by this section required, and thereupon the Promoters may construct the part of the tramways mentioned in such notice. The sum so to be deposited shall from time to time, during the progress of the works, be paid out to the Promoters in the proportion of fifty pounds per centum on the value of the works in the borough which at the time of making such payment have been properly executed, such valuation to be ascertained by writing under the hand of the surveyor for the time being of the borough. On the completion of the whole of such works the balance of the sum so to be deposited shall, at the request of the Promoters, but at their risk, be invested in such securities as the Corporation may approve, and the interest thereon shall be paid half-yearly to the Promoters, and the said balance shall constitute a fund for securing the due repair and maintenance, by the Promoters, of the roads in the borough in which any of the tramways shall have been constructed by them, and the performance and observance by the Promoters of all the duties and obligations imposed upon them by the Tramways Act, 1870, and this Order, or either of them, in reference to any of the tramways constructed by the Promoters in the borough pursuant to this Order, and the said fund, or

A.D. 1882.

Birmingham and Suburban.

any part thereof, may be applied by the Corporation in satisfying any debt, damages, costs, and charges which the Promoters may at any time be liable to pay to them.

Power for Corporation to elect to be substituted as Promoters as to tramways within the borough.

40. The powers in this Order contained for the construction and maintenance by the Promoters of such of the tramways as are situate within the borough shall be suspended for three months from the passing of the Act confirming this Order, and the Corporation, if they so decide by a resolution passed at a special meeting, may within a period of three months after the passing of the Act confirming this Order intimate to the Promoters, by notice in writing, the intention of the Corporation to be substituted in the place of the Promoters for the purposes of this Order so far as the same relates to the tramways within the borough, and thereupon provided that the Corporation shall also cause a copy of such notice to be published within the like period once in the "London Gazette" all the rights, powers, and authorities conferred by this Order upon the Promoters as to the construction, maintenance, and use of the tramways within the borough, and the works connected therewith, or incidental thereto, shall, subject to the provisions herein-after contained, be transferred to and vested in, and may thenceforward be exercised by the Corporation in like manner as if the Corporation had been in the first instance authorised by this Order to construct such tramways and works, and the Corporation shall as to the tramways within the borough be deemed to be the Promoters of this Order instead of the Promoters, and this Order shall be construed accordingly, and the Corporation may pay all expenses incurred by them in carrying into effect the provisions of this Order out of the local rate, and shall have the like powers to borrow on the same security as if such expenses were expenses incurred in carrying into effect the purposes of a Provisional Order applied for and obtained by them under the Tramways Act, 1870: Provided always, that the provisions of this Order with respect to the traffic and tolls and charges by this Order authorised in relation to the tramways shall be applicable to, and shall be observed by, and the said tolls and charges may be demanded and taken by the lessees of the Corporation as though they were by this Order made specially applicable to and were authorised to be observed, demanded, and taken on the tramways within the borough: Provided also, that nothing in this Order contained shall authorise the Corporation to place or run carriages on any of the tramways within the borough, and to demand tolls or charges in respect of the use of such carriages.

Release of part of deposit as to tramways within the borough.

41. In case the Corporation elect as aforesaid to be substituted in place of the Promoters in respect of the tramways within the borough, then on the production of a certificate signed by a Secretary or by an Assistant Secretary of the Board of Trade, specifying the length of such tramways and the portion of the deposit made by the Promoters in pursuance of section twelve of the Tramways Act, 1870, and the rules made by the Board of Trade under the powers of the said Act in respect of the application, for this Order which bears to the whole of the said deposit the same proportion as the length of the tramways within the borough bears to the entire length of the tramways, the Chancery Division of the High Court of Justice shall, on the application of the Promoters, order such portion of the deposit so specified in such certificate as aforesaid to be paid or transferred to the Promoters, or as they shall direct

and the residue of the deposit shall be treated and dealt with as if it had been the deposit made in respect of the application for this Order with reference to the tramways outside the borough, and as if such last-mentioned tramways were the only tramways by this Order authorised.

Commencement and completion of tramways by Corporation in borough.

42. If the Corporation elect to construct the tramways within the borough they shall not be required to commence the same until the Promoters have paid to the Corporation a sum of money to be calculated at the rate of two thousand five hundred pounds for every mile of single line of tramway by this Order authorised to be laid within the borough (herein-after referred to as "the security fund") to be paid and applied as herein-after mentioned, or have given to the Corporation a mortgage or other adequate security for a like sum, to be approved by the Corporation, but when such sum has been paid as herein-after mentioned, or such mortgage or other security has been given, the Corporation shall forthwith thereafter commence to construct such tramways, and they shall complete the same within six months after the commencement of the same, and within two years from the passing of the Act confirming this Order.

Corporation to give notice to Promoters of their intention to commence constructing the tramways.

43. The Corporation shall from time to time give notice in writing to the Promoters of their intention to begin to construct any of the tramways within the borough to be specified in such notice, and shall so construct such tramways that the same shall form a continuous line from the centre of the borough to the borough boundary, or as near thereto as such tramways may be authorised within the borough; and the Promoters shall within fourteen days from the date of receiving such notice pay to the Corporation on account of the security fund a sum of two thousand five hundred pounds for each mile of single line of tramway to be laid along the route or routes specified in such notice: Provided always, that the Promoters may on receipt of the first or any subsequent such notice pay to the Corporation the whole of the balance then remaining unpaid of the security fund required to be paid as aforesaid.

Corporation to lease tramways in the borough to Promoters.

44. If and when such of the tramways as are situate within the borough have been completed by the Corporation, the Corporation shall, at the cost of the Promoters, cause to be prepared and execute a lease of the same to the Promoters for the term of twenty-one years, at the rent, upon the terms and subject to the conditions specified in the form of draft lease signed in duplicate by the town clerk of the borough and the secretary of the Promoters, one copy of which is deposited with the said town clerk at the council house and the other copy of which is deposited with the secretary of the Promoters, or as near thereto as circumstances will permit, subject to the approval of the Board of Trade, and the Promoters shall accept such lease and execute a counterpart thereof.

Application of security fund as to the borough.

45. The security fund, or the mortgage or other security for the same, shall be retained by the Corporation as a security for the due payment of the rent and performance of the covenants and conditions contained in such lease as aforesaid, with power to resort to such fund or to raise money on such mortgage or other security for the payment of any arrears of rent or damages sustained by breach of any of the said covenants or conditions, and of any other deductions to be made under the terms of such lease. The said fund shall at the

A.D. 1882.

Birmingham and Suburban.

request of the Promoters, but at their risk, be invested in such securities as the Corporation may approve, and the interest thereon shall be paid to the Corporation for their own use; but the Corporation shall pay half-yearly to the Promoters throughout the said term interest on the security fund or the balance thereof at the rate of three and a half per centum per annum, and the balance (if any) of the security fund, or such mortgage or other security after payment of any moneys raised on the security of the same, shall at the expiration of such lease be repaid to the Promoters, or shall cease to have any validity or effect.

Forfeiture of security fund as to the borough in case of default.

46. If the Promoters fail to accept such lease, or to execute a counterpart thereof, or fail to work the tramways within the borough in accordance with the provisions of such lease, and of this Order, and of the Tramways Act, 1870, at any time during the period of two years from the completion thereof, or within the same period make default in payment of the rent reserved by such lease, the security fund or the amount secured by such mortgage or other security shall be forfeited to the Corporation, who may apply the same either in the reinstatement of the roads within the borough, or otherwise for the general benefit of the borough.

For protection of railway companies.

47. In constructing and maintaining any of the tramways by this Order authorised where such tramway crosses any railway tunnel or bridge carrying any road over a railway or canal, or where such tramway crosses any railway on the level, or passes under any railway bridge, the Promoters and the Corporation (who for the purposes of this section are included in the term "the Promoters") in respect of the tramway constructed by them respectively, shall be subject to the following conditions:

(1.) Such tramway, if a single line of tramway, shall be constructed and maintained along the centre of the roadway:

(2.) The Promoters shall not in any way alter or interfere with the structure of any such tunnel or bridge, or of the approaches thereto, and they shall so construct and maintain such tramway over such tunnel or bridge, and the approaches thereto, or under such bridge as the case may be as not injuriously to affect the same;

(3.) In the event of any injury being caused to any such tunnel, bridge, or approaches by the construction, maintenance, repairing, user, or the removal of such tramway, the railway company owning such tunnel, bridge, or approaches may, at the expense of the Promoters, restore such tunnel, bridge, and approaches, or the part or parts thereof which may be injured, to as good a state and condition as they were in before such injury was occasioned, and the Promoters shall indemnify such railway company against all sums, costs, and expenses which they may pay or be put to in repairing and maintaining so much of the road over such tunnel, bridge, 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 may recover from the Promoters all such sums, costs, and expenses, with full costs and charges, by all and the same means as any simple contract debt may be recovered:

(4.) Whenever and so often as any railway company shall require to

widen, lengthen, strengthen, reconstruct, alter, or repair any such tunnel, bridge, or approaches, or to widen or alter their railways or canals where such tramway passes under any railway bridge, or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten, or to repair, renew, or alter their rails at any such level crossing, and they shall find it necessary for effecting any of such purposes that the working and user of the tramway over such bridge or approaches, or under such bridge, or at any such level crossing, shall be wholly or partially stopped or delayed, or that such tramway shall be temporarily diverted or be wholly or in part taken up or removed, and shall, except in cases of emergency, give to the Promoters seven clear days notice in writing, requiring such stoppage, delay, or diversion, taking up, or removal, the working and user of such tramway shall be stopped or delayed, or the tramway shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer, if such engineer give such superintendence, but only for so long as the railway company may find to be absolutely necessary for effecting such purposes and without their being liable for any compensation claims, demands, damages, costs, or expenses, for or in respect of such stoppage or delay, or in any way relating thereto:

And in case the principal engineer of such railway company shall be of opinion that any such strengthening is desirable or necessary, owing to the carriages or vehicles on such tramway being or being intended to be moved by steam or any mechanical power, such strengthening shall be effected in all things at the expense of the Promoters, who shall also pay to such railway company all additional expense which they may incur or be put to in effecting any such widening, lengthening, strengthening, reconstruction, alterations, repairs, lifting or supporting, by reason of the existence of the tramway so passing, or any of the works connected therewith, the amounts of such expenditure to be recoverable as aforesaid, by such railway company from the Promoters, with full costs and charges by all and the same means as any simple contract debt may be recovered.

(5.) Whenever such tramway on either side of such tunnel, bridge, or approaches, or of such level crossing, is a single line, there shall only be a single line over such tunnel, bridge, or approaches, or level crossing, and no turnouts or passing-places shall be constructed thereon.

(6.) All works which may be necessary in constructing and maintaining any of the tramways, over or under any bridge, works, or property of any railway company, or at any such level crossing, shall be constructed and maintained in all things at the expense of the Promoters, and to the reasonable satisfaction of the principal engineer of such company, or in case of difference of an engineer to be appointed by the Board of Trade on the application of such railway company or the Promoters.

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

For the protection of the London and

48. Whereas the London and North-Western Railway Company are promoting a Bill in the present session of Parliament, intituled "The London and North-

A.D. 1882.

Birmingham and Suburban. North-Western Railway Company.

Western Railway Bill, 1882," whereby they seek powers to construct a railway to be called the New Junction, at Nechells, which railway will, if authorised and made, pass under the Nechells Park Road, along which Tramway No. 2 (Northern Division) by this Order authorised is intended to be constructed, and the said Tramway No. 2 will also pass in front of the Curzon Street Goods Stations of the said London and North-Western Railway Company, and will cross on the level the lines of rails leading to and from that station, therefore the following provisions shall apply and have full effect:

(1.) If and when the London and North-Western Railway Company for the purpose of constructing the said new junction at Nechells find it necessary that the working and user of the said Tramway No. 2 should be wholly or partially stopped or delayed, or that such tramway should be temporarily diverted, or be wholly or in part taken up and removed, and shall, except in cases of emergency, give to the Promoters seven clear days notice in writing requiring such stoppage, delay, or diversion, taking up, or removal, the working and user of such tramway shall be stopped or delayed, or such tramway shall be diverted or taken up or removed accordingly at the expense of the Promoters, and under the superintendence of their engineer, if such engineer shall give such superintendence; but only for so long as the London and North-Western Railway Company may find to be absolutely necessary for effecting the construction of the said new junction at Nechells and the works in connexion therewith, and without their being liable for any compensation, claims, demands, damages, costs, or expenses for or in respect of such stoppage or delay, or in any way relating thereto.

(2.) The provisions of section 47 (for protection of railway companies) shall apply to the said new junction at Nechells when constructed as if the same had been authorised and constructed at the date of the passing of the Act confirming this Order.

(3.) In laying down or constructing the said Tramway No. 2 (Northern Division) where it is intended to cross on the level the railway of the London and North-Western Railway Company at Curzon Street, or in effecting the repairs or renewal thereof, the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the said railway company, and only according to such plans, to be submitted to and in such manner as shall be reasonably approved by him, and in all things by and at the expense of the Promoters, who shall also repay to the said railway company any extra expense which they may incur in maintaining their rails at the said crossing by reason of the construction or user of the said tramway.

No tramcar or other vehicle shall be stopped or permitted to be stopped on the said crossing or within the distance of ten yards on either side thereof.

(4.) With respect to the said Tramway No. 2 (Northern Division) where it will pass in front of the entrances to the said Curzon Street Goods Station no additional crossing, passing-place, siding, junction, or other work shall be made for or in connexion with that tramway for the distance thereon extending in front of the entrances to that station, and for a length of ten

yards at each end of such distance, and without the consent of the London and North-Western Railway Company under their common seal, no tramcar or other vehicle or carriage used on that tramway shall be stopped or permitted to be stopped within such distance and lengths except for and only for so long as shall be absolutely necessary for the purposes of discharging and taking up passengers.

Protection of bridges over Birmingham canals.

49. Where any tramway by this Order authorised is constructed upon a bridge carrying a road over a canal of the Company of Proprietors of the Birmingham Canal Navigations (in this Order referred to as the "Canal Company"), the following provisions shall apply and have effect:

A. The Promoters shall give fourteen days notice in writing to the Canal Company of their intention to commence any work which will affect or in any wise interfere with the structural works of the bridge or the road over the same, and shall at the same time send sufficient specifications or other information to show the nature of such work, and such work shall be constructed to the reasonable satisfaction of the Canal Company, and so as not in any way to interfere with the traffic to, from or upon the canal or the towing-paths or towing-path thereof:

B. If the bridge shall be deemed by the Canal Company, or their engineer for the time being, to be of insufficient strength to carry locomotive engines or weights beyond the ordinary traffic of the district, the Promoters shall, upon notice from the Canal Company to that effect, and before driving or carrying a locomotive engine or an extraordinary weight on or over the bridge, execute at the cost of the Promoters all such works as may be reasonably required by the Canal Company to prevent injury to the bridge by the driving or carrying thereon or thereover of a locomotive engine or an extraordinary weight: But, notwithstanding the last preceding provisions, the Promoters shall make good to and compensate the Canal Company for all damage that may be occasioned to any bridge, work, or property of the Canal Company by the driving or carrying on or over the bridge of any locomotive engine or extraordinary weight, or by or in consequence of the construction by the Promoters of any work or otherwise by any act or default of the Promoters:

C. Any additional expense in the maintenance of the bridge or of the roadway on or over the same, or of the approaches thereto occasioned by the construction, use, or maintenance of the tramway shall be borne by the Promoters.

Saving of rights of the Canal Company to open roads.

50. Nothing in this Order shall take away or abridge any power of the Canal Company to open or break up any road along or across which any tramway by this Order authorised is laid or any power vested in the Canal Company for the purpose of erecting, constructing, raising, lowering, repairing, altering, rebuilding, or removing any bridge or any approach thereto or otherwise, but the exercise of such power shall be subject to the following provisions; (that is to say,)

A. The Canal Company shall cause as little detriment or inconvenience to the Promoters as circumstances admit:

A.D. 1882.

Birmingham and Suburban.

B. Any alteration of the tramway and the works connected therewith that may be necessary shall be made by and at the expense of the Promoters, who shall also at the like expense replace and make good the same:

C. Before the Canal Company commence any work whereby the traffic on the tramway will be interrupted, they shall (except in cases of urgency, when no notice shall be necessary) give to the Promoters notice of the intention of the Canal Company to commence such work, specifying the time at which they will begin to do so, such notice to be given forty-eight hours at least before the commencement of the work:

D. The Canal Company shall not be liable to pay to the Promoters any compensation for injury done to the tramway or any work connected therewith by the execution by the Canal Company of any such work as aforesaid or by the reasonable exercise of the powers so vested in them as aforesaid:

E. Whenever for the purpose of enabling them to execute any such work the Canal Company so require, the Promoters shall either stop the traffic on the tramways to which the notice refers where it would otherwise interfere with such work, or shore up and secure the tramway at their own risk and cost during the execution of the work there: Provided that such work shall always be completed by the Canal Company with all reasonable expedition:

F. The Canal Company shall not execute such work so far as it immediately affects the tramway, except under the superintendence of the Promoters, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of such work, or discontinue the superintendence during the progress of such work:

G. Any additional expense imposed upon the Canal Company by reason of the existence of the tramway, or any of the works connected therewith, shall be borne by the Promoters.

Differences between the Promoters and the Canal Company.

51. If any difference arises between the Promoters and the Canal Company with respect to any interference or control exercised or claimed to be exercised by the Promoters or on their behalf, or by the Canal Company or on their behalf, by virtue of this Order in relation to any tramway by this Order authorised, or in relation to any work or proceeding of the Promoters or of the Canal Company, or with respect to the propriety of or the mode of execution of any work relating to any tramway by this Order authorised, or with respect to the amount of any compensation to be made by or to the Promoters, or on the question whether any work relating to any tramway by this Order authorised, or for the prevention of injury to any bridge, is such as ought reasonably to satisfy the Canal Company, or with respect to any other subject or thing regulated by or comprised in this Order, the matter in difference shall (unless the parties agree upon some other reference) be settled by an engineer or other fit person nominated as referee by the Board of Trade, on the application of the Promoters or of the Canal Company, and the expenses of the reference shall be borne and paid as the referee shall direct.

52. Except as herein expressly provided, nothing in this Order contained shall extend to prejudice, diminish, alter, or take away any of the rights, privileges, powers, or authorities vested in the Canal Company, in or by all or any of the several Acts of Parliament now in force relating to their canals. *Birmingham and Suburban.* Rights of the Canal Company under their Acts not to be interfered with.

53. Notwithstanding the special provisions herein-before contained for their protection and benefit, the Canal Company shall be entitled to the protection and benefit of every provision for the protection and benefit of canal companies or proprietors of canals contained in the Tramways Act, 1870, or any other general Act of Parliament, and in this Order, or any or either of them. Rights of the Canal Company under the Tramways Act, 1870, and this Order not to be interfered with.

Motive Power.

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

Provided always, that the Promoters shall not use steam or any mechanical power upon any tramways constructed within the borough without the consent in writing of the Corporation, nor within the district of any of the road authorities without the consent in writing of such road authority. And the Corporation and the road authorities respectively are hereby empowered to give such consents upon and subject to such terms and conditions as they may think fit, so that no such consent shall operate for a longer period than seven years, and that such terms and conditions shall not be inconsistent with the provisions of this Order.

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

55. 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 regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order, or contrary to the terms or conditions subject to which the consent to the user of the same was given, 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 any of the tramways under the authority of this Order have or has made default in complying with the provisions of Penalty for using steam, or mechanical power contrary to Order or regulations.

A.D. 1882.

Birmingham and Suburban.

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, or with any such terms or conditions, 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.

56. 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 limiting the number of carriages for the conveyance of animals, goods, minerals, and parcels to be drawn or propelled together by steam or any mechanical power, and the hours during which such carriages shall be used on such tramways;

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.

57. 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.

58. The provisions of the Tramways Act, 1870, relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways, shall not authorise the local authority to make any 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.

Birmingham and Suburban.

Orders and byelaws to be signed, &c.

59. 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.

60. 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 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 powers are or is situated.

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

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

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

A.D. 1882.

Birmingham and Suburban.

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 or the part of the tramways to which such appeal relates.

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

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

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

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

Traffic upon Tramways.

Traffic upon tramways.

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

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

63. 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.

Carriage of animals, goods, &c. in separate carriages.

64. In case the Promoters carry animals, goods, minerals, or parcels, they may, and when required by any of the local authorities 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: Provided also, that nothing in this Order contained shall be construed to oblige the Promoters to provide for the conveyance of or to carry goods of greater length or width than fifteen feet in length or five feet in width.

Local authority may require Promoters to carry goods, &c.

65. If at any time after the opening of the tramways, or any of them, or any part thereof, for public traffic, the Promoters carry animals, goods, minerals, or parcels exceeding twenty-eight pounds in weight, and any of the local authorities by notice require the Promoters to arrange for and conduct a separate service for the transmission of animals, goods, minerals, or parcels other than passengers luggage not exceeding twenty-eight pounds in weight, the Promoters shall, within three months after 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 specified in the Schedule B. to this Order annexed, 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 such local authority 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.

Traffic on Sundays, &c.

66. No car or other tramway vehicle shall be run on any Sunday, Good Friday, or Christmas Day past any church or other place of worship during the hours of divine service beyond a walking pace, nor shall any car stand on any siding opposite any place of worship during such times, and no siding, turnout, refuge, or building of any sort shall be placed or constructed by the Promoters opposite to any place of public worship without the consent of the local authority of the district in which the same is situated.

Promoters to run carriages the whole length of the tramways at least twice each way daily between 9 a.m. and 6 p.m.

67. The Promoters at all times after the opening for public traffic of the tramways shall and they are hereby required to run carriages from one extremity thereof to the other (in addition to the carriages for artizans, mechanics, and daily labourers at cheap fares which the Promoters are by this Order required to run), at least twice each way every day (Sundays, Christmas Days, and Good Fridays always excepted) between nine o'clock in the morning and six o'clock in the evening, and any default or failure in this respect (unless arising from circumstances beyond the control of the Promoters), if continued on any day after seven days notice from any of the local authorities that the said default has occurred, shall be deemed a discontinuance to work the tramways on such day within the meaning of the forty-first section of the Tramways Act, 1870.

Local authorities may use tramways for sanitary purposes.

68. The local authorities may with their own carriages or trucks, at any time between the hours of twelve at night and six in the morning, use all or any of the tramways, free of toll, for sanitary purposes and for the conveyance of scavengering stuff, road material, and night-soil, and the local authorities may make such junctions, sidings, and works as they may think necessary or convenient for making communication to the tramways from their depôts and yards: Provided that in the construction of such works no rail shall be laid by any of the local authorities, so that a less space than nine feet six inches shall

A.D. 1882.

Birmingham and Suburban.

intervene between such 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 clerk of such local authority, express his objection thereto.

Lights on carriages after sunset.

