CHAPTER cvii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Barrow-in-Furness Tramways, North Birmingham Tramways, and South Birmingham Tramways. A.D. 1884.

[14th July 1884.]

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:

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: 33 & 34 Vict. c. 78.

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, 1884. Short title.

2. The several Orders set out in the Schedule to this Act 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 validity and effect. Confirmation of Orders in Schedule.

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SCHEDULE OF ORDERS.

1. Barrow-in-Furness Tramways.—Order authorising the construction of tramways in the borough of Barrow-in-Furness, in the county of Lancaster.

2. North Birmingham Tramways.—Order authorising the construction of tramways in the parishes of Birmingham and Aston, in the county of Warwick; and amending the North Birmingham Tramways Order, 1883.

3. South Birmingham Tramways.—Order authorising the construction of tramways in the parish of Edgbaston, in the county of Warwick, and in the parish of Yardley, in the county of Worcester; and amending the South Birmingham Tramways Order, 1883.

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BARROW-IN-FURNESS TRAMWAYS.

Order authorising the construction of Tramways in the borough of Barrow-in-Furness, in the county of Lancaster.

Short title.

1. This Order may be cited as "The Barrow-in-Furness Tramways Order, 1884."

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

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

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

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

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

The term "carriage" includes truck: and

The term "person" includes a corporation.

Promoters.

The Promoters.

4. The Barrow-in-Furness Tramways Company (Limited) shall, except where otherwise specially provided by this Order, 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 five acres of land.

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited for the purposes of this Order, the tramways herein-after described, with all proper rails, chairs, plates, sleepers, turnouts, crossings, junctions, passing-places, weigh-bridges, weighing-machines, hydrants, offices, workshops, sheds, stables, carriage-houses, engine-houses, warehouses, works, and conveniences connected therewith or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are—

Tramway No. 1.—A tramway one mile four furlongs 9·94 chains in length, consisting of one mile two furlongs 4·40 chains of single line and two furlongs 5·54 chains of double line, commencing on the south-east side of Ramsden Square at its junction with Duke Street, passing thence in a northwardly direction across the said square, and thence in a north-eastwardly direction into and along Abbey Road, and terminating therein at a point opposite the carriage entrance to Prior's Lea.

Tramway No. 2.—A tramway three furlongs 4·23 chains in length, consisting of two furlongs 8·23 chains of single line and six chains of double line, commencing on the north-east side of Ramsden Square by a junction with

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Tramway No. 1 at a point sixty-four yards or thereabouts from the commencement of that tramway, passing thence in a westwardly direction across the said square, and thence in a north-westwardly direction into and along Duke Street and in a northwardly direction along Walney Road, and terminating therein at a point six yards or thereabouts north-eastward from Duke Street.

Tramway No. 3.—A single-line tramway 2 · 55 chains in length, commencing in Walney Road by a junction with Tramway No. 2 at a point eight yards or thereabouts from the termination of that tramway, passing thence in a southwardly direction along Walney Road, and terminating therein at a point fifty-six yards or thereabouts from the commencement of the tramway.

Tramway No. 4.—A single-line tramway 1 · 42 chains in length, commencing in Duke Street by a junction with Tramway No. 2 at a point two yards or thereabouts south-eastward from Bessemer Street, passing thence in a south-westwardly direction along Duke Street and into and along Walney Road, and terminating therein by a junction with Tramway No. 3 at a point eleven yards or thereabouts from the termination of that tramway.

Tramway No. 5.—A single-line tramway 3 · 06 chains in length, wholly in Ramsden Square, commencing by a junction with Tramway No. 1 at a point sixteen yards or thereabouts from the commencement of that tramway, passing thence in a north-westwardly direction across the said square, and terminating by a junction with Tramway No. 2 at a point fifty-one yards or thereabouts from the commencement of that tramway.