69. In case the Promoters between sunset and sunrise use on the tramways any carriage they shall be bound to fix and maintain one light at least in front of such carriage, and one light at least at the rear of such carriage, of such distinctive colours and of such illuminating power as may be prescribed by the road authorities, or failing agreement amongst themselves, by the Board of Trade, and unless such lights shall be so placed as to light up the inside of the carriage as well as the outside, a sufficient light shall be placed inside such carriage.

Suspension of traffic by order of the local authority.

70. The local authority of any district in which any of the tramways are situate and in the borough, the Birmingham Tame and Rea District Drainage Board respectively 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 such district or within the borough for police purposes, for regulating and facilitating traffic on any public occasion or demonstration, or for the execution of any works or repairs by such local authority or by the said Drainage Board, or for any purpose which such local authority, in the exercise of their powers for the good government of such district or the safety of the public, deem necessary, such stoppage, delay, or suspension to continue only so long as may be reasonably necessary for the purposes aforesaid or either of them; and the Promoters shall not be entitled to claim, nor shall such local authority nor the said Drainage Board be liable to pay, any compensation or damages in respect thereof.

Regulations, &c. by local authorities.

71. The powers of the local authorities respectively under the Tramways Act, 1870, with respect to the making regulations and byelaws as to the matters and for the purposes therein mentioned, and to repeal or alter such byelaws, shall, subject to the provisions of this Order, extend and apply to the following matters and purposes; (that is to say,)

Prohibiting the stopping of tramway carriages to take up and set down passengers or for any purpose, and the entry or leaving of any carriage in any place which the local authority, having regard to the protection, safety, or convenience of the public, may from time to time deem necessary;

Empowering the local authority to cause to be removed from the tramways any carriage or horse which is unfit for use on the tramways;

For enforcing good conduct, attention, and civility from the drivers an conductors of the tramway carriages;

The numbering of the tramway carriages;

The wearing by drivers and conductors of tramway carriages of some conspicuous badge or distinguishing mark.

Running powers in favour of Birmingham and

72. In the event of the Birmingham and Western Districts Tramways Order, 1882, being confirmed by Act of Parliament passed before the first day of September one thousand eight hundred and eighty-two, the Promoters of

that Order (in this Order referred to as "the Western Districts Promoters") may run over and use with their horses, engines, and carriages, for the purposes of traffic of all kinds, so much of the Tramway No. 2 (Southern Division) authorised by this Order as lies between the junction of Park Road with Moseley Road and the termination of the said Tramway No. 2 above described, and also the whole of Tramway No. 3 (Southern Division) authorised by this Order when the same are completed and open for public traffic respectively.

In the event of the said portion of the said Tramway No. 2 and the said Tramway No. 3 not being constructed by the Promoters within one year from the passing of the Act confirming this Order, then the said portion of tramway and the said tramway may be constructed by the Western Districts Promoters as though they were the Promoters of this Order, and from and after the completion of the same by the Western Districts Promoters and the opening of the same for public traffic the said portion of tramway and the said tramway shall be deemed to form and shall form part of the tramways authorised by the Birmingham and Western Districts Tramways Order, 1882, and the Promoters of this Order may run over and use as aforesaid the said portion of tramway and the said tramway.

Terms of such user.

73. The terms, conditions, and regulations to which the Promoters and the Western Districts Promoters respectively shall be subject in respect of running over and using the said portion of tramway and the said tramway respectively, and the tolls or other consideration to be paid by them for the same, shall, if not agreed upon between the Promoters and the Western Districts Promoters respectively, be from time to time determined by an arbitrator in pursuance of section thirty-three of the Tramways Act, 1870: Provided always, that such terms, conditions, and regulations shall in every case be approved by the Board of Trade.

Byelaws to be observed.

74. The Promoters and the Western Districts Promoters respectively, in using or traversing the said portion of tramway and the said tramway in accordance with the provisions herein-before mentioned, shall at all times observe the regulations and byelaws for the time being in force on the said portion of tramway and the said tramway so used, so far as the same shall be applicable to the Promoters and to the Western Districts Promoters respectively, in the exercise of the said powers, and shall for their own acts and defaults in respect of such user incur all and the same liabilities as the owners of the said portion of tramway and of the said tramway respectively.

Tolls.

Tolls for passengers.

75. The Promoters may demand and take for every passenger travelling upon any of the tramways or any part thereof, including tolls and 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, between six o'clock in the morning and twelve o'clock at night, and not exceeding twopence per mile between twelve o'clock at night and six o'clock in the morning (and for these purposes the fraction of a mile beyond an integral number of miles shall be deemed a mile), the Promoters nevertheless not being required to take any fare less than twopence.

A.D. 1882.

Birmingham and Suburban.

Passengers luggage.

76. 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.

77. 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 (except Saturday evening) in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours not being later than seven in the morning or earlier than six in the evening respectively, and on Saturday afternoon between the hours of one and three in the afternoon as the Promoters may 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.

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

Payment of tolls.

79. 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.

80. 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.

Promoters answerable for acts and defaults of contractors.

81. The provisions of section fifty-five of the Tramways Act, 1870, shall extend and apply to all cases of accident, damage, and injury happening through the acts and defaults of any contractors or sub-contractors engaged or employed by the Promoters or their lessees, or through the act or default of any person in the employment of such contractors or sub-contractors, and for the purposes of this Order the said section shall be read and construed accordingly.

Provisions in case of discontinuance or insolvency.

82. Notwithstanding anything in the Tramways Act, 1870, or in this Order contained, if any time after the opening of any of the tramways in any district for traffic the Promoters discontinue working such tramways or any part thereof for the space of three calendar months, or if at any time after such opening it appears to the road authority of such district and the Board of Trade that the Promoters are insolvent, such road authority may by resolution declare that the powers of the Promoters within such district shall be at an end, and thereupon the said powers shall cease and determine; and such road authority may remove such tramways and restore the roadway whereon such tramways are situate to the satisfaction of their Surveyor; and such road authority shall sell so much of the materials of such tramways as shall not be required by them for restoring such roadway, and out of the proceeds of such sale shall pay and reimburse themselves the expenses incurred by them in such removal and restoration, and the balance (if any) shall be paid to the Promoters, or if such proceeds of sale shall be insufficient to pay such expenses, the Promoters shall on demand pay such deficiency to such road authority, and in case of non-payment the same may be recovered by such road authority by all and the same means as any simple contract debt of like amount may be recovered.

Cleansing of tramways.

83. The road authorities in their respective districts may cleanse any road without reference to the tramways, but whatever cleansing owing to snow or other matter impeding the traffic is requisite for the proper working of the tramways shall be executed by the Promoters at their own risk and cost, and the Promoters shall, in performing the same, remove the snow or other matter to such place as the road authority of such district may reasonably prescribe, not exceeding half a mile from some part of the tramways; and the Promoters shall not use salt or other unsuitable material for the thawing of the snow on any roads.

Provisions as to arbitration.

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

A.D. 1882.

Birmingham and Suburban.

fees to be demanded and taken in the offices of such masters; and all those enactments, including the enactments relating to the taking of fees by means of stamps, shall extend to the fees in respect of the said taxation.

Form and delivery of notices.

85. 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 corporation or any local authority or any road authority, shall be signed by the town clerk or the clerk or secretary of such authority:

(2.) Any notice to be delivered by or to the Promoters to or by the corporation, or any local authority, or any road authority or other body, or any company may be delivered by being left at the council house or 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 the town clerk or to their respective clerk or secretary at the council house or such principal office.

Agreements between Promoters and road authorities.

86. 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.

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

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

Compensation for damage.

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

Saving of rights.

89. Except as by this Order otherwise expressly provided, nothing in this Order contained shall extend or be construed to extend to take away, abridge, lessen, prejudice, or in any way affect or alter any of the estates, rights, interests, jurisdictions, powers, authorities, immunities, advantages, or privileges of or belonging or appertaining to the local authorities or to the road authorities respectively, or to the Birmingham, Tame, and Rea District Drainage Board; and save as aforesaid, the local authorities and the road authorities and the said drainage board respectively shall and may have, use, exercise, and enjoy the same as fully, freely, and effectually in all respects as they could or might have done if this Order had not been made and confirmed.

Costs of local or road

90. All costs and expenses incurred by any of the local or road authorities in connexion with or incident to the negotiation between them and the Pro-

moters in relation to this Order, or to the application for and obtaining this Order, and to the confirmation thereof by Act of Parliament, or to any agreement or arrangement between the Promoters and any such local or road authority shall be paid by the Promoters to such local or road authority within six months after the passing of the Act confirming this Order.

authorities to be paid by Promoters.

91. 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.

92. 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 any mortgage granted by the Promoters shall not be a charge upon the undertaking or any part thereof, in the event of the undertaking or such part being purchased by the local authority under section forty-three of the Tramways Act, 1870, and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Saving as to powers of borrowing on mortgage.

93. In the event of the Promoters desiring to exercise the powers of sale conferred by the forty-fourth section of the Tramways Act, 1870, they shall, in the event of such proposed sale being to any persons or company, before completing the same, give two calendar months previous notice in writing to the local authorities of their intention to exercise the said powers.

Promoters to give local authorities notice of their intention to sell undertaking.

94. If any dispute or difference arise between the Promoters and any of the local authorities, the same shall, unless otherwise expressly provided, be settled in the manner prescribed by section thirty-three of the Tramways Act, 1870, for the settlement of the differences in that section mentioned.

Settlement of disputes between Promoters and local authorities.

95. After the opening of any of the tramways for traffic such tramway shall not, nor shall any of the materials of which the same is constructed, be removed, except for the ordinary repairs of such tramway, without the consent in writing of the road authority in whose district such tramway is situate.

Tramways not to be removed without consent.

96. From and after the expiration of two years from the passing of the Act confirming this Order, the Promoters shall not, except with the consent in writing of the road authorities, apply for or obtain any prolongation of time for the commencement or completion of the tramways.

Time for commencement or completion of tramways not to be extended except with consent.

97. 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

Saving of general Acts.

A.D. 1882.

Birmingham and Suburban.

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 movable facing points shall not exceed the rate of four miles an hour.

SCHEDULE B.

Tolls and Charges for Animals, Goods, &c.

Animals.

	Per mile. s.	d.
For every horse, mule, or other beast of draught or burden - -	0	6
For every ox, cow, bull, or head of cattle - - - -	0	6
For calves, pigs, sheep, and small animals, per head - - -	0	3

Goods and Minerals.

For all coal, culm, cannel, limestone, chalk, lime, slate, clay, ironstone, undressed or scrubbed stones for building, pitching, and paving, slag, stone, salt, sand, cinders, and all undressed materials for the repair of public roads, timber, or wood, per ton - - -	0	3
For all iron, pig-iron, rod-iron, sheet-iron, hoop-iron, plates of iron slabs, billets, and rolled iron, wrought iron not otherwise specifically classed herein, and for heavy iron castings (including railway chairs), tiles, bricks, coke, charcoal, dung, manure, and compost, per ton - - - - - - - -	0	4
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton - - - - -	0	5
For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton -	0	6
For every carriage of whatever description - - - -	1	0

Small Parcels.

	Any distance.	
For any parcel not exceeding in weight seven pounds - -	0	3
For any parcel exceeding seven and 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 pounds and not exceeding five hundred pounds in weight, such sum as the Promoters think proper:		

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.

A.D. 1882.

Birmingham and Suburban.

Single Articles of Great Weight.

	Per mile. s.	d.
For any 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, per ton - - - - - - - -	3	0

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

In addition to the foregoing tolls and charges the Promoters may make a reasonable charge for loading and unloading, and for collection and delivery of goods, and for any other service incidental to the duty or business of a carrier, where any such service is performed by the Promoters.

Regulations as to Tolls.

In respect of tolls and charges for animals, goods, and minerals conveyed upon the tramways for any less distance than three miles, tolls and charges as for three miles may be demanded and taken.

For a fraction of a mile beyond three miles, or beyond any greater number of miles, tolls and charges may be demanded and taken for 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 tolls and charges may be demanded and taken according to the numbers of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton, such fraction shall be deemed a quarter of a ton.

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

With respect to stone and timber, fourteen 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.

BIRMINGHAM AND WESTERN DISTRICTS TRAMWAYS. A.D. 1882.

Birmingham and Western Districts.

Order authorising the construction of Tramways in the Parishes or Places of Balsall Heath, Moseley, King's Norton, Rowley Regis, Tipton, and Coseley, in the Counties of Worcester and Stafford.

Short title.

1. This Order may be cited as "The Birmingham and Western Districts Tramways Order, 1882."

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 Order of 1881" shall mean the Birmingham and Western Districts Tramways Order, 1881.

The term "person" shall include a corporation.

Promoters.

The Promoters.

4. Herbert Wheeler, Railway Carriage Works, Oldbury; William Stableford, Broadwell House, Oldbury; William Henry Dawes, Bromford Ironworks, West Bromwich; Alexander John Baylis, Highlands, Redhill, Surrey; and Richard Williams, Wednesbury, and the survivors and 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 take on lease and acquire for the purposes of the undertaking such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes: Provided that they shall not at any time hold for such purposes more than three acres of land.

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited for the purposes of this Order, (in this Order respectively referred to as "the deposited plans" and "the deposited sections,") the tramways herein-after described, with all proper rails, plates, offices, weighbridges, turn-tables, stables, carriage-

A.D. 1882.

Birmingham and Western Districts.

houses, engine-sheds, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are —

Tramway No. 3, situate wholly in the parish of King's Norton, in the county of Worcester, commencing in Gooch Street, otherwise Longmore Street, at a point 2·2 chains north of Belgrave Street, and proceeding in a south-westerly direction along Longmore Street, in a south-easterly direction along Cox Street West, Upper Cox Street, in an easterly direction along King Street, in a southerly direction along Mary Street, Upper Mary Street, and terminating at a point opposite Edgbaston Lane at the boundary of the district of Balsall Heath Local Board.

Tramway No. 3 shall be laid as a single line of tramway, except at the following places, where it shall be laid as a double line :—

From the commencement of the tramway for a distance of 1·9 chains to the south-west.

From a point in Cox Street West ·15 chain south-east of Balsall Heath Road for a distance of 2·5 chains to the south-east.

From a point in Upper Cox Street, ·6 chain south of Cleveland Road, passing along King Street, and terminating in Mary Street, for a distance of 11·25 chains.

From a point in Upper Mary Street 1·1 chains south of Heath Street, for a distance of 2·5 chains to the south.

The total length of Tramway No. 3 will be 6 furlongs 7·6 chains, being 1 furlong 8·15 chains of double line, and 4 furlongs 9·45 chains of single line.

Provided always that so much of the said Tramway (No. 3) as is required to be laid in King Street as a double line shall be so constructed that one only of such lines can be used at one and the same time.

Tramway No. 4, situate wholly in the parish of King's Norton, in the county of Worcester, commencing by a junction with Tramway No. 3 at the termination thereof, and proceeding in a south-easterly direction along Park Road, Moseley Road, and terminating therein at a point ·75 chain north of the north-west corner of the "Fighting Cocks" public house.

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

From its commencement for a distance of 2·5 chains to the south.

From a point opposite the angle of the junction of Park Road, with Moseley Road for a distance of 2·5 chains to the south.

The total length of Tramway No. 4 will be 4 furlongs 1·5 chains, being 5 chains of double line, and 3 furlongs 6·5 chains of single line.

Tramway No. 5, situate wholly in the Parish of King's Norton, in the county of Worcester, commencing by a junction with Tramway No. 4 at the termination thereof, and proceeding in a south-easterly direction, along Moseley Road, and terminating at a point 1·75 chains west of the north-west corner of the Moseley Church Burial Ground.

Tramway No. 5 shall be laid as a single line throughout.

The total length of Tramway No. 5 will be 4·75 chains.

Tramway No. 6, situate wholly in the parish of King's Norton, in the county of Worcester, commencing at a point ·75 chain north-west of the north-west corner of the Moseley Church Burial Ground, and proceeding in a north-westerly direction along Moseley Road, and forming a junction with Tramway No. 5 at the termination thereof, and thence proceeding in a westerly direction, and terminating at a point in the Alcester Road, 4·45 chains in a southerly direction, from the commencement of the said tramway.

Tramway No. 6 shall be laid as a single line throughout.

The total length of Tramway No. 6 will be 4·45 chains.

Tramway No. 7, situate wholly in the parish of King's Norton, in the county of Worcester, commencing by a junction with Tramway No. 4 at the termination thereof, and proceeding along Moseley Road, in a southerly direction, and terminating in Alcester Road, by a junction with Tramway No. 6, at a point 1·15 chains north of the termination of Tramway No. 6.

Tramway No. 7 shall be laid as a single line throughout.

The total length of Tramway No. 7 will be 4·4 chains.

Provided always, that so much of Tramway No. 4 as is situate between the junction of Park Road with Moseley Road, and the termination of that tramway, and also Tramways Nos. 5, 6, and 7, shall not be constructed by the Promoters if the Birmingham and Suburban Tramways Order, 1882, (in this Order referred to as "The Suburban Order,") be confirmed by Act of Parliament passed before the first day of September, one thousand eight hundred and eighty-two, unless the Promoters of the Suburban Order fail within one year from the passing of the Act confirming the Suburban Order to complete and open for public traffic so much of the Tramway No. 2 (southern division) authorised by the Suburban Order, as lies between the junction of Park Road with Moseley Road and the termination of that tramway and also the Tramway No. 3 (southern division) authorised by the Suburban Order, but if so much of the said Tramway No. 2 and the said Tramway No. 3 be completed by the Promoters of the Suburban Order and opened for public traffic within such time as aforesaid, the Promoters of this Order may form junctions with such portion of the said Tramway No. 2 opposite Park Road as aforesaid.

Tramway No. 8, situate wholly in the parish of King's Norton, in the county of Worcester, commencing by a junction with Tramway No. 3, in Longmore Street, at a point ·25 chain north of Belgrave Street, and proceeding thence in an easterly direction along the said Belgrave Street, and terminating therein at a point opposite the eastern face of the Belgrave Hotel.

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

From a point 1·8 chains west of Frank Street for a distance of 2·5 chains to the east.

A.D. 1882.

Birmingham and Western Districts.

From a point 4 chains west of the eastern face of Belgrave Hotel for a distance of 4 chains to the east.

The total length of Tramway No. 8 will be 2 furlongs 9·75 chains, being 6·5 chains of double line, and 2 furlongs 3·25 chains of single line.

Tramway No. 14, situate partly in the parish of Rowley Regis, and partly in the parish of Tipton, in the county of Stafford, commencing in the Dudley Road, otherwise Tividale Road, by a junction with the Tramway No. 7 authorised by the Order of 1881, at a point 1·5 chains East of the north-eastern corner of the Junction Inn, proceeding in a north-easterly direction along the Tipton Road, Groveland Road, and Sedgley Road East, and terminating therein at a point 1·3 chains north-west of the entrance to the Hope and Anchor Inn.

Tramway No. 14 shall be laid as a single line of tramway, except at the following places where it shall be laid as a double line :—

From a point in Tipton Road 3·25 chains south-east of the Birmingham Canal for a distance of 2·5 chains to the north-west.

From a point in the Sedgley Road East ·4 chain west of the Dudley Port Road for a distance of 2·5 chains to the north-west.

The total length of Tramway No. 14 will be 7 furlongs 2·3 chains, being 5 chains of double line, and 6 furlongs 7·3 chains of single line.

Provided that Tramway No. 14 shall not, except with the consent of the Board of Trade, be constructed between the points distant respectively 3 furlongs 2·4 chains and 3 furlongs 3·5 chains from the commencement of the said tramway, until the road between such points has been altered to a gradient of not less than one in fourteen.

Tramway No. 15, wholly situate in the parish of Tipton, in the county of Stafford, commencing in Sedgley Road East, by a junction with Tramway No. 14 at the termination thereof, and proceeding in a north-westerly direction along Park Lane West, Bridge Street, and terminating therein at a point ·25 chain south-east of High Street.

Tramway No. 15 shall be laid as a single line of tramway, except at the following places, where it shall be laid as a double line :—

From a point in Park Lane West 1·1 chains south-east of Boscobel Street for a distance of 2·5 chains to the north-west.

From a point in Park Lane West ·5 chain south-east of the entrance of No. 119 dwelling house for a distance of 2·5 chains to the north-west.

From a point in Park Lane West, opposite the south-east corner of the Red Lion public-house, for a distance of 2·5 chains to the north-west.

The total length of Tramway No. 15 will be 5 furlongs 9·65 chains, being 7·5 chains of double line, and 5 furlongs 2·15 chains of single line.

Tramway No. 16, wholly situate in the parish of Tipton, in the county of Stafford, commencing in Bridge Street, at the termination of Tramway No. 15, and proceeding in a north-westerly direction along Sedgley Road West, and terminating therein at a point 2·4 chains west of the Oxford, Worcester, and Wolverhampton Railway bridge crossing over Sedgley Road West.

A.D. 1882.

Birmingham and Western Districts.

Tramway No. 16 shall be laid as a single line of tramway, except at the following places, where it shall be laid as a double line:—

From a point in Sedgley Road West 2·8 chains north of Bell Street for a distance of 2·5 chains to the west.

From a point in Sedgley Road 3 chains west of Dudley Road for a distance of 5 chains to the west.

The total length of Tramway No. 16 will be 3 furlongs 1·25 chains, being 7·5 chains of double line, and 2 furlongs 3·75 chains of single line.

Provided that, wherever in the construction of Tramways Nos. 15 and 16 there is a less width of roadway between the footpaths than twenty-one feet in any road whereon any portion of either of the said tramways is laid, such portion shall, if required by the Board of Trade, be laid as a double line of tramway, or as a double line so constructed that one only of such lines can be used at one and the same time.

Tramway No. 19, situate partly in the parish of Tipton and partly in the parish of Sedgley, in the county of Stafford, commencing by a junction with Tramway No. 16 at the termination thereof in Sedgley Road West, and proceeding along the said road in a westerly direction and along Tipton Road, otherwise Sedgley Road, and terminating therein at a point ·5 chain east of York Street.

Tramway No. 19 shall be laid as a single line of tramway, except at the following places, where it shall be laid as a double line:—

From a point in Tipton Road 15·3 chains west of the commencement of the said tramway at a point where the parish boundary crosses the said road for a distance of 3 chains to the west.

From the termination of the said tramway for a distance of 3 chains to the east.

The total length of Tramway No. 19 will be 4 furlongs 4·25 chains, being 6 chains of double line, and 3 furlongs 8·25 chains of single line.

Tramway No. 20, situate wholly in the parish of Sedgley, in the county of Stafford, commencing in Tipton Road by a junction with Tramway No. 19 at the termination thereof, and proceeding in a north-easterly direction along York Street, or any road or street which may be substituted for York Street or any part thereof, and terminating in Bull Ring, Coseley, at a point 1·5 chains north of Hockley Lane.

Tramway No. 20 shall be laid as a single line of tramway, except at the following places, where it shall be laid as a double line:—

From the termination of the said tramway for a distance of 2 chains to the south.

The total length of Tramway No. 20 will be 2 furlongs 4·6 chains, being 2 chains of double line and 2 furlongs 2·6 chains of single line.

Provided that, notwithstanding anything shown on the deposited plans, so much of Tramway No. 20 as is situate in York Street, shall be laid at such distance from the imaginary centre line of the said street as the Board of Trade may direct.

Extending to this Order certain provisions of the Order of 1881.

7. Save as herein otherwise expressly provided, the provisions contained in the following sections of the Order of 1881, shall as far as applicable, extend and apply to the tramways by this Order authorised as if such tramways formed

A.D. 1882.

Birmingham and Western Districts.

part of the tramways authorised by the Order of 1881 (that is to say), section seven, sections nine to thirty-two, both inclusive, section thirty-five, and sections forty-six to fifty-two, both inclusive (relating respectively to the construction of the tramways), also the miscellaneous provisions of sections eighty-two, eighty-four to eighty-eight, both inclusive, and ninety to ninety-five, both inclusive.

As to crossing over the South Staffordshire tramways on the level.

8. Where any of the tramways cross on the level any of the tramways authorised by the South Staffordshire Tramways Order, 1881, (in this section referred to as "the South Staffordshire tramways,") the following provisions for the protection of the Promoters of the said Order of 1881, (in this section referred to as "the South Staffordshire Promoters,") shall apply and have effect, that is to say:—

(1.) The Promoters shall give seven days notice in writing to the South Staffordshire Promoters of their intention to commence any works which affect or in anywise interfere with the structural works of any of the South Staffordshire tramways, and all such crossings shall be made to the reasonable satisfaction of the engineer for the time being of the South Staffordshire Promoters, and at the cost of the Promoters, and so as to interfere as little as may be with the traffic passing over or along the South Staffordshire tramways.

(2.) The tramways authorised by this Order shall not be so worked or used as to occasion any interruption or impediment to the traffic on the South Staffordshire tramways, or the use thereof, and particularly (but without prejudice to the generality of this provision) the Promoters shall not cross, or permit to be crossed, any of the South Staffordshire tramways while any carriage or tramcar is passing, or about to pass over the same at or near any such crossing as aforesaid, and with the object of preventing accidents the carriages running on any of the tramways authorised by this Order shall stop immediately before crossing any of the South Staffordshire tramways at any point.

(3.) If any difference arises between the Promoters and the South Staffordshire Promoters, with respect to 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 settlement of the differences in the said section mentioned.

For the protection of Balsall Heath Local Board and King's Norton Highway Board.

9. The following provisions for the protection and benefit of the districts of the Balsall Heath Local Board and the King's Norton Highway Board respectively (who are in this section referred to respectively as the road authorities), shall apply and have effect with respect to the tramways situate within the said districts.

Mode of laying tramways to be approved by road authorities and Board of Trade and to be uniform throughout.

(*a.*) Subject to the provisions of this Order the carriages to be used on the said tramways, and the wheels and the brakes attached thereto, and the mode of laying down the said tramways, and the form of the rails, sleepers, fastenings, and grooves, if any, shall be such as the road authorities and the Board of Trade shall approve, but so that the mode and form shall be the same throughout the whole length of the said tramways, and in case of difference between the road authorities, they shall be such as the Board of Trade shall determine.

Birmingham and Western Districts.

Double lines to be laid in certain places.

(*b.*) Where according to the deposited plans it is proposed to lay down in any road in either of the said districts a single line of tramway, and a less space than nine feet six inches intervenes between the outside of the footpath on either side of such road and the nearest rail of the tramway, the Promoters shall in lieu of such single line lay down a double line of tramway with proper passing places.

Time for commencement or completion of tramways not to be extended except with consent.

(*c.*) From and after the expiration of two years from the passing of the Act confirming this Order the Promoters shall not, except with the consent in writing of the road authorities, apply for or obtain any prolongation of time for the commencement or completion of any of the said tramways.

Portions of road to be paved by Promoters.

(*d.*) Section twenty-eight of the Tramways Act, 1870, and the provisions of this Order with respect to the paving and maintaining certain portions of the roadways of any road whereon any of the said tramways is laid, shall extend and apply to so much of any road in either of the said districts as extends two feet one inch beyond the rails of and on each side of any such tramway, and shall also extend and apply to the whole width of any such road where it is proposed that a less space than nine feet and six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway.

Promoters answerable for acts and defaults of contractors.

(*e.*) The provisions of section fifty-five of the Tramways Act, 1870, shall extend and apply to all cases of accident, damage, and injury happening in either of the said districts through the acts and defaults of any contractors or sub-contractors engaged or employed by the Promoters or their lessees, or through the act or default of any person in the employment of such contractors or sub-contractors, and for the purposes of this Order the said section shall be read and construed accordingly.

Promoters not to have any claim in respect of interruption of traffic.

(*f.*) The Promoters shall have no claim whatever for any damage or interruption of traffic which may arise from any works executed by either of the road authorities, in, on, under, or over any road on which any of the said tramways may be laid, or from the use of any implements or materials they may use in the maintenance thereof.

As to removal of manholes.

(*g.*) When any of the said tramways is constructed, or intended to be constructed over any manhole or entrance into any sewer in any road in either of the said districts, or so close to such manhole or entrance as to make the use thereof dangerous or inconvenient in the opinion of the road authority of such district, the Promoters shall, if required by such road authority, construct another manhole or entrance in lieu thereof in such position and according to such plan as may be approved by such road authority and the local authority of such district.

Promotors to make deposit before opening roads.

(*h.*) Before the Promoters open or break up any road within either of the said districts, they shall deposit in a bank to be approved by the road authority of such district, to a joint account in the names of the Promoters and such road authority, a sum of money (in this sub-section referred to in relation to the road authority of either of the said districts as "the deposit fund,") to be calculated at the rate of one thousand pounds for every mile of tramway (and so in proportion for a part of a mile of tramway) by this Order authorised to be constructed within such district, and of their intention to construct which, the Promoters shall have given such

A.D. 1882.

Birmingham and Western Districts.

road authority notice in writing. The deposit fund shall at the request of the Promoters, but at their risk, be invested in such securities as such road authority may approve, and the interest thereon shall from time to time be paid to the Promoters. On the completion of the tramways in the district of such road authority to the satisfaction of the surveyor of such road authority, the deposit fund shall be paid or transferred to the Promoters. If the tramways within either of the said districts having been commenced are not completed within the time limited by the Tramways Act, 1870, or within such extended time as may be duly sanctioned in accordance with the provisions of this section, the deposit fund shall be paid out or transferred to the road authority of such district, and the same shall be applied by them in payment of the expenses incurred by them in the removal of so much of such tramways as shall have been laid down by the Promoters and in restoring the road to the satisfaction of their surveyor (the balance of the deposit fund being paid to the Promoters), and for the purpose of such restoration such road authority shall be at liberty to break up or use any part of the materials of such tramways. If the deposit fund is insufficient to reimburse such road authority the expenses so incurred such road authority shall be at liberty to sell the materials of such tramways (or the remaining portion thereof as the case may be), and apply the proceeds in or towards satisfaction of such expenses, and the balance (if any) shall be paid to the Promoters, or if such proceeds of sale are insufficient the Promoters shall on demand pay to such road authority such deficiency, and in case of non-payment the same may be recovered by such road authority, by all and the same means as any simple contract debt of like amount may be recovered.

Provisions in case of discontinuance or insolvency.

(*i.*) Notwithstanding anything in the Tramways Act, 1870, or in this Order contained, if at any time after the opening of any of the said tramways in any district for traffic the Promoters discontinue working such tramways, or any part thereof, for the space of three calendar months, or if at any time after such opening it appears to the road authority of such district, and the Board of Trade, that the Promoters are insolvent, such road authority may, by resolution, declare that the powers of the Promoters within such district shall be at an end, and thereupon the said powers shall cease and determine. And such road authority may remove such tramways and restore the roadway, whereon such tramways are situate, to the satisfaction of their surveyor. And such road authority shall sell so much of the materials of such tramways as shall not be required by them for restoring such roadway, and out of the proceeds of such sale shall pay and reimburse themselves the expenses incurred by them in such removal and restoration, and the balance (if any) shall be paid to the Promoters, or if such proceeds of sale are insufficient to pay such expenses, the Promoters shall on demand pay such deficiency to such road authority, and in case of non-payment the same may be recovered by such road authority by all and the same means as any simple contract debt of like amount may be recovered.

Tramways not to be removed without consent.

(*j.*) After the opening of any of the said tramways for traffic, the same shall not, nor shall any of the materials of which the same is constructed,

be removed except for the ordinary repairs of such tramway without the consent in writing of the road authority in whose district such tramway is situate.

Security for costs of repairs, &c.

(*k.*) For the purpose of securing the due repair and maintenance by the Promoters of the roads in any district in which any of the said tramways may have been constructed, and satisfying any debts, damages, costs, charges, and expenses, which the Promoters may at any time be liable to pay to the road authority of such district, and of ensuring the performance and observance by the Promoters of all the duties and obligations imposed upon them by the Tramways Act, 1870, and this Order, or either of them, such road authority shall, in addition to all remedies for recovery of the same and to all other securities, have a first charge upon the tramways in such district.

Local authorities may use tramways for sanitary purposes.

(*l.*) The local authorities of the said districts respectively may with their own carriages or trucks, at any time between the hours of twelve at night and six in the morning, use all or any of the said tramways free of toll for sanitary purposes, and for the conveyance of scavengering stuff, road material, and night soil, and the said local authorities may respectively make such junctions, sidings, and works, as they may think necessary or convenient for making communication to such tramways from their depôts and yards; Provided, that in the construction of such works no rail shall be laid by any of the said local authorities so that a less space than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road, if any owner or occupier of premises abutting on the place where such rail is proposed to be laid, by writing under his hand addressed to the clerk of such local authority, express his objection thereto.

Breaking up streets by road authority.

(*m.*) Nothing in this Order contained shall obstruct, hinder, prejudice, or prevent the local authorities of the said districts or the road authorities respectively from breaking up any road in their respective districts for any purpose for which they are respectively authorised to break up any road within their respective districts, and for such purpose they may stop the traffic along the tramways within their respective districts, and any extra cost occasioned by reason of such tramways being there and incurred by any such local or road authority in the exercise of their powers, and in restoring the surface of any such road and any of the said tramways laid by the Promoters, shall be borne by the Promoters and be paid by them to such local or road authority, and may be recovered by such local or road authority from the Promoters by all and the same means as any simple contract debt of like amount may be recovered.

For the protection of the Tipton Local Board.

10. The following provisions for the protection and benefit of the Local Board of Health for the Tipton District (in this section referred to as "the local board") shall apply and have effect with respect to the tramways situate within the said district:—

Paving, &c. of roads.

(*a.*) Subject to the provisions of this Order, the Promoters shall, in constructing such tramways, pave with sets of a paving material and of a quality and size not less than five inches in depth, to be from time to time

A.D. 1882.

Birmingham and Western Districts.

prescribed by the local board, so much of the roads in which such tramways are to be laid down as lies between the rails of such tramways and extends for a distance of one foot measured from the outside of each rail in the direction of the kerb, and shall make good the road for a distance of one foot from the outside of the paving on each side in the direction of the kerb with macadam or such other material as may be agreed upon between the local board and the Promoters. Provided always, that subject as aforesaid the local board and the Promoters may by agreement at any time vary, alter, or repeal the obligation herein contained.

Repair of roads.

(*b.*) The Promoters shall at all times and under all circumstances, and whether the repairs shall be rendered necessary by mining operations or otherwise, maintain and keep in good condition and repair such parts of the roads in which any such tramways are laid as are by this section required to be maintained and made good as aforesaid, and if at any time any such part of any such road shall in the judgment of the local board be not maintained and kept in such good condition and repair, and shall so remain out of such good condition and repair, for the space of seven days after notice given by the local board to the Promoters, then it shall be lawful for the local board to repair and amend the same and to recover the costs incurred by them in so doing from the Promoters by all and the same means as any simple contract debt of like amount may be recovered, and it shall be lawful for the local board to stop the traffic along any part of such tramways where any such part of any road is in the judgment of the local board out of repair, until such part of such road shall have been put into good condition and repair to the satisfaction of the local board.

Cost of supervision, &c. by local board.

(*c.*) The Promoters shall on demand repay to the local board all reasonable charges and expenses incurred by them for the supervision and inspection by them under this Order of any work done by the Promoters in connexion with such tramways, and the local board are hereby authorised to order such supervision and inspection of such works within their district as such local board may deem proper, but no such supervision or inspection shall relieve the Promoters from any liability whatever.

As to alterations, &c. of gas or water pipes.

(*d.*) 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 of the gas or water pipes of the local board, the Promoters shall give to the local board fourteen days notice in writing of such desire, and the local board 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 works incidental thereto, and all expenses that may be thereby reasonably incurred shall be defrayed by the Promoters.

The Promoters shall compensate all occupiers of premises within the district of the local board for any extra expense they may incur (by reason of the said tramways) in putting in gas or water service pipes.

Local board may use tramways for sanitary purposes.

(*e.*) The local board may, with their own carriages or trucks, at any time between the hours of twelve at night and six in the morning, use all or any of the said tramways free of toll for sanitary purposes, and for the conveyance of scavengering stuff, road material, and night soil and the local

board may make such junctions, sidings, and works, as they may think necessary or convenient for making communication to such tramways for their depôts and yards: Provided that in the construction of such works no rail shall be laid by the local board, so that a less space than nine feet six inches shall intervene between such rail and the outside of the foot-path 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 clerk of the local board, express his objection thereto.

Promoters to make deposit before opening roads in Tipton district.

(*f.*) Before the Promoters open or break up any road within the district of the local board they shall deposit the sum of five hundred pounds in the Birmingham, Dudley, and District Bank, at Birmingham, to a joint account in the names of the local board and the Promoters. The sum so to be deposited shall from time to time during the progress of the works be paid out to the Promoters in the proportion of fifty pounds per centum on the value of the works in the said district, which at the time of making such payments respectively have been properly executed, such valuation to be ascertained by writing, under the hand of the engineer for the time being of the Local Board, and the balance of the sum so to be deposited shall, on the completion of the tramways within the said district, to the satisfaction of the said engineer, be paid out to the Promoters: The said sum of five hundred pounds so to be deposited shall at the request of the Promoters, but at their risk, be invested in such securities as the local board may approve, and the interest thereon shall from time to time be paid to the Promoters.

For the protection of the Coseley Local Board.

11. The following provisions for the protection and benefit of the Local Board of Health for the Coseley District, shall apply and have effect with respect to the tramways situate within the said district.

(*a.*) If the said Local Board hereafter alter the level of any road along or across which any of the said tramways is laid or authorised to be laid or otherwise exercise any of its powers over, on, under, or through any such road the Promoters shall, from time to time, alter, or (as the case may be), lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

(*b.*) Before the Promoters open or break up any road within the said district, they shall deposit the sum of one hundred and fifty pounds in the Birmingham, Dudley, and District Bank at Bilston, to a joint account in the names of the said local board and the Promoters. The sum so to be deposited shall on the completion of the works within the said district be forthwith repaid to the Promoters. The said sum of one hundred and fifty pounds so to be deposited, shall, at the request of the Promoters, but at their risk, be invested in such securities as the Coseley Local Board may approve, and the interest thereon shall from time to time be paid to the Promoters.

For protection of the King's Norton Rural Sanitary Authority.

12. The provisions contained in the Order of 1881 and in this Order in relation to the sewers belonging to any local authority or road authority shall with respect to the district of the King's Norton Rural Sanitary Authority,

A.D. 1882.

Birmingham and Western Districts.

apply and have effect as if the said sanitary authority and the sewers belonging to them were therein specifically mentioned, and the said provisions were specifically made applicable to the said sanitary authority and to the sewers belonging to them, and the Order of 1881 and this Order shall be read and construed accordingly.

Motive Power.

Extending to this Order provisions of Order of 1881, as to use of steam or any mechanical power.

13. Save as herein-after expressly provided, the provisions of sections fifty-three to sixty both inclusive (with respect to the use of steam or any mechanical power on the tramways), of the Order of 1881, shall as far as applicable extend and apply to the tramways by this Order authorised as if such tramways formed part of the tramways authorised by the Order of 1881: Provided always that the Promoters shall not use steam or any mechanical power on the tramways by this Order authorised except with the consent of the Board of Trade to be signified in writing.

Provided further that the Promoters shall not use steam or any mechanical power upon any tramways by this Order authorised to be constructed within the districts of the following road authorities, that is to say, the Balsall Heath Local Board, the King's Norton Highway Board, and the Coseley Local Board, without the consent in writing of such road authorities respectively. And such road authorities respectively are hereby empowered to give such consents upon and subject to such terms and conditions (not being inconsistent with the provisions of this Order) as they may think fit, and no such consent shall operate for a longer period than seven years.

Traffic.

Tramways to form part of tramways authorised by Order of 1881.

14. The tramways by this Order authorised shall for the purposes of traffic thereon, and of the tolls and charges to be demanded and taken thereon, be deemed to form part of the undertaking of the Promoters authorised by the Order of 1881, and sections sixty-one to sixty-nine, both inclusive, and sections seventy-six to eighty-one, both inclusive, of the Order of 1881, shall, as far as applicable, apply to the tramways by this Order authorised, and to the traffic upon the same, and to the tolls and charges authorised to be demanded and taken in respect of such traffic in like manner in every respect as if the tramways authorised by this Order formed part of the tramways authorised by the Order of 1881.

Running powers over Birmingham and Suburban Tramways.

15. In the event of the Suburban Order being confirmed by Act of Parliament, passed before the first day of September one thousand eight hundred and eighty-two, the Promoters of this Order may run over and use with their horses, engines, and carriages, for the purposes of traffic of all kinds, so much of Tramway No. 2 (Southern division) authorised by the Suburban Order as lies between the junction of Park Road with Moseley Road, and the termination of the said Tramway No. 2, and also the whole of Tramway No. 3 (southern division) authorised by the Suburban Order, when the same are completed and open for public traffic respectively.

In the event of the said portion of the said Tramway No. 2, and the said Tramway No. 3, not being constructed by the Promoters of the Suburban Order within one year from the passing of the Act confirming the Suburban Order, then when so much of Tramway No. 4, by this Order authorised, as is situate between the junction of Park Road with Moseley Road and the termination of

that tramway, and also Tramways Nos. 5, 6, and 7 by this Order authorised are completed by the Promoters and open for public traffic, the Promoters of the Suburban Order may run over and use with their horses, engines, and carriages for the purposes of traffic of all kinds the said portion of the said Tramway No. 4, and the whole of the said Tramways Nos. 5, 6, and 7.

Terms of such user.

16. The terms, conditions, and regulations, to which the Promoters and the Promoters of the Suburban Order respectively, shall be subject, in respect of running over and using the said tramways and portions of tramways respectively, and the tolls or other consideration to be paid by them respectively for the same shall, if not agreed upon between the Promoters and the Promoters of the Suburban Order respectively, be from time to time determined by an arbitrator in pursuance of section thirty-three of the Tramways Act, 1870: Provided always that such terms, conditions, and regulations shall in every case be approved by the Board of Trade.

Byelaws to be observed.

17. The Promoters and the Promoters of the Suburban Order respectively, in using or traversing the said tramways and portions of tramways respectively, in accordance with the provisions herein-before mentioned shall, at all times observe the regulations and byelaws for the time being in force on the said tramways, or portions of tramways respectively, so used so far as the same shall be applicable to the Promoters, and the Promoters of the Suburban Order respectively, in the exercise of the said powers, and shall for their own acts and defaults in respect of such user incur all and the same liabilities as the owners of such tramways and portions of tramways respectively.

Miscellaneous.

Provisions as to arbitration.

18. Where under the provisions of the Tramways Act, 1870, or this Order or the Order of 1881, any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties; and the costs of and incidental to the arbitration and award shall, if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court of Justice; and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters; and all those enactments, including the enactments relating to the taking of fees by means of stamps, shall extend to the fees in respect of the said taxation.

Costs of local or road authorities to be paid by Promoters.

19. All costs and expenses incurred by the local or road authority of any district in which any of the tramways are situate in connexion with or incident to the negotiation between them and the Promoters in relation to this Order, or to the application for and obtaining this Order, and to the confirmation thereof by Act of Parliament, or to any agreement or arrangement between the Promoters and any such local or road authority, shall be paid by the Promoters to such local or road authority within six months after the passing of the Act confirming this Order.

A.D. 1882.

Manchester, &c.

MANCHESTER, BURY, AND ROCHDALE TRAMWAYS (EXTENSIONS).

Order authorising the construction of Tramways in the boroughs of Bury, Rochdale, and Heywood, the local board districts of Royton, Castleton, Wuerdle and Wardle, Littleborough, Whitworth, Bacup, and Rawtenstall, and the townships of Tottington-Lower-End, in the parish of Bury, and Newchurch, in the parish of Whalley, all in the county of Lancaster, and amending the Bury and District Tramways Order, 1881, *and the Rochdale Tramways Order*, 1881.

Short title.

1. This Order may be cited as "The Manchester, Bury, and Rochdale Tramways (Extensions) Order, 1882."

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 Bury Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Bury, in the county of Lancaster:

The expression "the Rochdale Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Rochdale, in the county of Lancaster:

The expression "the Heywood Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Heywood, in the county of Lancaster:

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

The expression "the authorised Bury tramways" shall mean the tramways and works and undertaking authorised by the Bury and District Tramways Order, 1881:

The expression "the authorised Rochdale tramways" shall mean the tramways and works and undertaking authorised by the Rochdale Tramways Order, 1881:

The term "sewer" shall include all public and private sewers and drains, and the manholes, 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 term "carriage" shall include truck:

The term "person" shall include a corporation.

Promoters.

The Promoters.

4. The Manchester, Bury, Rochdale, and Oldham Steam Tramways, 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 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 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 at the office of the Board of Trade for the purposes of this Order, as the same have been amended previous to the passing of the Act confirming this Order (which plans and sections so amended as aforesaid are in this Order referred to as "the deposited plans" and "the deposited sections") except as by this Order otherwise specially provided, the tramways herein-after described, with all proper rails, plates, offices, weighbridges, stables, carriagehouses, engine-houses, warehouses, works, and conveniences connected therewith or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are—

Tramway No. 1.—A tramway, seven furlongs three and a half chains in length, consisting of five furlongs nine chains of single line, and one furlong four and a half chains of double line, wholly in the Tottington Road, commencing at the termination of Tramway No. 17 of the authorised Bury tramways opposite to the northern side of the roadway leading from the Tottington Road to Moorfield House, passing thence in a north-westerly direction, and terminating at a point seventy yards, or thereabouts, south-eastwards from Sandy Lane, Tottington.

Tramway No. 1 shall be laid as a single line except in the following instances, where it shall be laid as a double line:—

Between points respectively eleven yards and seventy-seven yards, or thereabouts, from the commencement of the tramway.

Between points respectively five yards, or thereabouts, and seventy-one yards, or thereabouts, north-westward from the centre of the Royal Hotel.

Between points respectively fifty-three yards, or thereabouts, and one hundred and nineteen yards, or thereabouts, north-westward from the Co-operative Stores.

A.D. 1882.

Manchester, &c.

For a distance of sixty-six yards, or thereabouts, north-westward from the south-east end of the houses known as Sunny Vale.

Between points respectively sixty-two yards, or thereabouts, and seven yards, or thereabouts, from the termination of Tramway No. 1.

Tramway No. 2.—A tramway, five furlongs 1·3 chain in length, consisting of four furlongs 2·3 chains of single line, and nine chains of double line, wholly in the Walmersley Road, commencing at the termination of Tramway No. 14 of the authorised Bury tramways, opposite Hamilton Street, passing thence in a northerly direction, and terminating at a point fifteen yards, or thereabouts, southwards from the Hark-to-Towler public-house at Limefield.

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 thirty-three yards from the commencement of the tramway.

Between points respectively three hundred and fifty yards, or thereabouts, and two hundred and eighty-four yards, or thereabouts, southward from the Sun Dial Inn, at Littlewood Cross.

Between points respectively seventeen yards and eighty-three yards, or thereabouts, northward from the Sun Dial Inn aforesaid.

For a distance of thirty-three yards from the termination of the tramway.

Tramway No. 3.—A tramway, four furlongs 3·8 chains in length, consisting of three furlongs 8·05 chains of single line, and five and three quarters chains of double line, wholly in the Rochdale New Road, commencing at the termination of Tramway No. 10 of the authorised Bury tramways, opposite Pimhole Lane, Bury, passing thence in an easterly direction, and terminating on Heap Bridge, carrying the said roadway over the River Roch, at the boundary of the borough of Bury, at or near the centre of the said river.

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

In Rochdale New Road :

For a distance of thirty-three yards from the commencement of the tramway.

Between points respectively seventy yards, or thereabouts, and four yards, or thereabouts, westward from Willow Street.

In Rochdale New Road and Heap Bridge :

For a distance of one hundred and fifty-one yards from the termination of Tramway No. 3.

Tramway No. 4.—A tramway, one furlong 9·3 chains in length, consisting of one furlong 6·3 chains of single line, and three chains of double line, commencing in the roadway leading from Bolton Street to Fleet Street, in Bury, passing thence in a north-easterly direction along the said roadway (otherwise Old Market Place) by a junction with Tramway No. 17 of the authorised Bury tramways, at a point opposite to the centre of Silver Street, passing thence in a north-easterly direction along the said roadway,

thence into and along Fleet Street, Rock Street, and Stanley Street, and terminating in the last-mentioned road by a junction with Tramway No. 14 of the authorised Bury tramways at a point fourteen yards, or thereabouts, eastward from Clough Street.

Tramway No. 4 shall be laid as a single line except—

In Fleet Street, between points respectively twenty-three yards, or thereabouts, and eighty-nine yards, or thereabouts, eastward from Crompton Street, where it shall be laid as a double line.

Provided that Tramway No. 4 shall not be constructed where for 30 feet or upwards less than 9 feet 6 inches will intervene without the consent, in writing, of the owners and occupiers.

Tramway No. 5.—A tramway, four chains in length, consisting of two and a half chains of double line, and one and a half chain of single line, commencing in Market Street, Bury, by a junction with Tramway No. 17 of the authorised Bury tramways, at a point twelve yards, or thereabouts, southward from the Derby Hotel, passing thence in a northerly direction along the said street and north-eastwardly into and along the roadway leading from Bolton Street to Fleet Street (otherwise Old Market Place) aforesaid, and terminating in the last-named roadway by a junction with Tramway No. 4 at a point thirty-eight yards, or thereabouts, eastward from the Peel Monument.

Tramway No. 5 shall be laid as a double line except—

For a distance of thirty-three yards from the termination of the tramway, where it shall be laid as a single line.

Tramway No. 6.—A tramway, four furlongs 3·7 chains in length, consisting of three furlongs 2·2 chains of single line, and one furlong one and a half chain of double line, commencing by a junction with Tramway No. 1 of the authorised Rochdale tramways at or near the southern end of South Parade, passing thence into and along the roadway on the northern side of Townhall Square, the Esplanade, and southwardly along the Manchester Road, and terminating in the last-named road by a junction with Tramway No. 2 of the authorised Rochdale tramways at a point sixty-three yards, or thereabouts, south-westward from the south-west angle of the Castle inn.

Tramway No. 6 shall be laid as a single line, except in the following instances, where it shall be laid as a double line:—

In South Parade and Townhall Square:

For a distance of sixty-six yards from the commencement of the tramway.

In the Esplanade and the Manchester Road at their junction:

Between a point in the Esplanade eighty-four yards, or thereabouts, north-eastward from the north-east angle of Trinity Presbyterian Church to a point in the Manchester Road seventy-nine yards, or thereabouts, northwards from Castlefoot Road.

In the Manchester Road:

For a distance of seventy-seven yards from the termination of the tramway.

Tramway No. 6A.—A tramway, 1·3 chain in length, commencing in the roadway on the northern side of Townhall Square by a junction with Tramway No. 6 at a point thirty-five yards, or thereabouts, south-west-

A.D. 1882.

Manchester, &c.

ward from the western end of South Parade, passing thence in an easterly direction into and along and terminating in the roadway on the eastern side of Townhall Square, at a point nine yards, or thereabouts, northward from Fleece Street.

Tramway No. 6A shall be laid as a double line throughout.

Tramway No. 7.—A tramway, one and a half chain in length, wholly in the Manchester Road, commencing at the termination of Tramway No. 2 of the authorised Rochdale tramways at a point one hundred and twelve yards, or thereabouts, south-westward from Law Street, Rochdale, proceeding thence in a southerly direction, and terminating at a point in line with the northern side of the Windmill public-house.

Tramway No. 7 shall be laid as a double line throughout.

Tramway No. 7A.—A tramway, one mile two furlongs 2·3 chains in length, consisting of one mile 5·8 chains of single line, and one furlong six and a half chains of double line, wholly in the Manchester Road, commencing at the termination of Tramway No. 7, passing thence in a southerly direction, and terminating at a point where the southern boundary of the township of Castleton crosses the said road at a point ninety-five yards, or thereabouts, southward from the houses known as Providence Cottages, Castleton.

Tramway No. 7A 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 thirty-three yards from the commencement of the tramway.

Between points respectively three hundred and seventy-one yards, or thereabouts, and four hundred and thirty-seven yards, or thereabouts, from the commencement of the tramway.

Between points respectively two hundred and twenty-six yards, or thereabouts, and one hundred and sixty yards, or thereabouts, northward from Garnett Street.

Between points respectively five yards, or thereabouts, and seventy-one yards, or thereabouts, southward from Ogden Street.

For a distance of sixty-six yards, or thereabouts, southward from Albion Street.

Between points respectively seventy-three yards, or thereabouts, and seven yards, or thereabouts, from the termination of the tramway.

Tramway No. 8.—A tramway, one mile 9·35 chains in length, consisting of seven furlongs 3·35 chains of single line, and one furlong six chains of double line, wholly in the Halifax Road, commencing at the termination of Tramway No. 8 of the authorised Rochdale tramways, opposite to the western side of the Ox and Plough inn, passing thence in a north-easterly direction, and terminating at a point thirty-one yards, or thereabouts, eastward from Lodge Street, at Littleborough.

Tramway No. 8 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 thirty-three yards from the commencement of the tramway.

For a distance of sixty-six yards, or thereabouts, westward from the eastern side of Finance Street.

Between points respectively fifty-nine yards, or thereabouts, and one hundred and twenty-five yards, or thereabouts, eastward from Starrin Road.

Between points respectively thirty-three yards, or thereabouts, westward, and thirty-three yards, or thereabouts, eastward from the western side of Albion Street.

Between points respectively sixteen yards, or thereabouts, and eighty-two yards, or thereabouts, eastward from Queen Street.

Between points respectively sixty-two yards, or thereabouts, and seven yards, or thereabouts, from the termination of the tramway.

Tramway No. 9.—A tramway, four furlongs eight chains in length, consisting of three furlongs nine and a half chains of single line, and eight and a half chains of double line, commencing in Yorkshire Street by a junction with Tramway No. 5 of the authorised Rochdale tramways at a point four yards, or thereabouts, westward from Cheetham Street, passing thence into and along Cheetham Street, St. Mary's Gate, and Spotland Road, and terminating in the last-mentioned road at a point eighteen yards, or thereabouts, eastward from Handley Street.

Tramway No. 9 shall be laid as a single line, except in the following instances, where it shall be laid as a double line:—

In Cheetham Street:

Between points respectively thirty-six yards, or thereabouts, north-westward from Hunter's Lane, and fifteen yards, or thereabouts, north-eastward from Red Cross Street.

In Spotland Road:

Between points respectively seven yards, or thereabouts, and seventy-three yards, or thereabouts, north-westward from Leftkiln Street.

Between points respectively eighty-one yards, or thereabouts, and twenty-six yards, or thereabouts, from the termination of the tramway.

Tramway No. 10.—A tramway, three miles seven furlongs 4·8 chains in length, consisting of three miles three furlongs ·55 chain of single line, and four furlongs four and a quarter chains of double line, commencing in the Whitworth Road, otherwise Market Street, Healey, by a junction with Tramway No. 10 of the authorised Rochdale tramways near the boundary of the borough of Rochdale at a point one hundred and one yards, or thereabouts, westward from the post office at Ending, passing thence in a westwardly and then a northwardly direction along the said roadway; Market Street, Whitworth; Market Street, Facit; Market Street, Shawforth; and the Rochdale Road, and terminating in the last-mentioned roadway at the boundary between the local board districts of Whitworth and Bacup at a point twenty-six yards, or thereabouts, eastward from the Travellers Rest public-house.

A.D. 1882.

Manchester, &c.

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

In the Whitworth Road, otherwise Market Street, Healey:—

Between points respectively thirty-three yards, or thereabouts, eastward, and thirty-six yards, or thereabouts, northward from the centre of the weighing machine in the said roadway at Ending.

Between points respectively eighty-one yards, or thereabouts, and fifteen yards, or thereabouts, southward from the Birches inn.

Between points respectively five hundred and twenty-five yards, or thereabouts, and four hundred and fifty-nine yards, or thereabouts, southward from the Whitworth Arms public-house.

Between points respectively thirty-four yards, or thereabouts, south-westward, and thirty-two yards, or thereabouts, north-eastward from the southern side of the Whitworth Arms public-house.

In Market Street, Whitworth:

For a distance of sixty yards, or thereabouts, north-westward from the Dog and Partridge public-house at Whitworth.

Between points respectively sixty-four yards, or thereabouts, and nine yards, or thereabouts, south-westward from the Craven Heifer public-house.

Between points respectively thirty-five yards, or thereabouts, and one hundred and one yards, or thereabouts, north-eastward from Acre Street.

In Market Street, Facit:

Between points respectively sixteen yards, or thereabouts, and eighty-two yards, or thereabouts, north-eastward from Ethel Street.

Between points respectively fifty-three yards, or thereabouts, southward and thirteen yards, or thereabouts, northward from the drinking well opposite the Halfway House inn, Facit.

Between points respectively seventy-two yards, or thereabouts, and one hundred and thirty-eight yards, or thereabouts, northward from the Jolly Woodman public-house.

Between points respectively forty yards, or thereabouts, and one hundred and six yards, or thereabouts, north-eastward from the southern side of the Bull's Head public-house.

In Market Street, Shawforth:

For a distance of sixty-six yards, or thereabouts, north-eastward from the Royal Oak public-house at Shawforth.

Between points respectively two hundred and ninety-nine yards, or thereabouts, and two hundred and thirty-three yards, or thereabouts southward from the Tam o'Shanter public-house.

Between points respectively fourteen yards, or thereabouts, south-eastward, and fifty-two yards, or thereabouts, north-westward from the northern side of Peel Terrace.

Between points respectively three hundred and forty-one yards, or thereabouts, and two hundred and seventy-five yards, or thereabouts, south-eastward from the Travellers Rest public-house.

Tramway No. 11.—A tramway, one mile four furlongs 5·1 chains in length, consisting of one mile two furlongs 7·1 chains of single line, and one furlong eight chains of double line, commencing in the Rochdale Road at the termination of Tramway No. 10, passing thence in a north-westwardly direction along the said road, and St. James' Street, and Bridge Street, Bacup, and terminating in the last-mentioned road at a point thirty-four yards, or thereabouts, eastward from the corner formed by the junction of Bridge Street with the Newchurch Road.

Tramway No. 11 shall be laid as a single line, except in the following instances, where it shall be laid as a double line :—

In Rochdale Road :

Between points respectively one hundred and eighty-seven yards, or thereabouts, and two hundred and fifty-three yards, or thereabouts, north-westward from the commencement of the tramway.

Between points respectively thirty yards, or thereabouts, and ninety-six yards, or thereabouts, westward from the chapel at the corner of Cobden Street and the Rochdale Road.

Between points respectively five hundred and seventy-two yards, or thereabouts, and five hundred and six yards, or thereabouts, south-eastward from Howorth Street.

Between points respectively one hundred and forty-eight yards, or thereabouts, and eighty-two yards, or thereabouts, south-eastward from Howorth Street.

Between points respectively two hundred and five yards, or thereabouts, and two hundred and seventy-one yards, or thereabouts, north-westward from Howorth Street.

In St. James' Street and Bridge Street :

Between a point in St. James' Street forty-eight yards, or thereabouts, north-westward from Union Street, and a point in Bridge Street fifteen yards, or thereabouts, eastward from the termination of the tramway.

Tramway No. 12.—A tramway, two and a quarter chains in length, commencing in Bridge Street, Bacup, by a junction with Tramway No. 11 at its termination, passing thence in a westwardly direction along Bridge Street aforesaid and the Burnley Road, and terminating in the last-mentioned roadway at a point eighteen yards, or thereabouts, north-westward from the corner formed by the junction of Bridge Street with the Newchurch Road at Bacup.

Tramway No. 12 shall be laid as a single line throughout.

Tramway No. 13.—A tramway, two miles three furlongs 1·4 chain in length, consisting of two miles 4·4 chains of single line and two furlongs seven chains of double line, commencing in Bridge Street, Bacup, by a junction with Tramway No. 11 at its termination, passing thence in a westwardly direction along Bridge Street aforesaid into and along the Newchurch Road and Newchurch Lower Road, and terminating in the last-mentioned roadway at the western boundary of the local board district of Bacup,

A.D. 1882.

Manchester, &c.

distant two hundred and thirty-seven yards, or thereabouts, westward from the Dog and Partridge public-house.

Tramway No. 13 shall be laid as a single line, except in the following instances, where it shall be laid as a double line :—

In Bridge Street and the Newchurch Road :

Between a point in Bridge Street in line with the eastern side of the Newchurch Road at its junction with Bridge Street and a point in the Newchurch Road sixty-one yards, or thereabouts, southward from Bridge Street.

In the Newchurch Road :

Between points respectively eighty-nine yards, or thereabouts, and twenty-three yards, or thereabouts, northward from the Swan inn, Bacup.

Between points respectively one hundred and thirty-six yards, or thereabouts, and seventy yards, or thereabouts, north-eastward from the Fullers Arms public-house at Pipping Bank.

Between points respectively seventy-seven yards, or thereabouts, and eleven yards, or thereabouts, north-eastward from the Royal Oak public-house.

Between points respectively seventy-two yards, or thereabouts, and six yards, or thereabouts, eastward from the Cemetery Hotel.

In the Newchurch Lower Road :

Between points respectively fifty-three yards, or thereabouts, and one hundred and nineteen yards, or thereabouts, south-westward from Commercial Street.

Between points respectively one hundred and ninety yards, or thereabouts, and one hundred and twenty-four yards, or thereabouts, eastward from Tanstead National Schools.

Between points respectively one hundred and thirty-three yards, or thereabouts, and one hundred and ninety-nine yards, or thereabouts, westward from the Grocers inn.

For a distance of sixty-six yards, or thereabouts, westward from the centre of the Dog and Partridge public-house.

Tramway No. 14.—A tramway, six furlongs 7·9 chains in length, consisting of five furlongs 5·9 chains of single line and one furlong two chains of double line, wholly in the Newchurch Lower Road, commencing at the termination of Tramway No. 13, passing thence in a westwardly direction, and terminating at the eastern boundary of the local board district of Rawtenstall, at the western side of the River Irwell at Lonsdale Bridge.

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

Between points respectively two hundred and forty-five yards, or thereabouts, and one hundred and seventy-nine yards, or thereabouts, eastward from the Moulders Arms public-house.

Between points respectively seventeen yards, or thereabouts, and eighty-three yards, or thereabouts, westward from the Royal Hotel, at Waterfoot.

Between points respectively ninety-eight yards, or thereabouts, and thirty-two yards, or thereabouts, eastward from the Commercial inn, near Holt Mill Bridge.

Between points respectively eighty-six yards, or thereabouts, and twenty yards, or thereabouts, from the termination of the tramway.

Tramway No. 15.—A tramway, one mile one furlong one and a half chain in length, consisting of seven furlongs nine and a half chains of single line and one furlong two chains of double line, wholly in the Newchurch Lower Road, commencing at the termination of Tramway No. 14, passing thence in a westwardly direction, and terminating at a point twenty-seven yards, or thereabouts, westward from the centre of the bridge carrying the said roadway over the River Lummy, otherwise Limy Water, near the Queen's Arms Hotel, Rawtenstall.

Tramway No. 15 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 sixty-six yards, or thereabouts, eastward from the western side of Baron Street, Rossendale.

Between points respectively thirteen yards, or thereabouts, and seventy-nine yards, or thereabouts, westward from Dobbin Lane, Rossendale.

For a distance of sixty-six yards, or thereabouts, westward from Co-operation Street, Rossendale.

Between points respectively one hundred and sixty-six yards, or thereabouts, and one hundred yards, or thereabouts, eastward from Mackross Street.

Tramway No. 16.—A tramway, two furlongs six chains in length, consisting of two furlongs three chains of single line and of three chains of double line, commencing in the Newchurch Lower Road at the termination of Tramway No. 15, passing thence along the said roadway in a north-westwardly direction into and along Bank Street and Market Place, Rawtenstall, and terminating in the last-mentioned roadway at a point thirty-eight yards, or thereabouts, north-westward from Barlow Street.

Tramway No. 16 shall be laid as a single line, except:—

In Bank Street and Market Place:

For a distance of sixty-six yards, or thereabouts, northward from Hall Street, where it shall be laid as a double line.

Tramway No. 17.—A tramway, one furlong six chains in length, consisting of one furlong three chains of single line and three chains of double line, commencing in Market Place, Rawtenstall, at the termination of Tramway No. 16, passing thence in a north-westwardly direction along the said roadway along the bridge over the River Lummy, otherwise Limy Water, and thence into and along King Street, otherwise the Burnley Road, and terminating in the last-mentioned roadway at a point twenty-two yards, or thereabouts, north-westward from the White Lion inn.

Tramway No. 17 shall be laid as a single line, except:—

In King Street, otherwise Burnley Road, between points respectively eighty-eight yards, or thereabouts, and twenty-two yards, or there-

A.D. 1882.

Manchester, &c.

Between points respectively two hundred and seventy-eight yards, or thereabouts, and two hundred and twelve yards, or thereabouts, south-westward from the lodge at the entrance to the cemetery.

Between points respectively one hundred and sixty-three yards, or thereabouts, and ninety-seven yards, or thereabouts, westward from the Success-to-the-Plough public-house.

Between points respectively one hundred and fifty-five yards, or thereabouts, and two hundred and twenty-one yards, or thereabouts, eastward from the centre of the lodge at the entrance to Marland Workhouse.

In Rochdale Road and Manchester Road aforesaid:

For a distance of sixty-six yards, or thereabouts, from the termination of the tramway.

Tramway No. 23.—A tramway, six furlongs two and a half chains in length, consisting of five furlongs 3·85 chains of single line and 8·65 chains of double line, commencing in Market Place, Heywood, at the termination of Tramway No. 20, passing thence south-eastwardly along Market Place, Church Street, Manchester Street, and Manchester Road, and terminating in the last-mentioned roadway at a point twenty-five yards, or thereabouts, southward from the lamp-post at the junction of the Manchester Road and the Middleton Road, near St. John's Iron Church, Heywood.

Tramway No. 23 shall be laid as a single line except in the following instances, where it shall be laid as a double line:—

In Market Place:

For a distance of forty-seven yards, or thereabouts, from the commencement of the tramway.

In Manchester Street:

Between points respectively fifty yards, or thereabouts, westward, and twenty-seven yards, or thereabouts, eastward from the western side of Rochdale Lane, at its junction with Manchester Street.

In Manchester Street, otherwise Manchester Road:

Between points respectively eighty-nine yards, or thereabouts, and twenty-three yards, or thereabouts, northward from Thomas Street.

Tramway No. 24.—A tramway, one and a half chain in length, commencing in the Manchester Road, Heywood, by a junction with Tramway No. 23 at a point seven yards, or thereabouts, from the termination of that tramway, passing thence in a north-eastwardly direction into and terminating in the open space at the junction of Withington Street with the Middleton Road, at a point situate twenty yards, or thereabouts, eastward from the lamp-post last described.

Tramway No. 24 shall be laid as a single line throughout.

Tramway No. 25.—A tramway, one and a half chain in length, commencing in Manchester Street, otherwise Manchester Road, by a junction with Tramway No. 23 at a point twenty-three yards, or thereabouts, north-westward from the last-mentioned lamp-post, passing thence in an easterly direction into and along and terminating in the open space at the junction

of Withington Street with the Middleton Road aforesaid by a junction with Tramway No. 24 at a point thirteen yards, or thereabouts, eastward from the said lamp-post.

Tramway No. 25 shall be laid as a single line throughout.

Tramway No. 26.—A tramway, two miles 5·2 chains in length, consisting of one mile six furlongs 2·7 chains of single line, and two furlongs two and a half chains of double line, wholly in the roadway leading from Rochdale to Oldham, through Royton, known as the Oldham otherwise Rochdale Road, commencing at the termination of the Tramway No. 1 of the authorised Rochdale tramways at a point one hundred and thirty-four yards, or thereabouts, southward from Broad Lane, Buersill, passing thence in a southwardly direction, and terminating at Royton at a point fifty-nine yards, or thereabouts, southward from Brookland Terrace.

Tramway No. 26 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 thirty-three yards, or thereabouts, from the commencement of the tramway.

Between points respectively one hundred and fifty-three yards, or thereabouts, and eighty-seven yards, or thereabouts, northward from the Royal Hotel.

Between points respectively one hundred and sixty-six yards, or thereabouts, and one hundred yards, or thereabouts, northward from the southern side of the Colliers Arms public-house.

Between points respectively one hundred and sixty-eight yards, or thereabouts, and two hundred and thirty-four yards, or thereabouts, southward from the Rising Sun public-house.

Between points respectively eighty-one yards, or thereabouts, and fifteen yards, or thereabouts, northward from the Summit inn.

Between points respectively one hundred and forty-seven yards, or thereabouts, and two hundred and thirteen yards, or thereabouts, southward from Springfield Lane.

Between points respectively forty-one yards, or thereabouts, northward, and twenty-five yards, or thereabouts, southward, from the northern side of the New inn, otherwise Half-way House.

Between points respectively eighty-eight yards or thereabouts, and twenty-two yards, or thereabouts, northward from Fir Street.

Tramway No. 27.—A tramway, 1·45 chain in length, commencing at Royton in the Oldham otherwise Rochdale Road aforesaid, by a junction with Tramway No. 26 at a point seventeen yards, or thereabouts, southward from Brookland Terrace, passing thence into and along and terminating in Dogford Road at a point twenty-eight yards, or thereabouts, from the corner formed by the junction of the southern side of Dogford Road with the said Oldham otherwise Rochdale Road.

Tramway No. 27 shall be laid as a single line throughout.

Tramway No. 28.—A tramway, 1·4 chain in length, commencing in Dogford Road at Royton by a junction with Tramway No. 27 at a point seven

A.D. 1882.

Manchester, &c.

yards, or thereabouts, from the termination of that tramway, passing thence south-westwardly along Dogford Road, into and along the Oldham otherwise Rochdale Road aforesaid, and terminating by a junction with Tramway No. 26 at a point seven yards, or thereabouts, from the termination of that tramway.

Tramway No. 28 shall be laid as a single line throughout.

The tramways (No. 1 to No. 28, inclusive) will be made or pass from, in, through, or into the parishes, townships, or extra-parochial places following or some or one of them (that is to say):—

The parishes of Bury, Rochdale, Whalley, Middleton, and Prestwich-cum-Oldham.

The townships of Tottington-Lower-End, Bury, Heap, Castleton Blatchinworth and Calderbrook, Wardleworth, Wuerdle and Wardle, Spotland, Newchurch, Cowpe, Lench New Hall Hey and Hall Carr, Lower Booths, Hopwood, Thornham, and Royton.

Tramway No. 29.—A tramway, one mile one furlong 3·3 chains in length, consisting of one mile 1·3 chain of single line, and one furlong two chains of double line, wholly in the roadway leading from Rochdale to Oldham, through Royton, known as the Oldham otherwise Rochdale Road, commencing at Royton at a point thirty-one yards, or thereabouts, southward from Brookland Terrace, passing thence in a southwardly direction, and terminating at the boundary of the borough of Oldham at a point five yards, or thereabouts, southward from Boundary Street.

Tramway No. 29 shall be laid as a single line, except in the following instances, where it shall be laid as a double line:—

Between points respectively one hundred and twenty-three yards, or thereabouts, and fifty-seven yards, or thereabouts, northward from Market Street.

Between points respectively seventy yards, or thereabouts, and one hundred and thirty-six yards, or thereabouts, southward from Shaw Street.

For a distance of sixty-six yards, or thereabouts, northward from the centre of the White Hart inn.

Between points respectively seventy-seven yards, or thereabouts, and eleven yards, or thereabouts, from the termination of the tramway.

Tramway No. 30.—A tramway, two chains in length, commencing in the Oldham otherwise Rochdale Road last aforesaid, by a junction with Tramway No. 29 at a point seven yards, or thereabouts, from the commencement of that tramway, passing thence into and along and terminating in Rochdale Lane at a point forty-three yards, or thereabouts, from the corner formed by the junction of the southern side of Dogford Road with the said Oldham otherwise Rochdale Road.

Tramway No. 30 shall be laid as a single line throughout.

Tramway No. 31.—A tramway, 1·38 chain in length, commencing in Rochdale Lane, Royton, by a junction with Tramway No. 30 at a point seven yards, or thereabouts, from the termination of that tramway, passing

thence in a south-eastwardly direction into and along the Oldham otherwise Rochdale Road last aforesaid, by a junction with Tramway No. 29 at a point forty-eight yards, or thereabouts, southward from the commencement of that tramway.

Tramway No. 31 shall be laid as a single line throughout.

The tramways (No. 29 to No. 31 inclusive) will be made or pass from, in, through, or into the parishes, townships, or extra-parochial places following, or some or one of them (that is to say):—

The parish of Prestwich-cum-Oldham and the township of Royton.

Gauge of tramways

7. The Tramways Nos. 1 to 28 (both inclusive) shall be constructed on a gauge of three feet six inches, or such other gauge not being less than three feet six inches as may be required by the Board of Trade, and the Tramways Nos. 29 to 31 (both inclusive) shall be constructed on a gauge of four feet eight and a half 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 first-named tramways; provided that no carriage or engine shall be used upon any of the tramways within the borough of Rochdale which shall be of a greater width than five feet six inches or elsewhere of a greater width than such as the Board of Trade may approve.

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, and as regards any tramways within the borough of Rochdale also before the Rochdale Corporation, and as regards any tramways within the borough of Heywood also before the Heywood Corporation, and as regards the tramways within the district of Wuerdle and Wardle, also before the local board of the said district, 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 of Rochdale by the Rochdale Corporation, and as regards the tramways within the borough of Heywood by the Heywood Corporation, and as regards the tramways in the district of Wuerdle and Wardle by the local board of the said district; 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.

9. The rails of the tramways shall be such as the Board of Trade may approve, and as regards the tramways within the boroughs of Bury, Rochdale, and Heywood respectively as the engineers and surveyors for the time being of the Bury Corporation, the Rochdale Corporation, and the Heywood Corporation respectively may approve, and the tramways within the said boroughs shall be constructed, laid, and

A.D. 1882.

Manchester, &c.

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 engineers and surveyors respectively, and 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 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.

For the protection of the Lancashire and Yorkshire Railway Company.

10. For the protection of the Lancashire and Yorkshire Railway Company (in this section referred to as "the railway company"), the following provisions shall have effect:

The Promoters shall construct Tramway No. 7A in the Manchester Road, Castleton, and Tramway No. 20 in the Bury New Road, Heywood, and Tramway No. 23 in Manchester Road, otherwise Manchester Street, Heywood, where such roads are carried by means of bridges over 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 construction of any of the said bridges 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, the Promoters shall together with the notice required in such cases by section twenty-six of the Tramways Act, 1870, submit to the railway company detail drawings and specifications showing the proposed work as affecting such bridge, and if any dispute or difference arises between the Promoters and the 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 injuriously to affect the stability of the said bridges respectively and the approaches thereto.

In the event of any injury being occasioned to any of the said bridges 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 may at the expense of the Promoters restore such bridge 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 railway company against all sums, costs, and expenses which they may pay or be put to in restoring such bridge and approaches in manner aforesaid, and in maintaining and repairing (in case of default by the Promoters) 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 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 of like amount may be recovered.

In case steam or any mechanical power shall be used on any of the tramways laid on any of the said bridges respectively, the railway company may execute such works as may in the opinion of their engineer and of the engineer of the Promoters (or, in case of difference between them, of an engineer to be appointed by the Board of Trade) be necessary for strengthening the fabric of such bridge, and the railway company may execute all such works in all things at the expense of the Promoters, and the railway company may recover from the Promoters in manner aforesaid all moneys expended by them in the execution of such works as aforesaid, together with full costs and charges in like manner as any simple contract debt of like amount may be recovered. If it shall become necessary for effecting such strengthening that the working and user of any of such tramways shall be wholly or in part stopped or delayed, and the 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 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 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, such dispute or difference shall, except where by this Order otherwise expressly provided, be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

As to construction of tramways within the borough of Bury.

11. For the protection of the Bury Corporation the following provisions (in addition to all other provisions of this Order in which the Bury Corporation are referred to as the local or road authority or are mentioned by name) shall have effect with respect to the construction and maintenance of such of the tramways as are authorised to be constructed within the borough of Bury (and herein-after referred to as "the Bury tramways"):—

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

(1.) Where a less distance than five feet intervenes between the nearest rail of any of the Bury 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 Bury 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 Bury Corporation, signified in writing under the hand of their 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 in the said borough are broken up for the purpose of making any of the Bury tramways, at least one month's previous notice of the intention so to do shall be given by the Promoters to the Bury Corporation, such notice to be accompanied by a specification showing the manner in which the Promoters propose to make, form, and pave the line

A.D. 1882.

Manchester, &c.

and road, and the work shall not be commenced or undertaken until the Bury Corporation have approved of the mode in which it is to be done: Provided that unless the Bury Corporation 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, subject to the provisions of this Order, in such a manner as the Bury Corporation may reasonably require, and the Board of Trade may approve:

(Notice under s. 28, Tramways Act, 1870, to specify the works to be done.)

(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 Bury 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 Bury tramways or any passing place is constructed or required to be constructed over any man-hole or entrance into any sewer of the Bury 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 Bury Corporation will make the use thereof dangerous or inconvenient, the Promoters shall, if required by the Bury 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 Bury Corporation may at their option reconstruct such man-hole or entrance, and the Promoters shall repay to the Bury 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 Bury 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 Bury Corporation shall at all times have free access to and communications with all their sewers and drains, and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Promoters; and the provisions contained in 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 Bury 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 Bury 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 Bury 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 Bury Corporation may cleanse the roadway in which any of the Bury 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 of the Bury 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 Bury 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 Bury 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 Bury Corporation:

(Period of completion.)

(10.) The Bury tramways (with the exception of such portion thereof as may be dependent upon the widening of Rock Street, as herein-after mentioned) 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 Bury tramways (except as aforesaid) 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 uncompleted Bury tramways as are then constructed shall be vested in and shall then become the property of the Bury 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 Bury Corporation with reference to the water and gas mains, pipes, and apparatus belonging to the Bury 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 Bury Corporation under section thirty of the Tramways Act, 1870, or otherwise, shall be made and executed by the Bury Corporation, and not otherwise, upon the request and at the cost of the Promoters:

(Corporation may stop traffic in certain cases.)

(12.) The Bury 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 Bury 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 Bury Corporation, the roads or streets upon which the Bury 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 be reasonably necessary for the purposes aforesaid or any of them, the Promoters not to have any claim for compensation in respect thereof:

A.D. 1882.

Manchester, &c.

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

(13.) If the Promoters discontinue working the traffic upon any of the Bury tramways within the said borough for the space of an entire day (not being a Sunday, Christmas Day, or Good Friday), except where such discontinuance may be necessary for the repair of the tramways, they shall be liable to pay to the Bury Corporation a penalty of ten pounds a day for every day, save and except the days in the last preceding subsection 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 Bury tramways arises from any act of the Bury Corporation or their officers, or from accident, or any other circumstance over which the Promoters have no control:

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

(14.) The Bury 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 Bury 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 Bury Corporation, and shall have power to form connexions between any yard or works belonging to the Bury Corporation and the Bury tramways:

(Restrictions and provisions as to carriages.)

(15.) No carriage shall be used by the Promoters for the conveyance of traffic upon the Bury tramways until such carriage has been submitted to and approved by an officer to be appointed for that purpose by the Bury 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 Bury tramways if the Bury Corporation object to such user:

(ThePromoters 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 Bury 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 Bury tramways, they may, and when required by the Bury Corporation shall, carry the same in separate carriages, or separate parts of carriages set apart for that purpose: Provided that this provision shall not apply to the carriage of passengers luggage:

(Postponing Tramway No. 4. until Rock Street widened.)

(18.) The Promoters shall not construct so much of Tramway No. 4 shown on the deposited plans as extends into Rock Street until that street has been widened.

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

(19.) The Promoters shall pay all costs, charges, and expenses incurred by the Bury Corporation in relation to this Order, and shall, on demand, repay to the Bury 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 Bury tramways, and the Bury 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 Bury Corporation, but the Bury 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 the protection of the Rochdale Corporation.

12. For the protection of the Rochdale Corporation the following provisions (in addition to all other provisions of this Order in which the Rochdale Corporation are referred to as the local or road authority or are mentioned by name) shall have effect with respect to the construction and maintenance of such of the tramways as are authorised to be constructed within the borough of Rochdale (and herein-after referred to as "the Rochdale tramways.")

(Penalty for not maintaining rails and road in good condition.)

(1.) The Promoters shall at all times and (subject to the special provisions of this Order) with such materials and in such manner as the Rochdale Corporation 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 Rochdale 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 Rochdale Corporation, 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 to 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 repairs and maintenance of the Rochdale tramways, 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 Rochdale Corporation, or by twenty inhabitant ratepayers of the said borough, that the Promoters have made any such default as aforesaid, the Board of Trade may, if they think fit, direct an inqury 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

A.D. 1882.

Manchester, &c.

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 imposed in respect to offences:

(As to length of passing places in the borough.)

(2.) No passing-place in the said borough shall exceed sixty-six yards in length if the Rochdale Corporation give notice, in writing, to that effect to the Promoters within two calendar months after the passing of the Act confirming this Order:

(Materials of roads to belong to Promoters.)

(3.) Notwithstanding anything in this Order contained, all road materials and paving excavated by the Promoters in the construction of the Rochdale tramways shall belong to the Promoters:

(As to macadamized roads.)

(4.) In any road in which any of the Rochdale tramways are to be constructed, and which are immediately before such construction macadamized, notwithstanding anything in this Order contained, 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 Rochdale 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.)

(5.) 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 whereon the tramways are laid shall extend to the construction of the Rochdale tramways and to the maintenance thereof, subject to the following conditions; that is to say,

(*a.*) In every road in which a single line of tramways 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: and

(*b.*) 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 Rochdale 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 Rochdale Corporation shall at their own cost pave and maintain such excess. For the purposes of this sub-section, a passing place shall be deemed a double line of tramway:

(Promoters to pave portions of road repairable by them with setts of specified size and material.)

(6.) Where any portion of the Rochdale tramways shall be laid in any road, 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 Rochdale Corporation may reasonably direct and approve.

A.D. 1882.

Manchester, &c.

(Promoters to pave with wood cubes within portions of the borough.)

(7.) The Promoters shall pave with wood cubes or setts upon a foundation or substructure of concrete, to the satisfaction of the Rochdale 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, 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 Rochdale Corporation may, at the time of the construction of the tramways, decide to so pave: Provided that the Rochdale Corporation shall give notice to the Promoters of such decision before the Promoters commence to construct any tramway in such road.

(Corporation in certain events may pave, &c.)

(8.) If at any time during the construction of the Rochdale tramways the Promoters, in the opinion of the borough surveyor, make any default in paving such portion of any road in which any tramway is being laid as under this Order the Promoters are bound to pave, the Rochdale 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 reasonable despatch, the Rochdale 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. parts of roads maintainable, &c. by Promoters.)

(9.) The Rochdale Corporation may at any time and from time to time take upon themselves the repairing, maintaining, or repaving of such portions of any road whereon any of the Rochdale tramways 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 Rochdale Corporation shall by notice in writing to the Promoters state when the Rochdale Corporation intend to take upon themselves such repairing, maintaining, or repaving, and if the Rochdale 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 Rochdale Corporation, shall (subject to the special provisions of this Order) be in the discretion of the Rochdale 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 Rochdale 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 Rochdale 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 Rochdale Corporation and as but for this and the preceding sub-sections the Promoters would have

A.D. 1882.

Manchester, &c.

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

(Security for repayment of costs of paving and repairing roads.)

(10.) In order to secure the payments by the Promoters of the amounts to be paid by them to the Rochdale Corporation under the last preceding sub-section, the Promoters shall on or forthwith after each of the usual quarter days deposit with the Rochdale Corporation the amount which the engineer or surveyor for the time being of the Rochdale Corporation may certify to be in his judgment the amount which will be required to be paid by the Promoters under the said sub-section for the works to be executed during the ensuing quarter, and the Rochdale 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 Rochdale 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 Rochdale tramways, and the Rochdale 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.)

(11.) Subject to the approval of the Board of Trade, where any part of any of the Rochdale 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 Rochdale Corporation:

(Conditions where cabstands are removed.)

(12.) Wherever any cabstand existing at the time of the passing of the Act confirming this Order shall be interfered with by the laying of any of the Rochdale tramways, 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 such stand, and shall reconstruct the same respectively in such other position near to the former site as the Rochdale Corporation shall determine, and with such materials as shall be suitable for the purpose, and be reasonably approved by the surveyor of the Rochdale Corporation:

(Promoters not to stop traffic except with consent.)

(13.) The Promoters shall not in the construction, alteration, or relaying of any of the Rochdale 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 Rochdale Corporation:

(Levels to be fixed by Corporation.)

(14.) The levels at which the Rochdale tramways are to be constructed shall be decided by the Rochdale Corporation, and any expense in the construction of the Rochdale 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 Rochdale Corporation, 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 Rochdale tramways:

(Injury to footpaths and buildings to be borne by Promoters in certain cases.)

(15.) If, by reason of the construction of the Rochdale 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.)

(16.) So far as is practicable, having regard to the time limited by this Order for the construction thereof, the Rochdale tramways shall be constructed simultaneously with the repaving of the streets in which the same are to be constructed, in case the Rochdale Corporation deem it necessary to repave such streets respectively within such a period as will reasonably permit of the completion of the Rochdale tramways within the time limited by this Order, provided that the Rochdale 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 Rochdale Corporation in respect of any of the provisions of this sub-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:

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

(17.) The several provisions herein contained for the protection of the Rochdale Corporation, 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:

A.D. 1882.

Manchester, &c.

(Provisions as to gas and water companies to extend to Corporation.)

(18.) Sections thirty, thirty-two, and thirty-three of the Tramways Act, 1870, shall extend and apply to the Rochdale Corporation 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 Rochdale Corporation, upon the request and at the cost of the Promoters:

(Extension of s. 26 of Tramways Act, 1870.)

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

(Promoters to remove certain sewers, &c. when required.)

(20.) The Promoters shall, at their own cost, if and when required by the Rochdale Corporation, and if rendered necessary by the construction of the Rochdale tramways, remove all sewers and all pipes and apparatus belonging to the Rochdale Corporation or subject to their control, and which on the completion of the Rochdale 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 Rochdale Corporation:

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

(21.) 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 Rochdale tramways and the value of any pipes or apparatus belonging to or under the control of the Rochdale Corporation, rendered useless or unproductive to the Rochdale Corporation by the works authorised by this Order, shall, on demand, and subject to credit being given for the value of the aforesaid matters so rendered useless to the Rochdale Corporation, be paid to them 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 Rochdale tramways) only be required to pay the cost which would have been incurred by the substitution of a main, pipe, or apparatus of equal dimension with the existing main, pipe, or apparatus:

(Removal, &c. of mains, &c. to be effected by Corporation at cost of Promoters.)

(22.) 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 Rochdale Corporation the Promoters shall give to the Rochdale Corporation fourteen days' notice in writing of such desire, and the Rochdale Corporation shall thereupon forthwith, but without prejudice to the protec-

tion 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 Corporation from liability in execution of own works.)

(23.) Nothing in this Order shall prevent the Rochdale Corporation 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 Rochdale tramways, and the Rochdale Corporation 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 Rochdale tramways, nor for the expense of taking up and relaying the parts of such tramways as may be interfered with as aforesaid by the Rochdale Corporation, all of which shall be done at the expense of the Promoters, provided that the operations of the Rochdale Corporation shall be carried on so as to interfere as little as possible with the traffic on or construction of the Rochdale tramways:

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

(24.) The Rochdale Corporation and their 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 therewith: 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 Rochdale Corporation 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 Rochdale Corporation, 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 Rochdale Corporation the cost and expense incurred by them, the Rochdale Corporation may recover the same from the Promoters in like manner as any simple contract debt of like amount may be recovered:

(Corporation not to be responsible for subsidence.)

(25.) The Rochdale Corporation 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 Rochdale Corporation 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 Rochdale tramways, or any portion thereof, shall be interfered with under this or any other provisions of this Order or otherwise:

(Promoters to indemnify the Corporation from accidents, &c. caused by escape of gas or water, &c.)

(26.) The Rochdale Corporation shall not be liable to the Promoters for, and the Promoters shall indemnify the Rochdale 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

A.D. 1882.

Manchester, &c.

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 Rochdale 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 Rochdale Corporation; the intention of this section being that the Rochdale Corporation shall not by reason of the existence of the Rochdale 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 lessees be liable for any damages, claims, or demands to which the Rochdale Corporation would be liable if the Rochdale tramways were not in existence, or if works in connexion therewith were not for the time being carried on:

(Removal of tramways by Corporation.)

(27.) If at any time it shall appear to the Rochdale Corporation desirable that any of the Rochdale tramways, or any part thereof, should be removed, the Rochdale Corporation may, with the approval of the Board of Trade, remove the same at any time after the expiration of six months notice, given by the Rochdale 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 the 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.)

(28.) The sole responsibility of maintaining and working the Rochdale 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 Rochdale 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 road under the control of the Rochdale Corporation, 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:

(Corporation may make regulations as to use of bell, whistle, &c.)

(29.) The use of the bell, whistle, or other warning apparatus upon the Rochdale tramways 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 Rochdale Corporation may make, and which they are hereby authorised to make, subject as aforesaid, with respect to such use on the Rochdale tramways:

(Certain provisions of this section to be deemed an agreement.)

(30.) The several provisions of this Order with respect to the paving, repairing, and maintaining by the Promoters of roads within the said borough shall be deemed to be an agreement in that behalf between the Promoters and the Rochdale Corporation within the meaning of the section hereinafter contained (the marginal note whereof is "Where steam or mechanical power is used contract with road authority not to be for longer than two years at a time"), and shall not on any renewal or in the case of future revision thereof under the powers of that section be altered so as to prejudice or render the same less beneficial to the Rochdale Corporation:

(Promoters to give running powers in certain events.)

(31.) If at any time hereafter any tramways or tramway extensions or additions are constructed or purchased within or partly within the borough by the Rochdale Corporation, or any company or person (other than the Promoters), the Promoters shall, if and when and as required by the Rochdale 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 Rochdale Corporation, or of such other company or person as aforesaid, as the case may be; and the Rochdale 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 section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned. And the Rochdale 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 of Rochdale 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:

(Powers of Corporation to suspend traffic on tramways.)

(32.) The Rochdale 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 Rochdale tramways in any of the roads within the said 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

A.D. 1882.

Manchester, &c.

the Rochdale 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 Rochdale Corporation, in the exercise of their powers respectively for the good government of the said 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.)

(33.) In addition to the powers reserved by section sixty-one of the Tramways Act, 1870, the Rochdale 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 said borough; and all or any of their officers may exercise the powers conferred upon them by the Rochdale Corporation as well on as off the Rochdale tramways, and with respect as well to the traffic of the Promoters as of other persons.

(Regulating hours and number of carriages to run daily.)

(34.) The Promoters at all times after the opening of the Rochdale tramways for public traffic shall and they are hereby required (unless and until the Rochdale 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, one 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 Rochdale Corporation that the same has occurred, shall be deemed to be and shall be a discontinuance to work the Rochdale 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.)

(35.) If the Promoters make default or fail in working the traffic as required by the last preceding sub-section upon any of the Rochdale tramways for an entire day (except Sundays, Christmas Day, or Good Friday) they shall be liable to pay the Rochdale 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 Rochdale 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 sub-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 Rochdale tramways shall arise from any acts of the Rochdale 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.)

(36.) 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 of Rochdale:

(Promoters not bound to carry goods.)

(37.) The Promoters shall not carry animals, goods, minerals, or parcels exceeding twenty-eight pounds in weight, except subject to such reasonable regulations as the Rochdale Corporation may prescribe in that behalf: Provided, nevertheless, that if at any time after the opening of the Rochdale tramways, or any of them, or any part thereof, for public traffic, the Rochdale Corporation, by notice, require the Promoters to arrange for and conduct, during specified hours of the day or night, a separate service within the said borough for the transmission of animals, goods, minerals, or parcels, other than passengers' 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 Rochdale tramways on each day (Sundays, Christmas Day, and Good Friday always excepted), and in the event of any difference arising between the Rochdale 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.)

(38.) All carriages used on the Rochdale tramways 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 Rochdale tramways until such carriage has been submitted to and approved by an officer to be appointed for that purpose by the Rochdale 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 Rochdale tramways if the Rochdale Corporation object to such user, but this prohibition shall not extend to any engine drawing one carriage:

(*Lights on carriages after sunset.*)

(39.) 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:

(Penalty for running carriages without breaks and lights.)

(40.) In case the Promoters or their servants, contrary to the provisions of this Order, use on the Rochdale tramways 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:

(Lighting of streets or roads.)

(41.) The Promoters may contract with the Rochdale Corporation 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 said borough:

A.D. 1882.

Manchester, &c.

(Corporation may require removal of any carriage, horse, or engine unfit for use.)

(42.) The Rochdale Corporation may cause to be removed from the Rochdale tramways any carriage, horse, or engine which shall be certified by an officer to be appointed by the Rochdale Corporation to be unfit for use upon the Rochdale tramways: 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 Rochdale Corporation; provided further, that if any dispute shall arise between the Rochdale 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.)

(43.) The Rochdale 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 Rochdale tramways, 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 ensuring the sufficiency and fitness of the carriages used on such tramways, and the horses, animals, or engines drawing the same.

(Tolls for passengers.)

(44.) The Promoters may demand and take for every passenger travelling upon any of the Rochdale 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:

(Penalty for failure to run cheap trams.)

(45.) If the Promoters fail to run such carriages within the said borough (at cheap fares for the labouring classes) as herein-after provided they shall be liable to pay to the Rochdale 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 Rochdale 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 Rochdale Corporation, or of their officers, or from other circumstances over which the Promoters have no control:

(Tolls for animals, goods, &c.)

(46.) The Promoters may demand and take in respect of any animals, goods, minerals, or parcels conveyed by them on the Rochdale tramways, includ-

ing 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 second column of the Schedule B. to this Order annexed, subject to the regulations in that behalf therein contained, and to the following regulation (that is to say) :—

For every quarter of a mile beyond three miles, or beyond any greater number of miles, the Promoters may demand and take tolls and charges for animals, goods, and minerals not exceeding one-fourth of the tolls and charges per mile for animals, goods, and minerals specified in the second column of the Schedule B. to this Order annexed, and for such purpose a fraction of a quarter of a mile shall be deemed a quarter of a mile :

(47.) The Rochdale Corporation, 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 Rochdale 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 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 Rochdale 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 Rochdale tramways ; (Corporation may use tramways for certain purposes during certain hours.)

(48.) The Rochdale Corporation may cleanse every road in which any of the Rochdale 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 matter from off the road forthwith, and without first placing it on any other part of the road : (Cleansing of roads.)

(49.) If any difference arise between the Rochdale Corporation and the Promoters touching anything to be done or not to be done by the Rochdale 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 in manner provided by section thirty-three, for the settlement of the differences in the said section mentioned. (Arbitration.)

(50.) Whenever the Promoters, with regard to the Rochdale tramways, 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 Rochdale Corporation : (Penalties.)

(51.) 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 (Proof of byelaws.)

A.D. 1882.

Manchester, &c.

Act, 1870, and this Order, with respect to the Rochdale tramways, 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 an assistant secretary of the Board of Trade, or of a certified copy thereof, under the hand of the town clerk of the said borough, shall be sufficient evidence of such byelaws in all courts of justice and legal proceedings:

(General security to Corporation.)

(52.) As security to the Rochdale 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 to be approved of by the Rochdale Corporation to the amount of one thousand pounds to pay and make good to the Rochdale Corporation any claim which may arise at their instance against the Promoters, and if any difference should arise between the Rochdale 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, for the settlement of the differences in the said section mentioned: Provided always, that if and so soon as the Rochdale tramways 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:

(Recovery of money.)

(53.) All and singular the sums and sum of money herein-before provided to be paid by the Promoters to the Rochdale Corporation, except as herein is otherwise provided, may be recovered by the Rochdale Corporation by all and the same means as any simple contract debts of like amount may be recovered:

(Saving rights of the Corporation.)

(54.) 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 Rochdale Corporation, but the Rochdale 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 certain rights under roads.)

(55.) 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 Rochdale 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:

(Promoters to run omnibus between certain points in certain events.)

(56.) In the event of the omnibus traffic from Rochdale to the village of Norden being suspended upon or subsequently to the passing of the Act confirming this Order, and of no tramway being laid down between the termination of Tramway No. 9 and the said village for the accommodation

of such traffic, the Promoters shall in connexion with the Rochdale tramways, provide and maintain between the points aforesaid communication by means of an omnibus as convenient in all respects as the communication existing at the time of the passing of the Act confirming this Order.

(Provisions in Schedule (C.) to be in force.)

(57.) The provisions set forth in the Schedule (C.) to this Order annexed shall be of the same force and effect as if they were set forth in this Order.

(58.) 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 Rochdale Corporation, and the Rochdale Corporation 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 (C.) had not been made and confirmed:

(Provisions in Order not to supersede provisions of the Tramways Act, 1870.)

(59.) The several provisions in this Order contained for the protection of the Rochdale Corporation shall not be deemed to supersede or dispense with the provisions of sections 26 to 33, 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 remain in full force and effect.

For the protection of Heywood Corporation.

13. For the protection of the Heywood Corporation the following provisions (in addition to all other provisions of this Order in which the Heywood Corporation are referred to as the local or road authority or are mentioned by name) shall have effect with respect to the construction and maintenance of such of the tramways as are authorised to be constructed within the borough of Heywood (and herein-after referred to as "the Heywood tramways"):—

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

(1.) Where a less distance than five feet intervenes between the nearest rail of any of the Heywood tramways and the edge of the footpath the Promoters shall pave the same, subject to the approval of the Board of Trade, with best local setts, to be approved by the engineer or surveyor for the time being of the Heywood Corporation, and the same shall be laid upon a six-inch bed of Portland cement concrete: Provided always, that notwithstanding anything in sub-section (11) of the last preceding section of this Order, or in any other part of this Order, contained to the contrary, the Promoters shall not be required to pave as aforesaid if such less distance is caused through any deviation of the Heywood tramways from the centre of the road by direction of the Heywood Corporation: Provided further, 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 best local setts to the approval of the Heywood Corporation, signified in writing under the hand of their engineer or surveyor for the time being, the same being laid upon a six-inch bed of Portland cement concrete, and to the approval of the Board of Trade:

A.D. 1882.

Manchester, &c. (Paving and maintaining certain portions of roads.)

(2.) 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 whereon the tramways are laid shall extend to the construction of the Heywood tramways and to the maintenance thereof, subject to the following conditions; that is to say,

The Promoters shall, for a distance of two and a quarter miles in the said borough, as directed by the Heywood Corporation, wherever a single line of tramway is laid, pave and maintain a width of three feet nine inches on either side of the centre line of such tramway, and where a double line of tramway is laid the Promoters shall pave and maintain a width of seven feet three inches on either side of the centre line of such tramway:

Provided that in all cases in which by the requirement in writing of the Heywood 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, the Heywood Corporation shall at their own cost pave and maintain such excess. For the purposes of this sub-section a passing place shall be deemed a double line of tramway:

(*Indemnity to Corporation from accidents, &c. caused by escape of gas or water, &c.*)

(3.) The Heywood Corporation shall not be liable to the Promoters for, and the Promoters shall indemnify the Heywood 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 Heywood Corporation, crossing, or being underneath (either wholly or partially), or near to any tramway or work of the Promoters, unless such accidents, damages, or injuries arise as the consequence of any wilful act or default of the Heywood Corporation; the intention of this sub-section being that the Heywood Corporation shall not by reason of the existence of the Heywood 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 Heywood Corporation would be liable if the Heywood tramways were not in existence, or if works in connexion therewith were not for the time being carried on:

(Breaks and restrictions and provisions as to carriages.)

(4.) All carriages used on the Heywood tramways 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 Heywood tramways until such carriage has been submitted to and approved by an officer to be appointed for that purpose by the Heywood Corporation; and all the carriages to be used by the Promoters upon the Hey-

wood Tramways shall be kept in good repair and condition, to the reasonable satisfaction of such officer. No more than two carriages coupled together shall be used upon the Heywood tramways if the Heywood Corporation object to such user, but this prohibition shall not extend to any engine drawing such carriages:

(Penalty for running carriages without breaks and lights.)

(5.) In case the Promoters or their servants, contrary to the provisions of this Order, use on the Heywood tramways any carriage without sufficient sleigh and ordinary breaks, or without lights, the Promoters shall, on information laid or complaint made, be subject to a penalty not exceeding two pounds for every day on which they shall have used any such carriage without such breaks or lights; and every such penalty may be recovered as by section fifty-six of the Tramways Act, 1870, is provided:

(Corporation may require removal of any carriage, horse, or engine unfit for use.)

(6.) The Heywood Corporation may cause to be removed from the Heywood tramways any carriage, horse, or engine which shall be considered by the Heywood Corporation to be unfit for use upon the Heywood tramways: Provided that if any dispute shall arise between the Heywood 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.

(Tolls for passengers in certain cases.)

(7.) The Promoters shall, at the request in writing of the Heywood Corporation, appoint stages upon the Heywood tramways not exceeding one mile in distance, such stages to be agreed upon between the Promoters and the Heywood Corporation, and the Promoters may, when such stages have been appointed, notwithstanding anything in this Order contained, only demand and take for every passenger travelling upon the Heywood tramways, 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 stage (and for this purpose the fraction of a stage shall be deemed a stage):

(Penalty for failure to run *cheap trams*.)

(8.) If the Promoters fail to run such carriages within the said borough at cheap fares for the labouring classes as herein-after provided, they shall be liable to pay to the Heywood Corporation a penalty not exceeding two pounds for every day on which they fail to do so, and such penalty may be recovered by the Heywood 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 Heywood Corporation, or of their officers, or from other circumstances over which the Promoters have no control:

(Penalty for breach of provisions of Order.)

(9.) Whenever the Promoters, with regard to the Heywood tramways, 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 two pounds for every day during which such breach shall continue after notice thereof by the Heywood Corporation:

A.D. 1882.

Manchester, &c.

(Provisions in Schedule (D.) for protection and benefit of Corporation to be in force.)

(10.) The provisions set forth in the Schedule (D.) to this Order annexed 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 (D.) otherwise expressly provided, nothing in this Order or in the said Schedule (D.) contained shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, or authorities of or belonging to the Heywood Corporation, and the Heywood Corporation 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 (D.) had not been made and confirmed:

(Benefit of certain provisions for protection of Rochdale Corporation extended.)

(11.) The several provisions which are contained in the sub-sections herein-after mentioned of the last preceding section of this Order for the protection of the Rochdale Corporation (that is to say), sub-sections (11), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (27), (28), (29), (31), (32), (33), (34), (35), (37), (39), (43), (46), (47), (48), (49), (53), and (58) respectively, shall, mutatis mutandis, extend and be applicable to the Heywood Corporation and the Heywood tramways, as if the Heywood Corporation and the Heywood tramways were therein expressly mentioned by name instead of the Rochdale Corporation and the Rochdale tramways.

For protection of the Wuerdle and Wardle Local Board.

14. For the protection of the local board for the district of Wuerdle and Wardle, in the county palatine of Lancaster (in this Order referred to as "the Wardle Board"), the following provisions (in addition to all other provisions of this Order in which the Wardle Board are referred to as the local or road authority or are mentioned by name) shall have effect with respect to the construction and maintenance of such of the tramways as are authorised to be constructed within the district of the Wardle Board (and herein-after referred to as "the Wardle tramways"):

(1.) The several provisions which are contained in the sub-sections herein-after mentioned of section twelve of this Order (that is to say), sub-sections (1), (11), (13), (14), (15), (17), (18), (19), (20), (21), (22), (23), (24), (25), (28), (39), (41), (44), (46), (47), and (58) respectively, shall, mutatis mutandis, extend and be applicable to the Wardle Board and the Wardle tramways, as if the Wardle Board and the Wardle tramways were therein expressly mentioned by name, instead of the Rochdale Corporation and the Rochdale tramways:

(2.) The several provisions which are set forth in the Schedule (C.) to this Order annexed for the protection and benefit of the Wardle Board 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 estate, rights, interests, powers, or authorities of or belonging to the Wardle Board, and the Wardle Board 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 (C.) had not been made and confirmed.

15. For the protection of the local board for the district of Whitworth, in the county palatine of Lancaster (in this Order referred to as "the Whitworth Board"), the following provisions (in addition to all other provisions of this Order in which the Whitworth Board are referred to as the local or road authority or are mentioned by name) shall have effect with respect to the construction and maintenance of such of the tramways as are authorised to be constructed within the district of the Whitworth Board (and herein-after referred to as "the Whitworth tramways"):— For the protection of the Whitworth Local Board.

(1.) 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 or laying down any of the Whitworth tramways, lay before the Whitworth Board a plan showing the proposed mode of constructing or laying down such tramways, and a statement of the materials intended to be used therein; and the Promoters shall not commence the construction or laying down of any of the Whitworth tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statements have been approved by the Whitworth 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: (Further provisions as to construction of tramways.)

(2.) Where any portion of the Whitworth tramways shall be laid in any road within the district of the Whitworth Board, the portion of the road required by section twenty-eight of the Tramways Act, 1870, to be maintained and kept in good repair by the Promoters shall not be deemed to be so maintained and kept unless (subject to the approval of the Board of Trade) it is paved by the Promoters with best local setts of such depth (not exceeding six inches) as the Whitworth Board may reasonably direct and approve: (Promoters to pave portion of road repairable by them with setts of specified size and material.)

(3.) If at any time during the construction of the Whitworth tramways the Promoters, in the opinion of the surveyor of the Whitworth Board, make any default in paving such portion of any road in which any of the tramways are being laid, as under this Order the Promoters are bound to pave, the Whitworth Board may give notice in writing to the Promoters of such default, and if at the expiration of fourteen days 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 Whitworth Board may and shall execute such works at the same time as or forthwith after such tramway shall be laid on such road. (Whitworth Board in certain events may pave.)

(4.) Where the rails of any of the Whitworth tramways are raised or lowered to overcome slight inequalities of the surface of the road in which the same are laid, the Promoters shall be at the expense of making good the road between the tramway and kerb stone on either side where such raising or lowering occurs. (Where inequalities of surface exist.)

A.D. 1882.

Manchester, &c.

(Tramways to be constructed simultaneously with repaving of streets.)

(5.) The Whitworth tramways shall be constructed simultaneously with the repaving of the roads in which the same are to be constructed, in case the Whitworth Board deem it necessary to repave such roads respectively within such a period as will not prevent the construction of the tramways within the time prescribed for the completion of the same: Provided that before the Promoters commence to construct the Whitworth tramways the Whitworth Board shall give to the Promoters not less than one month's previous notice of their intention to repave such roads, and of the time proposed for the commencement of such repaving. In case any difference arises between the Promoters and the Whitworth Board in respect of any of the provisions of this sub-section, the same shall be settled in manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of differences in the said section mentioned.

(Power to suspend working of tramways.)

(6.) The Whitworth Board shall have power at any time and from time to time, by giving seven days' previous notice in writing to the Promoters, to absolutely stop, delay, or suspend the working of the Whitworth tramways in any of the roads within their district for the execution of any works by the Whitworth Board, such stoppage, delay, or suspension to continue only as long as may be absolutely necessary for the purposes aforesaid, and the Promoters shall not be entitled to claim any compensation or damages in respect thereof, provided always that in case the Promoters feel aggrieved by the operation of this sub-section they shall have power to appeal to the Board of Trade, who may grant such relief to the Promoters as they may think fit, and may for such purposes modify the provisions herein contained.

(Saving for road authorities, &c.)

(7.) Nothing in this Order contained shall take away or affect any power which any road authority, or the owners, commissioners, undertakers, or lessees of any railway, tramway, or inland navigation may have by law to widen, alter, divert, or improve any road, railway, tramway, or inland navigation within the district of the Whitworth Board.

(Whitworth Board may use tramways for certain purposes during certain hours.)

(8.) The Whitworth Board, at such times between the hours of eleven at night and five in the morning, as they shall think fit, may use the Whitworth tramways for the conveyance of nightsoil, dung, manure, ashes, rubbish, filth, and other refuse, scavenging stuff, and road metal required for their 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 Whitworth Board 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 Whitworth tramways.

(Benefit of other provisions extended.)

(9.) The several provisions which are contained in the sub-sections hereinafter mentioned of section twelve of this Order, that is to say,—sub-sections (13), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (28), (36), (39), (48), (49), (54), and (55) respectively shall, mutatis mutandis, extend and be applicable to the Whitworth Board and the Whitworth tramways, as if the Whitworth Board and the Whitworth tramways were

therein expressly mentioned by name instead of the Rochdale Corporation and Rochdale tramways.

(Penalties.)

(10.) Whenever the Promoters with regard to the Whitworth tramways 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 one pound for every day during which such breach shall continue after notice thereof by the Whitworth Board.

(11.) The proviso in section 28 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 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 repairs and maintenance of the Whitworth tramways.

For protection of the Rawtenstall Local Board.

16. For the protection of the local board for the district of Rawtenstall, in the county palatine of Lancaster (in this Order referred to as "the Rawtenstall Board"), the following provisions (in addition to all other provisions of this Order in which the Rawtenstall Board are referred to as the local or road authority, or are mentioned by name) shall have effect with respect to the construction and maintenance of such of the tramways as are authorised to be constructed within the district of the Rawtenstall Board (and herein-after referred to as "the Rawtenstall tramways"):—

(1.) In the event of the omnibus traffic from Rawtenstall to Haslingden being suspended upon or subsequently to the passing of the Act confirming this Order, and of no tramway being laid down between those places for the accommodation of such traffic, the Promoters shall, in connexion with the Rawtenstall tramways, provide and maintain between the points aforesaid communication by means of an omnibus, as convenient in all respects as the communication existing at the time of the passing of the Act confirming this Order.

(2.) The several provisions which are contained in the sub-sections herein-after mentioned of section fifteen of this Order (that is to say), sub-sections (1) to (9) inclusive shall, mutatis mutandis, extend and be applicable to the Rawtenstall Board and the Rawtenstall tramways as if the Rawtenstall Board and Rawtenstall tramways were therein expressly mentioned by name instead of the Whitworth Board and the Whitworth tramways.

For protection of the Bacup Local Board.

17. For the protection of the local board for the district of Bacup, in the county palatine of Lancaster (in this Order referred to as "the Bacup Board"), the following provisions (in addition to all other provisions of this Order in which the Bacup Board are referred to as the local or road authority, or are mentioned by name) shall have effect with respect to the construction and maintenance of such of the tramways as are authorised to be constructed within the district of the Bacup Board (and herein-after referred to as "the Bacup Tramways"):—

(1.) The several provisions which are contained in the sub-sections herein-after mentioned of section fifteen of this Order, (that is to say,) sub-

A.D. 1882.

Manchester, &c.

sections (1) to (10) inclusive, shall, mutatis mutandis, extend and be applicable to the Bacup Board and the Bacup tramways, as if the Bacup Board and the Bacup tramways were therein expressly mentioned by name instead of the Whitworth Board and the Whitworth tramways.

(2.) If at any time after the construction of the Bacup tramways so much of Tramway No. 12 as is by this Order authorised to be laid in the Burnley Road shall, in the opinion of the Bacup Board, be deemed objectionable, the Promoters shall at their own cost and expense remove the same to the satisfaction of the Bacup Board within one month after receipt of notice from the Bacup Board to remove the same, provided that the Bacup Board may at any future time thereafter sanction the reconstruction thereof upon such terms as they may require and the Promoters approve.

For protection of the Royton Local Board.

18. For the protection of the local board for the district of Royton, in the County Palatine of Lancaster (in this Order referred to as "the Royton Board"), the following provisions (in addition to all other provisions of this Order in which the Royton Board are referred to as the local or road authority, or are mentioned by name) shall have effect with respect to the construction and maintenance of such of the tramways as are authorised to be constructed within the district of the Royton Board (and herein-after referred to as "the Royton tramways"):—

(1.) The several provisions which are contained in the sub-sections herein-after mentioned of section twelve of this Order (that is to say), sub-sections (13), (17), (18), (19), (21), (22), (23), (24), (25), (26), (28), (36), (39), (48), and (49), respectively, shall, mutatis mutandis, extend and be applicable to the Royton Board and the Royton tramways, as if the Royton Board and the Royton tramways were therein expressly mentioned by name, instead of the Rochdale Corporation and the Rochdale tramways.

(2.) The several provisions which are contained in the sub-sections herein-after mentioned of section fifteen of this Order (that is to say), sub-sections (1), (2), and (8), respectively, shall, mutatis mutandis, extend and be applicable to the Royton Board and the Royton tramways, as if the Royton Board and Royton tramways were therein expressly mentioned by name instead of the Whitworth Board and the Whitworth tramways.

For protection of the Littleborough Local Board.

19. For the protection of the local board for the district of Littleborough in the county palatine of Lancaster (in this Order referred to as "the Littleborough Board"), the following provisions (in addition to all other provisions of this Order in which the Littleborough Board are referred to as the local or road authority, or are mentioned by name) shall have effect with respect to the construction and maintenance of such of the tramways as are authorised to be constructed within the district of the Littleborough Board (and herein-after referred to as "the Littleborough tramways"):—

The several provisions which are contained in the last preceding section of this Order shall respectively, mutatis mutandis, extend and be applicable to the Littleborough Board and the Littleborough tramways, as if the Littleborough Board and the Littleborough tramways were therein expressly mentioned by name instead of the Royton Board and the Royton tramways.

A.D. 1882.

Manchester, &c.

For protection of company of proprietors of the Rochdale Canal.

20. The Promoters shall so construct Tramway No. 7A in the Manchester Road, Castleton, where such tramway is carried over the canal bridge of the company of proprietors of the Rochdale Canal (herein-after called "the canal company") so as not to interfere with the permanent structure or masonry of the said bridge, or otherwise to injuriously affect the said bridge or the approaches thereto, or any part or parts thereof, respectively. And in the event of any such interference or injury being occasioned either by reason of the construction of the said tramway, or the maintenance, renewal, or use of the same, the canal company may, at the expense of the Promoters, restore the said bridge or approaches, or the part or parts which may be so interfered with or injured, to the same or as good a state and condition as they were in before such interference or injury was occasioned, and the Promoters shall recoup to and indemnify the canal company against all costs and expenses which they may be put to in restoring the said bridge or approaches in manner aforesaid, and all damages which the canal company may sustain or pay in consequence of any such interference or injury, and shall also recoup to and indemnify the canal company against all costs and expenses incurred by them in maintaining and repairing (in case of default by the Promoters) of so much of the road over the 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 canal company may recover from the Promoters all such costs, damages, and expenses, together with full costs and charges in like manner as any simple contract debt of the like amount may be recovered.

The canal company may at any time hereafter, after giving three months' notice thereof in writing to the Promoters, remove, alter, or renew the said bridge and approaches thereto in the same manner as they might have removed, altered, or renewed the same if this Order had not been made, without making any compensation to the Promoters for injury or interference to the said tramway, or for loss on interruption of traffic, or other damage to be occasioned to the Promoters by any such removal, alteration, or renewal; and in the event of the said bridge or approaches thereto being altered or renewed as aforesaid, the Promoters shall, at their own expense, take up the said tramway and reconstruct the same upon such altered or renewed bridge and approaches, in the same manner and subject to the same provisions as is provided for constructing the said tramway over the said bridge and approaches; but such removal, alteration, or renewal shall be conducted with all reasonable despatch, and with as little injury to or interference with the said tramway, and loss and interruption of traffic, and other damage to the Promoters, as possible.

All works connected with the construction of the said tramway over the said bridge and approaches thereto, or over any altered or new bridge or approaches in lieu thereof, shall be executed according to plans previously submitted to and approved by the engineer for the time being of the canal company, and under the superintendence and to the reasonable satisfaction of such engineer, whose reasonable expenses shall be paid by the Promoters. If any difference arise between the Promoters and such engineer as to such plans or to the mode of executing the works, every such difference shall be settled at the cost of the Promoters by an engineer, to be appointed (in default

A.D. 1882.

Manchester, &c.

For protection of justices of county of Lancaster.

of agreement) by the Board of Trade on the application of either party, whose decision shall be final and conclusive and binding on both parties.

21. 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):—

The Promoters shall, at their own expense, pave so much of the roads whereon the tramways are laid upon, over, and adjoining the bridges, and lengths of roadways adjacent thereto, repairable by the inhabitants of the said county, or of any hundred therein, as lies between the rails, and as extends eighteen inches beyond the rails of and on each side of such tramways, with granite cubes or setts to the satisfaction of the justices, or with such other paving, as the justices may approve.

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 bridge be absolutely necessary for the purpose of constructing such 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 detailed 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 left to the decision of the Board of Trade, and the Promoters shall so construct and maintain such tramways in the road over such bridge and the approaches thereto as not to injuriously affect such bridge and approaches, and in the event of any injury been 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 such sums, costs, and expenses, together with full costs and charges, in like manner as any simple contract debt of the like amount may be recovered.

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 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 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 by the justices 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 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 reasonably 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 of such bridges as in this section mentioned. 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, except where otherwise expressly provided, be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Penalty for not maintaining rails and road in good condition.

22. The Promoters shall at all times (and with respect to all tramways in the borough of Bury, or the borough of Heywood, or the district of the Whitworth Board, or the district of the Rawtenstall Board, or the district of the Bacup Board, or the district of the Royton Board, or the district of the Littleborough Board, with such materials and in such manner as the Bury Corporation or the Heywood Corporation or the said Boards, as the case may be in each case, respectively 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 sub-structure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, 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 may be recovered as by section fifty-six of the said Act is provided.

A.D. 1882.

Manchester, &c.

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 so complained of, 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.

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

23. 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.

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

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

25. The Promoters may (and as regards any of the Rochdale tramways, only with the consent of the Rochdale Corporation) 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, engine houses, sheds, depositories, or works of the Promoters, subject to the approval of the road authority: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if any owner or occupier of 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, if any crossing, passing-place, siding, junction, or other work so made with the approval of the road authority, or any part thereof, is subsequently objected to by the road authority, the road authority may, by written notice to the Promoters, require them to remove the same, and, if the road authority so think fit, to remake or relay the same in some other position to be specified in the notice, and the Promoters shall from time to time comply with such requirements.

Temporary tramways may be made when necessary.

26. 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 the 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.

27. 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, metailing, 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.

28. 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 person by reason of the existence of the tramways, shall apply to all works in respect of the constructing of any new sewer-pipe or apparatus, or the altering, repairing, laying down, improving, or enlarging any existing or future sewer-pipe or apparatus by any local authority, and to the additional expense in respect of the same.

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

29. 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, authorized the same to be opened for such traffic.

A.D. 1882.

Manchester, &c.

Motive Power.

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

30. 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 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 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: Provided always, that, notwithstanding anything in this Order contained, the Promoters shall not use steam or any mechanical power on Tramway No. 2, or any part thereof, without the consent in writing of the Board of Trade, to be signed by a secretary or an assistant secretary of the said Board, to such user is previously had and obtained, and the Promoters shall not use steam or any mechanical power on those portions of Tramways Nos. 3 and 20 respectively as extend throughout Heap Bridge and its approaches until the roadway of such approaches has been widened to the satisfaction of the Board of Trade, and the Promoters shall not use the double line of tramway on the said bridge as a passing-place.

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

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

Manchester, &c. Byelaws.

32. 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.

33. 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.

34. 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.

35. 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.

36. Where the Promoters or any person intend or intends to use steam or any mechanical power under the authority of this Order on 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.

A.D. 1882.

Manchester, &c.

Where, at the time of the giving of any such notice, any contract, agreement, or arrangement between the Promoters or such person and such road authority, is in force with respect to the user by the Promoters or such person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which 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 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.

37. 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 between the Promoters or such person and any road authority with respect to the user by the Promoters or such person, or the paving and keeping in repair, of the whole or any part of the roadway of any road within the district of such road authority upon which 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.

38. The tramways subject and in accordance with the provisions of this Order may be used for the purpose of conveying passengers, animals, goods, minerals, and parcels.

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

39. The Promoters shall not be bound to carry, unless they think fit (and then only subject and in accordance with the provisions of this Order), any animals, goods, minerals, or parcels other than passengers luggage not exceeding twenty-eight pounds in weight.

Tolls.

Tolls.

40. The Promoters may demand and take for every passenger travelling upon any of the tramways, or any part thereof (other than the Rochdale tramways), including tolls and charges for the use of the tramways and of carriages, and for motive power, and every other expense incidental to such conveyance, 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). The Promoters nevertheless not being required to take any fare less than twopence.

A.D. 1882.

Manchester, &c.

Passengers' luggage.

41. 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.

42. 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 the hours for the running of such carriages on the Heywood tramways shall be such as the Heywood Corporation shall approve, and that the hours for the running of such carriages on the Rochdale tramways shall be not later than seven in the morning or earlier than half-past five in the evening: Provided also 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.*

43. The Promoters may demand and take in respect of any animals, goods, minerals, or parcels conveyed by them on the tramways (other than the Rochdale tramways, the Heywood tramways, and the Wardle 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 first column of the Schedule B. to this Order annexed, subject to the regulations in that behalf therein contained.

Payment of tolls.

44. The tolls and charges by this Order authorised shall be paid to such persons, and at such places upon or near to the tramways in respect of which the same shall be payable, 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.

45. 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 pro-

visions 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.

46. Where under the provisions of the Tramways Act, 1870, and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties; and the costs of and incidental to the arbitration and award shall, if either party so requires, be taxed and settled as between the parties by any one of the taxing masters of the High Court of Justice; and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters; and all those enactments, including the enactments relating to the taking of fees by means of stamps, shall extend to the fees in respect of the said taxation.

Form and delivery of notices.

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

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

(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.

48. 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.

49. 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.

A.D. 1882.

Manchester, &c.

Sale of the tramways authorised by the Bury and District Tramways Order, 1881.

50. The sale of the tramways and undertaking authorised by the Bury and District Tramways Order, 1881, to the Promoters of this Order is hereby authorised and approved. And from and after the passing of the Act confirming this Order, all the rights, powers, authorities, obligations, and liabilities of the Promoters of the said Order of 1881, in respect of the tramways and undertaking authorised by the said Order of 1881, shall be transferred to, vested in, and may be exercised by and shall attach to the Promoters of this Order in like manner as if such tramways had been authorised to be constructed by the Promoters of this Order, and in reference to the tramways and undertaking authorised by the said Order of 1881, the Promoters of this Order shall be deemed to be the Promoters, and instead of the provisions with respect to tolls and charges and all matters relating thereto in the said Order of 1881 contained the provisions of this Order with respect to tolls and charges, and all matters relating thereto applicable to the Bury tramways as defined by this Order shall apply to the tramways authorised by the said Order of 1881, as though the same were part of the Bury tramways authorised by this Order.

Sale of the tramways authorised by the Rochdale Tramways Order, 1881.

51. The sale of the tramways and undertaking authorised by the Rochdale Tramways Order, 1881, to the Promoters of this Order is hereby authorised and approved. And from and after the passing of the Act confirming this Order all the rights, powers, authorities, obligations, and liabilities of the Promoters of the said Order of 1881, in respect of the tramways and undertaking authorised by the said Order of 1881, shall be transferred to and vested in, and may be exercised by and shall attach to the Promoters of this Order in like manner as if such tramways had been authorised to be constructed by the Promoters of this Order, and in reference to the tramways and undertaking authorised by the said Order of 1881, the Promoters of this Order shall be deemed to be the Promoters, and instead of the provisions with respect to tolls and charges and all matters relating thereto in the said Order of 1881 contained the provisions of this Order with respect to tolls and charges and all matters relating thereto applicable to the Rochdale tramways, as defined by this Order, shall apply to the tramways authorised by the said Order of 1881, as though the same were part of the Rochdale tramways authorised by this Order.

Release of deposit for Bury and District Order of 1881.

52. If and whenever the event happens upon which the depositors of the sum of two thousand and seventy-eight pounds sixteen shillings and threepence paid as a deposit fund into the Chancery Division of the High Court of Justice with reference to the Bury and District Tramways Order, 1881, and now remaining in the said division to the credit of ex parte "The Bury and District Tramways," become entitled to have the said sum, or any part thereof, paid to them, then the Court shall, upon the application of the Promoters of this Order, order the deposit fund aforesaid, or the proportion then payable or transferable to be paid or transferred to the Promoters of this Order, or as they shall direct, instead of to the depositors, and in the meantime the Court may, upon application of the Promoters of this Order, order that the deposit fund be invested in such stocks, funds, or securities as the applicants desire and the Court thinks fit. And from and after the passing of the Act confirming this Order, the Promoters of this Order shall be entitled to receive payment of the interest or dividends from time to time accruing on the deposit fund

while in Court, and the Court may from time to time, on the application of the Promoters of this Order, make such order as seems fit respecting payment of the interest or dividends accordingly.

Release of deposit for Rochdale Order, 1881.

53. If, and whenever the event happens, upon which the depositors of the sum of one thousand seven hundred and forty-one pounds two shillings and eightpence paid as a deposit fund into the Chancery Division of the High Court of Justice with reference to the Rochdale Tramways Order, 1881, and now remaining in the said division to the credit of ex parte "The Rochdale Tramways," become entitled to have the said sum, or any part thereof, paid to them, then the Court shall, upon the application of the Promoters of this Order, order the deposit fund aforesaid, or the proportion then payable or transferable, to be paid or transferred to the Promoters of this Order, or as they shall direct, instead of to the depositors, and in the meantime the Court may, upon the application of the Promoters of this Order, order that the deposit fund be invested in such stocks, funds, or securities as the applicants desire and the Court thinks fit. And from and after the passing of the Act confirming this Order the Promoters of this Order shall be entitled to receive payment of the interest or dividends from time to time accruing on the deposit fund while in Court, and the Court may from time to time, on the application of the Promoters of this Order, make such order as seems fit respecting payment of the interest or dividends accordingly.

This Order a fulfilment of obligations under Bury and District Order, 1881.

54. The application to the Board of Trade for this Order shall be deemed to be in all respects a fulfilment and discharge of the obligations imposed upon and undertaken by the Promoters of the Bury and District Tramways Order, 1881, under sub-section eighteen of section eleven of that Order.

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

55. 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.

56. 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 the provisions of this Order, and that any mortgage granted by the Promoters shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking, or such part being purchased by the local authority under section forty-three of the Tramways Act, 1870, or under the provisions of this Order, and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Saving for general Acts.

57. Notwithstanding anything in this Order contained, the Promoters and any person using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or

A.D. 1882.

Manchester, &c.

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.

Animals.

		1st Column. Per mile.		2nd Column. Per mile.	
		s.	*d.*	*s.*	*d.*
For every horse, mule, or other beast of draught or burden,	per head	0	6	0	3
For every ox, cow, bull, or head of cattle - -	„	0	6	0	3
For every calf, pig, sheep, or other small animal -	„	0	3	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 all undressed materials for the repair of public roads or highways - - - -	per ton	0	3	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 specially classed herein, and for heavy iron castings, including railway chairs - - -	per ton	0	4	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	6	0	4
For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things - - - - - -	per ton	0	6	0	4
For every carriage, of whatever description - -	each	1	0	1	0

Small Parcels.

For every parcel not exceeding seven pounds in weight	each	0	3	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - -	each	0	5	0	4
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - -	each	0	7	0	6
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - -	each	0	9	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.

A.D. 1882.

Manchester, &c.

For the Carriage of Single Articles of Great Weight.

	1st Column. Per mile.		2nd Column. Per mile.	
	s.	*d.*	*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	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 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.

ADDITIONAL PROVISIONS FOR THE PROTECTION AND BENEFIT OF THE CORPORATION OF ROCHDALE, AND THE LOCAL BOARD FOR THE DISTRICT OF WUERDLE AND WARDLE.

1. In this Schedule the expression "Undertaking," when used with reference to a purchase by the Rochdale Corporation (in this Schedule called "the Corporation") shall mean and include the Rochdale tramways and the Wardle tramways as the same are defined in the foregoing Order about to be purchased by them, and all lands, stables, buildings, sheds, engines, carriages, rolling stock, horses, fixed and movable 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, the expression "the borough," means the borough of Rochdale, the expression "the Wardle Board" means the local board for the district of Wuerdle and Wardle, and the expression "the district" means the district of Wuerdle and Wardle.

Manchester, &c.

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 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 district.

Copies of Promoters' half-yearly balance sheets to be furnished to the corporation and board.

2. A copy of every half-yearly balance-sheet of the accounts of the Promoters (so far as the same relate to the borough and to the district) 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 Wardle Board, or to their clerk for the time being.

Promoters to produce their books, &c., to corporation and board.

3. The Promoters, on the request of the corporation or of the Wardle board, shall, at all reasonable times, and shall from time to time produce to such person as the corporation or the Wardle board, as the case may be, shall require all the books, accounts, and vouchers with reference to the Rochdale tramways and undertaking, and to the Wardle tramways and undertaking (but not further or otherwise) 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 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 of the Act confirming the said Order, or within six months thereafter, give notice to the Promoters of their intention to purchase the undertaking aforesaid, the corporation shall pay to the Promoters a sum equal to the expended capital 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 Rochdale tramways 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, 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

A.D. 1882.

Manchester, &c.

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 Wardle board shall, under the provisions herein-after contained, purchase such portion of the undertaking as is within the 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 Wardle board do not, under the provisions herein-after contained, purchase so much of the undertaking as shall be within the 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 district, and in any event the corporation shall not be entitled to acquire the portion in the district unless and until they also purchase the portion in the borough.

Provided also, that if the corporation and the Wardle board respectively purchase the tramways within the borough and the district respectively, which are authorised by the Rochdale Tramways Order, 1881, they shall also respectively purchase, and the Promoters shall sell to the corporation and Wardle board respectively, the tramways within the borough and the district respectively which are by the foregoing Order authorised; and provided also,

that nothing herein contained shall be construed to make it obligatory on the Promoters to sell to the corporation or the Wardle board respectively so much of the tramways within the borough and the district respectively as are authorised by the foregoing Order, unless the corporation and the Wardle board respectively purchase the tramways mentioned in the last preceding clause authorised by the Rochdale Tramways Order, 1881.

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 Wardle board shall be authorised to acquire so much of the undertaking as shall be within the district, the Promoters shall, subject to the provisions herein-after contained, if thereunto required by the Wardle 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 as shall be within the district, upon the terms following; that is to say,

If the Wardle 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 as shall be within the district, the Wardle board shall pay to the Promoters a sum equal to so much of the expended capital as shall have been expended within the district, and such proportion of the then liabilities of the Promoters as the capital expended within the 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 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 Wardle 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 as shall be within the district, the Wardle board shall pay to the Promoters a sum equal to so much of the expended capital as shall have been expended within the district, and such proportion of the then liabilities of the Promoters as the capital expended within the district shall bear to the whole of the expended capital, together with a like proportion of the said additional sum of money sufficient to

A.D. 1882.

Manchester, &c.

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 Wardle board shall purchase so much of the undertaking as shall be within the 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 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 Wardle board, and it shall be obligatory on the Wardle 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 undertaking as shall be within the district, and the Promoters shall thereupon immediately inform the corporation of the notice they may receive from the Wardle board and furnish to the corporation a copy thereof.

If the Wardle board shall fail to give such notice to the Promoters within two months from the receipt of the aforesaid notice from them, the Wardle board shall be considered to have waived their right to purchase so much of the undertaking as shall be within the district. If the Wardle board shall give notice that they desire to purchase so much as aforesaid of the undertaking as shall be within the 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 Wardle board and the corporation shall complete the respective purchases of the undertaking within the borough and the 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 Wardle board to carry out and complete the purchase of so much of the undertaking as shall be within the district; but this shall not prejudice the right of the Wardle board to purchase so much of the undertaking as shall be within the district or of the corporation to purchase so much of the undertaking as shall be within the borough, or (in the event of the Wardle board not electing to purchase the portion in the district as herein-before provided) the undertaking at any subsequent period, and subject to the provisions of the foregoing Order in all respects as 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 Wardle board or the corporation, as the case may be, as

herein-before set forth, shall purchase so much of the undertaking as shall be within the district.

The costs and expenses of the transfer of so much of the undertaking and works as shall be within the district shall, if the Promoters are required to transfer the same to the Wardle board within the said period of twenty-one years, be paid by the Wardle board.

In the event of the Wardle board purchasing so much of the undertaking as shall be in the district as aforesaid, and of the corporation not at the same time purchasing the remaining portion of the undertaking, the Wardle 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 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 undertaking or any part of the same 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 undertaking, and with the consent of the corporation and the Wardle board 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 or the Wardle board.

If any dispute or difference shall arise between the Wardle 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.

SCHEDULE D.

Additional Provisions for the Protection and Benefit of the Corporation of Heywood.

1. In this Schedule the expression "undertaking," when used with reference to a purchase by the Heywood Corporation (in this Schedule called "the corporation"), shall mean and include the Heywood tramways as defined in the foregoing Order, about to be purchased by them, and all lands, stables, buildings, sheds, engines, carriages, rolling stock, horses, fixed and movable plant,

A.D. 1882.

Manchester, &c.

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 Heywood 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, and the expression "the borough" means the borough of Heywood.

Separate accounts to be kept as to undertaking within the borough.

The Promoters shall keep separate accounts of the capital expended on the undertaking within the borough.

Copies of Promoters' half-yearly balance sheets to be furnished to the corporation.

2. A copy of every half-yearly balance sheet of the accounts of the Promoters (so far as the same relate to the borough) 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.

Promoters to produce their books, &c. to corporation.

3. The Promoters, on the request of the corporation shall, at all reasonable times, and shall from time to time, produce to such person as the corporation shall require all the books, accounts, and vouchers with reference to the Heywood tramways and undertaking (but not further or otherwise), and permit such person to take such copies of and extracts from such books and accounts as he may think fit.

Powers of corporation 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, 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 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 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 Heywood tramways 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, 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 the undertaking, 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 the undertaking, 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:

The costs and expenses of the transfer to the corporation of the undertaking, shall, if the Promoters are required to transfer the undertaking 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 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 Heywood 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.

A.D. 1882.

Walsall.

WALSALL AND DISTRICT TRAMWAYS.

Order authorising the Construction of Extension Tramways in the Borough of Walsall and Parish of Wednesbury, in the County of Stafford, and amending the Walsall and District Tramways Order, 1880.

Short title.

1. This Order may be cited as "The Walsall and District Tramways Order, 1882."

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 borough of Walsall.

The expression "the Order of 1880" shall mean the Walsall and District Tramways Order, 1880.

The term "person" shall include a corporation.

Promoters.

Promoters.

4. Frederick Charles Winby of No. 1, College Street, Nottingham, civil engineer, and Gustavus Palmer Harding, of No. 5, Austin Friars, in the city of London, merchant, 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, 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 under the authority of this Order.

Construction of Tramways.

A.D. 1882.

Walsall.

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"), the tramways herein-after described, with all proper rails, plates, offices, stables, engine-houses, 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 Wednesbury, in the county of Stafford, and partly in the township of the foreign of Walsall, in the parish of Walsall, commencing at the termination of the tramways authorised by the Wednesbury and West Bromwich Tramways Order, 1881, at the point of junction of the Holyhead Road and Bridge Street, in the parish of Wednesbury, and continuing in a northerly direction along Lower High Street, through Wednesbury Market Place, Walsall Street, Oakswell End, Wood Green, and the Wednesbury Road, and terminating at the Pleck in the Wednesbury Road, in the township of the foreign of Walsall, in the parish of Walsall, at the junction of that road with the Darlaston Road, and joining the tramways authorised by the Walsall and District Tramways Order, 1880.

Tramway No. 1 shall be a double line throughout except at the following places, where it shall be a single line, viz.:—

In Wednesbury.

From a point in Wood Green 1·1 chains north of Windmill Street, and distant 4 furlongs 4 chains from the commencement of the tramway to a point in Wood Green 14 chains north of such last-mentioned point.

From a point 6·40 chains north of the last-mentioned single line to another point 9·50 chains north of such last-mentioned point in Wood Green.

From a point 8·54 chains north of the last-mentioned single line to another point 2·94 chains north of the last-mentioned point.

In Wednesbury and Walsall.

From a point 19·10 chains north of the last-mentioned single line to another point 14 chains north of the last-mentioned point.

In Walsall.

From a point 6·22 chains from the last-mentioned single line to another point 2·20 chains north of the last-mentioned point.

Provided that Tramway No. 1 shall not be laid in Lower High Street and Walsall Street without the consent in writing of two thirds of the owners and occupiers of the houses, shops, and warehouses abutting upon those parts of the

A.D. 1882.

Walsall.

road where for a distance of thirty feet or upwards a less space than nine feet six inches will intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway, and provided also that such double line be so laid that only one line can be used at one and the same time.

The length of Tramway No. 1 is 1 mile 7 furlongs 8·28 chains, the total length of the double portions being 1 mile 3 furlongs 5·64 chains, and the total length of the single portions being 4 furlongs 2·64 chains.

Tramway No. 2, wholly in the parish of Walsall, in the township of the foreign of Walsall, in the county of Stafford, partly in double and partly in single line, and commencing at the termination of Tramway No. 2 authorised by the Walsall and District Tramways Order, 1880, and continuing from such point generally in a northerly direction along the High Street, Bloxwich, and terminating in High Street, Bloxwich, at the junction of that street with Station Street, the double and single portions of which tramway shall be as follows :—

No. 2A. A single line in High Street, Bloxwich, commencing at the termination of the tramway authorised by the Order of 1880, and terminating at a point a chain and a half south of the junction of Holly Lane with the High Street, Bloxwich.

No. 2B. A double line, commencing at the termination of the last-mentioned portion, and terminating at a point a chain and a half north of the last-mentioned junction.

No. 2C. A single line, commencing at the termination of the last-mentioned portion, and terminating at a point two chains south of the termination of Tramway No. 2.

No. 2D. A double line, commencing at the termination of the last-mentioned portion, and terminating at the termination of Tramway No. 2.

The three last-mentioned portions will be situate in High Street, Bloxwich.

The length of Tramway No. 2 is 20·80 chains, the total length of the double portions being five chains, and the total length of the single portions being 15·80 chains.

Which said intended tramways and works will pass or be made from, through, or into, or be situate in the several parishes and places following, or some of them (that is to say) :—

Foreign of Walsall, parish of Walsall, borough of Walsall, and parish of Wednesbury, all in the county of Stafford.

Gauge of tramways.

7. The gauge of three feet six inches shall be the prescribed gauge for the tramways authorised by this Order, and the Order of 1880 shall be read and construed as though such gauge had been thereby authorised where the Promoters think fit to adopt the same instead of the gauge of three feet prescribed by section fifteen of the said Order : 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 authorised by this Order or by the Order of 1880 ; but no carriage used on the said tramways shall exceed six feet in width.

Provisions as to construction of tramways.

8. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, 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 tramways shall be constructed with two grooved rails, and shall be such as the Board of Trade may approve; and the Board of Trade may, from time to time, upon the application of the road authority of any district in which the tramways, or any portion thereof, are or is situate, require the Promoters to adopt and apply such improvements in the tramways within such district, including the rails thereof as experience may, from time to time, suggest, having regard to the greater security of the public and advantage to the ordinary traffic, and the Promoters shall, with all reasonable despatch, comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Penalty for not maintaining rails and road in good condition.

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

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

A.D. 1882.

Walsall.

and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are herein-before imposed with respect to offences.

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

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: Provided always that no passing place in any district shall exceed three chains in length, except with the consent of the road authority of such district.

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, engine houses, carriage houses, sheds, or works of the Promoters, subject to the approval of the road authority. Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if any owner or occupier of premises abutting on the place where such rail is proposed to be laid by writing under his hand addressed to the Promoters express his objection thereto.

Provided also that the Promoters shall, when required by the road authority by notice in writing, take up and remove any crossing, passing place, siding, or junction, and substitute therefor another crossing, passing place, siding, or junction, upon a site indicated in such notice, but the Promoters shall not be required to comply with any such requisition unless the substituted site shall be in such a position as to enable the Promoters properly to work the tramways, and so that more than nine feet six inches shall intervene between the outside of the footpath and the nearest rail of the crossing, passing place, siding, or junction proposed to be laid in such substituted site, unless in the latter case the road authority shall procure the consent of two thirds of the owners and occupiers of the houses, shops, and warehouses abutting upon that part of the road where such distance does not intervene.

Temporary tramways may be made when necessary.

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

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

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

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, but only if and so far as the road authority may deem them satisfactory and proper, may be applied by the Promoters, so far as may be necessary, in or towards the reinstating of such road, and the maintenance for six months, after completion of any of the tramways within the district of such road authority, of so much of the roadway on either side of such tramways as the Promoters are by this Order required to maintain, and at such place or places within the district of such road authority (at a not greater distance than half a mile) as such surveyor may appoint, 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.

For protection of the corporation of Walsall.

16. For the protection and benefit of the Corporation, the following provisions shall have effect with respect to so much of the tramways and of the undertaking as is situate within or relates to the borough of Walsall.

(*a.*) Each line of tramway shall consist of a single pair of grooved rails, and shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road without loose or moveable points (except with the consent of the Corporation), and in such other manner as regards construction, rails, sleepers, fastenings, width of groove, foundations, and in all other respects as the Corporation, with the consent of the Board of Trade, may approve; and in laying down the tramways the Promoters shall restore the level of the roads and streets in all cases where the same are altered or disturbed.

A.D. 1882.

Walsall.

(*b.*) In constructing the tramways the Promoters shall pave with sets of a paving material (other than wood), and of a quality and size not less than five inches in depth, to be from time to time prescribed by the corporation, so much of the roads in which the tramways are to be laid down as is between the rails, and for a distance of one foot and six inches measured from the outside of each rail in the direction of the kerb, and shall at all times maintain and keep in good condition and repair such part of the roads so paved to the reasonable satisfaction of the Corporation or their surveyor. Provided always that the Corporation and the Promoters may at any time, by agreement, vary, alter, or repeal the obligation herein contained.

If at any time any such part of the roads in which the tramways are to be laid down as is herein-before required to be maintained and kept in good condition and repair by the Promoters shall, in the judgment of the Corporation, be not maintained and kept in such good condition and repair, and shall so remain out of good condition and repair for the space of seven days after notice given by the Corporation to the Promoters, then it shall be lawful for the Corporation to repair and amend the same, and to recover the cost incurred by them in so doing from the Promoters in the same way as if such costs had been a penalty incurred by the Promoters under the Tramways Act, 1870, and it shall be lawful for the Corporation to stop the traffic along the tramways where such road shall be out of good condition and repair until such road shall have been put into good condition and repair.

(*c*) So much of section twenty-six of the Tramways Act, 1870, as provides that the Promoters shall not do certain things therein mentioned except under the superintendence and to the reasonable satisfaction of the road authority, unless that authority refuse and neglect to give such superintendence at the time specified in the notice, or discontinue the same during the works, and that the Promoters shall pay all reasonable expenses to which the road authority is put on account of such superintendence, shall extend and apply also to the works in the sections twenty-seven and twenty-eight of the said Act mentioned, and to all other works of every description affecting any road, sewer, or other works or property of or under the control or jurisdiction of the corporation.

(*d.*) Nothing in this Order contained shall obstruct, hinder, prejudice, or prevent the Corporation from breaking up any street or road for the purpose of laying down, cleansing, or repairing sewers, drains, pipes, or for any other purpose for which they are authorised to break up any street within the borough, and for that purpose of stopping the traffic along the tramways respectively, and any extra cost incurred by the Corporation in so doing and in restoring the surface of any street and any of the tramways by reason of such tramways being laid down shall be paid by the Promoters to the Corporation, and in default of such payment shall be recoverable by the Corporation from the Promoters in the

same way as if such cost had been a penalty incurred by the Promoters under the Tramways Act, 1870.

(*e.*) In the exercise of the powers conferred on the Promoters by this Order they shall do as little damage as may be, and shall make compensation to the Corporation for all damage sustained by the Corporation by reason or in consequence of the exercise of those powers or any of them.

(*f.*) All costs and expenses incurred by the Corporation in connexion with or incident to the arrangement between the Promoters and the Corporation in relation to this Order, and in relation to the obtaining of this Order and the passing of the Act confirming the same, shall be paid by the Promoters within three months after the passing of the Act confirming this Order.

For protection of local board of Wednesbury.

17. For the protection and benefit of the local board of health for the district of Wednesbury, in the county of Stafford, the following provisions shall have effect with respect to so much of the tramways and of the undertaking as is situate within or relates to the said district.

(*a.*) Subject to the preceding provisions of this Order the mode of laying down such tramways and the forms of the rails, sleepers, fastenings, and grooves, if any, shall, unless the Board of Trade shall otherwise direct, be such as the said local board shall approve, but so that the mode and form shall be the same throughout the whole length of such tramways; and in case of difference between the said local board and the Promoters they shall be such as the Board of Trade shall determine.

(*b.*) The provisions of section twenty-eight of the Tramways Act, 1870, and of this Order, with respect to the paving and maintaining certain portions of the roadways whereon such tramways are laid, shall extend to the whole width of any roadway where it is proposed that a less space than nine feet six inches shall intervene between the outside of the footpaths on either side of the road and the nearest rail of the tramway.

(*c.*) Subsections two, three, and four of section twenty-six of the Tramways Act, 1870, shall extend and apply to the works referred to in sections twenty-seven and twenty-eight of the said Act, and to all other works of every description affecting any sewer or gas or water main, or other works or property of or under the control or jurisdiction of any local authority.

(*d.*) The said local board within the said district may cleanse any road without reference to such tramways, but whatever cleansing owing to snow or other matter impeding the traffic is requisite for the proper working of such tramways shall be executed by the Promoters at their own risk and cost, who shall in performing the same remove the snow or other matter to such part of the road as the said local board may reasonably prescribe.

(*e.*) The sole responsibility of maintaining and working such tramways free from damage or accident shall rest with the Promoters, and they shall have no claim whatever for any damage which may arise from any work executed or to be executed by the said local board or from the use of any

A.D. 1882.

Walsall.

implements or materials they may use in the maintenance thereof, except where such damage results from wilful negligence in the execution of such works or in the use of such implements or materials.

(*f.*) The Promoters shall, except as by this Order otherwise provided, pay to the said local board, on demand, the amount of all reasonable costs, charges, and expenses incurred by the said local board in relation to this Order, and the preparation of any agreements entered into between them and the Promoters as to this Order, and to the application for and obtaining this Order, and to the confirmation thereof by Act of Parliament, including parliamentary agents and counsel's fees, and all costs, charges, and expenses incurred by the said local board in connexion with or in opposing the said Order, either with a view to obtaining the insertion in this Order of any provisions or otherwise.

Promoters to make deposit before opening roads within Wednesbury district.

(*g.*) Before the Promoters open or break up any road within the district of the said local board, they shall deposit the sum of five hundred pounds in the Birmingham and Midland Bank, Limited, at Wednesbury, to a joint account in the names of the said local board and the Promoters. The sum so to be deposited shall from time to time during the progress of the works be paid out to the Promoters in the proportion of fifty pounds per centum on the value of the works in the said district which at the time of making such payments respectively have been properly executed, such valuation to be ascertained by writing under the hand of the surveyor for the time being of the said local board. The sum of five hundred pounds so to be deposited shall at the request of the Promoters, but at their risk, be invested in such securities as the said local board approve, and the interest thereon shall be payable to the Promoters.

For protection of London and North-western Railway Company.

18. The following provisions for the protection of the London and North-western Railway Company shall have full force and effect, and be binding upon the Promoters and their assigns.

(1.) The Promoters shall not in any way vary, alter, or interfere with the structure of any bridge carrying any road over any railway of the said Railway Company or of the approaches thereto, and they shall so construct and maintain the tramways over such bridge and such approaches as not injuriously to affect the same.

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

(3.) Whenever and so often as the said Railway Company shall require to widen, lengthen, strengthen, reconstruct, alter, or repair any such bridge or approaches, or to widen or alter their railways, or to lift or support any such bridge or approaches owing to the subsidence thereof, caused by the minerals thereunder having been or being worked or gotten, and they shall find it necessary for effecting any of such purposes, that the working and user of any of the tramways over such bridge or approaches shall be wholly or partly stopped or delayed, or that such tramway shall be temporarily diverted, or be wholly or in part taken up or removed and shall, except in cases of emergency, give to the Promoters three clear days notice in writing requiring such stoppage, delay or diversion, taking up or removal, the working and user of such tramway shall be stopped or delayed, or such tramway shall be diverted or taken up or removed accordingly, at the expense of the Promoters, and under the superintendence of the engineer of the said Railway Company if such engineer shall give such superintendence, but only for so long as the said Railway Company may find to be absolutely necessary for effecting such purposes, and without their being liable for any compensation claims, demands, damages, costs, or expenses for or in respect of such stoppage or delay, or in any way relating thereto; and in case the principal engineer of the said Railway Company shall be of opinion that any such strengthening, alteration, or reconstruction of any bridge which shall be crossed by any of the tramways by this Order, or by the Order of 1880, authorised, is desirable or necessary, owing to the carriages or other vehicles on any such tramway being, or being intended to be, moved by steam or mechanical power, such strengthening, alteration, or reconstruction shall be effected in all things at the expense of the Promoters, who shall also pay to the said Railway Company all additional expense which they may incur or be put to in effecting any such widening, lengthening, strengthening, reconstruction, alterations, repairs, lifting, or supporting, by reason of the existence of such tramway so passing, or any of the works connected therewith, the amounts of such expenditure to be recoverable as aforesaid by the said Railway Company from the Promoters with full costs and charges by all and the same means as any simple contract debt of the like amount may be recovered.

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

(5.) All works which may be necessary in constructing and maintaining any of the tramways over any bridge, works, or property of the said Railway Company shall be constructed and maintained in all things at the expense of the Promoters, and to the reasonable satisfaction of the principal engineer of the said Railway Company, or, in case of difference, of an engineer to be appointed by the Board of Trade on the application of either the said Railway Company or the Promoters in the manner provided by section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

A.D. 1882.

Walsall.

(6.) Nothing contained in this Order shall prejudice, lessen, take away, or interfere with the lands, property, rights, powers, and privileges of the said Railway Company otherwise than is hereby expressly provided.

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.

Motive Power.

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

20. The carriages used on the tramways may, subject to the provisions of this Order, be moved by animal power, and the carriages used on the Tramway No. 1 from a point in the Market Place, Wednesbury, 1 chain 70 links south of the junction of Walsall Street with High Street to the Pleck, and with the consent in writing of the Board of Trade from the commencement of Tramway No. 1 to the said point in the Market Place, may, subject to the provisions of this Order, and with the consent in writing of the road authority of the district within which such portion of tramway No. 1 is situate during a period of seven years after the opening of the same for public traffic, and with the consent of such road authority and 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, 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.

21. 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.

22. 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 on 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 limiting the number of carriages for the conveyance of animals, goods, minerals, and parcels when such carriages are to be drawn or propelled by steam or any mechanical power, and the hours during which such carriages shall be used on such tramways.

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.

23. 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.

24. 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 so prescribed.

Orders and byelaws to be signed, &c.

25. 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.

A.D. 1882.

Walsall.

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

26. Where the Promoters or any person intend or intends to use steam or any mechanical power under the authority of this Order on any of the 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 tramways or any part thereof on which they or he intend to use such powers are or is situated.

Where at the time of the giving of any such notice any contract, agreement, or arrangement between the Promoters or such person and such road authority is in force with respect to the user by the Promoters or such person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or any 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 on 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.

27. Where steam or any mechanical power is used by the Promoters or any person on the tramways, or any part thereof, no contract, agreement, or arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid, between the Promoters or such person and any road authority, with respect to the user by the Promoters or such person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which 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 upon Tramways.

Traffic upon tramways.

28. The tramways within any district may be used for the purpose of conveying passengers, and, with the consent of the road authority of such district, animals, goods, minerals, and parcels.

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

29. The Promoters shall not, except as by this Order otherwise provided, 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.

30. 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.

Carriages used within borough of Walsall to be subject to approval of Corporation.

31. The carriages to be used on the tramways within the borough of Walsall shall, subject to the provisions of the Tramways Act, 1870, and this Order, be of such width and construction, and the wheels of the carriages shall

A.D. 1882.

Walsall.

be of such construction, form, and dimensions, as may from time to time be approved by the Corporation in writing, certified under the hand of their town clerk, and it shall not be lawful for the Promoters to use on any of the tramways any carriage or wheel in contravention of the foregoing provisions.

Suspension of traffic by order of the local authority.

32. The local authority of any district in which any of the tramways are situate may at any time and from time to time by giving twenty-four hours previous notice in writing to the Promoters, absolutely stop, delay, or suspend the working of the tramways, in any of the roads within such district for police purposes, regulating and facilitating traffic on any public occasion or demonstration, for the execution of any works or repairs by such local authority, or by any water company, or during the continuance of any market or fair, or for any purpose which such local authority in the exercise of their powers for the good government of such district or the safety of the public deem necessary, such stoppage, delay, or suspension to continue only so long as may be reasonably necessary for the purposes aforesaid, or either of them, and the Promoters shall not be entitled to claim, nor shall such local authority be liable to pay, any compensation or damage in respect thereof.

Twelve carriages to be run each way on Tramway No. 1.

33. The Promoters at all times after the opening for public traffic of tramway No. 1 shall and they are hereby required to run a carriage at least twelve times each way along the said tramway at suitable intervals between six o'clock in the morning and ten o'clock at night on each working day, but the Corporation may from time to time and for such time as they may think fit, authorise the Promoters to run carriages along the said tramway a less number of times, and in all cases not more than one carriage shall be run at a time unless with the consent of the Corporation: Provided always, that in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of carriages along Tramway No. 1, the said Board shall have power to fix and regulate the same from time to time.

Tolls.

Toll for passengers.

34. 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 any integral number of miles shall be deemed a mile); but the Promoters may charge for any less distance than two miles any sum not exceeding twopence.

Passengers luggage.

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

36. The Promoters, at all times after the opening of the tramways or any part or parts thereof for public traffic, shall and they are hereby required to run at least two carriages each way every morning in the week and evening except

Saturday 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, and on Saturday afternoon between the hours of one and three in the afternoon, 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.

37. The Promoters may demand and take in respect of any animals, goods, minerals, or parcels conveyed by them on the tramways, except as is by this Order specially provided, including the tolls and charges for the use of the tramways, and 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 B. to this Order annexed, subject to the regulations therein contained.

Payment of tolls.

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

Periodical revision of tolls.

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

Proof of byelaws.

40. The production of a written or printed copy of any byelaw made under the authority of this Order, purporting to be signed by a secretary or an assistant secretary of the Board of Trade, shall, without proof of the signature of

A.D. 1882. *Walsall.*

such secretary or assistant secretary, be primâ facie evidence of the existence of such byelaws, and that all preliminaries requisite to the making and operation thereof have been duly observed and fulfilled.

Form and delivery of notices.

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

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

Extension of time for completion of tramways authorised by Order of 1880.

42. The period within which the tramways authorised by the Order of 1880 shall be completed and opened for public traffic, which period was extended by a certificate of the Board of Trade to the twenty-sixth day of August 1882, is hereby further extended to the twenty-sixth day of August 1883, and the Order of 1880 shall be read and construed as if such period so extended by this Order were the period prescribed by the Order of 1880.

Power to Corporation of Walsall to make byelaws.

43. The powers of the Corporation under the Tramways Act, 1870, with respect to the making of regulations and byelaws as to the matters and for the purposes therein mentioned, and to repeal or alter such byelaws, and make new byelaws, shall extend and apply to the following matters and purposes with respect to the tramways within the borough of Walsall, namely:—

(1.) Prohibiting the stopping of carriages to take up and set down passengers or for any other purpose, and the entry or leaving of any carriage in any place which the Corporation, having regard to the protection, safety, or convenience of the public, may from time to time deem necessary;

(2.) Empowering the Corporation to cause to be removed from the said tramways any carriage or horse which shall be certified by an officer appointed by the Corporation to be unfit for use on the said tramways; and,

(3.) Prescribing from time to time the break power to be applied to the carriages used on the said tramways, and whether more than one carriage shall be used on the said tramways at one time.

Purchase of tramways by Corporation of Walsall.

44. The powers of purchase given by the forty-third section of the Tramways Act, 1870, may be exercised by the Corporation as to so much of the undertaking as lies within or relates to the borough of Walsall, at any time after the expiration of twelve years, and before the expiration of twenty-one years from the passing of the Act confirming this Order, upon six months notice in writing being given by the Corporation to the Promoters, notwithstanding that the periods of twenty-one years or of seven years mentioned in the said section, or either of them, may not have elapsed.

Agreements between Promoters and road authorities.

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

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

46. 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, upon such terms and conditions as may be agreed upon between the Promoters, or such person and such other person.

Provisions as to arbitration.

47. Where under the provisions of the Tramways Act, 1870, the Order of 1880, or this Order, any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties; and the costs of and incidental to the arbitration and award shall, if either party so requires, be taxed and settled as between the parties by any one of the taxing masters of the High Court of Justice; and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters; and all those enactments, including the enactments relating to the taking of fees by means of stamps, shall extend to the fees in respect of the said taxation.

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

48. 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.

49. 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 the provisions of this Order, and that any mortgage granted by the Promoters shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking or such part being purchased by the local authority under section forty-three of the Tramways Act, 1870, or under the provisions of this Order, and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Saving for general Acts.

50. Notwithstanding anything in this Order contained, the Promoters and any person using the tramways shall be subject and liable to the provisions of

A.D. 1882.

Walsall.

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.

SCHEDULES.

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	0	3
For every ox, cow, bull, or head of cattle	0	3
For every calf, pig, sheep, or small animal	0	2
Goods and Minerals.		
For all coals, culm, cannel, limestone, chalk, lime, slates, clay, ironstone, undressed or scabbled stones for building, pitching, and paving, slag, stone, salt, sand, cinders, and all undressed materials for the repair of public roads - per ton	0	3
For all iron, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, wrought iron, not otherwise specially classed herein, and for heavy iron castings (including railway chairs) tiles, bricks, coke, charcoal, dung, manure, and compost per ton	0	4
For all timber or wood - per ton	0	3
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings - per ton	0	5
For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters, or things - per ton	0	6
For every carriage of whatever description	1	0

	Any Distance. s.	d.
Small Parcels.		
For any parcel not exceeding in weight seven pounds	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 but not exceeding five hundred pounds in weight the Promoters may demand and take any sum they think proper.		

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

A.D. 1882.

Walsall.

Single Articles of great Weight. Any Distance.

	s.	d.
For any 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 per ton	3	0
For any single piece of timber, stone, machinery, or other single article, the weight of which with the carriage exceeds eight tons, the Promoters may demand such sum as they think fit.		

Regulations as to Tolls.

In respect of tolls and charges for animals, goods, and minerals, the Promoters may demand and take for any less distance than three miles 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 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 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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