Tramway No. 6.—A single-line tramway 3 · 92 chains in length, commencing in Ramsden Square at the commencement of Tramway No. 1, passing thence in a westwardly direction across the said square into and thence along Abbey Road, and terminating therein at a point twenty-two yards or thereabouts south-westward from the south-west side of the said square.

Tramway No. 7.—A single-line tramway 2 · 90 chains in length, wholly in Ramsden Square, commencing by a junction with Tramway No. 6 at a point twenty-two yards or thereabouts from the termination of that tramway, passing thence in a northwardly direction across the said square, and terminating by a junction with Tramway No. 2 at a point sixty-three yards or thereabouts from the commencement of that tramway.

Tramway No. 8.—A tramway two furlongs and · 72 of a chain in length, consisting of 8 · 90 chains of single line and one furlong 1 · 82 chains of double line, commencing in Duke Street at the commencement of Tramway No. 1, passing thence in a south-eastwardly direction along the said street, and terminating therein at a point forty-four yards or thereabouts south-eastward from Market Street.

Tramway No. 9.—A tramway one mile one furlong and · 10 of a chain in length, consisting of seven furlongs 1 · 10 chains of single line and one furlong nine chains of double line, commencing in Duke Street at the termination of Tramway No. 8, passing thence in a south-eastwardly

direction along the said street, and in a southwardly direction across Ramsden Street, and in a south-eastwardly direction into and along the Strand to St. George's Square, thence in a north-eastwardly direction across St. George's Square, and into and along Salthouse Road to Roose Road, and thence into and along Roose Road, and terminating therein at a point in line with the east side of Salthouse Lane.

Tramway No. 10.—A tramway four furlongs 1·38 chains in length, consisting of three furlongs 2·38 chains of single line and nine chains of double line, commencing at the termination of Tramway No. 9, passing thence into and along the centre of a new road in course of construction or about to be constructed by the Corporation of Barrow-in-Furness, in lieu of and generally following the line of the existing Roose Road, and terminating in the centre of the road leading to Roose Farm at a point two hundred and three yards or thereabouts eastward from the centre of the bridge over the Furness Railway near Roose Station.

Tramway No. 11.—A tramway five furlongs 3·70 chains in length, consisting of four furlongs 1·70 chains of single line and one furlong two chains of double line, commencing in Abbey Road by a junction with Tramway No. 1 at a point five yards or thereabouts north-eastward from Rawlinson Street, passing thence in a southwardly direction into and thence along Rawlinson Street to Salthouse Road, and thence in an eastwardly direction along Salthouse Road, and terminating therein by a junction with Tramway No. 9 at a point fifty yards or thereabouts eastward from the Furness Railway Company's chimney in Salthouse Road.

Tramway No. 12.—A single-line tramway one furlong 2·20 chains in length, commencing in Rawlinson Street by a junction with Tramway No. 11 at a point five yards or thereabouts south-eastward from Lower Ramsden Street, passing thence in a northwardly direction into and thence along Lower Ramsden Street, and terminating therein at the entrance to the Corporation Store Yard.

Tramway No. 13.—A single-line tramway ·72 of a chain in length, commencing in Rawlinson Street by a junction with Tramway No. 11 at a point four yards or thereabouts north-westward from Lower Ramsden Street, passing thence in an eastwardly direction into and thence along Lower Ramsden Street, and terminating therein by a junction with Tramway No. 12 at a point six yards or thereabouts north-eastward from Rawlinson Street.

Tramway No. 14.—A tramway two furlongs 3·30 chains in length, consisting of two furlongs and ·30 of a chain of single line and three chains of double line, commencing in Rawlinson Street by a junction with Tramway No. 11 at a point six yards or thereabouts south-eastward from Cavendish Street, passing thence in a westwardly direction into and thence along Cavendish Street to Duke Street, and thence in a southwardly direction into and along Duke Street, and terminating therein by a junction with Tramway No. 8 at a point six yards or thereabouts south-eastward from Cavendish Street.

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Tramway No. 15.—A single-line tramway one chain in length, commencing in Rawlinson Street by a junction with Tramway No. 11 at a point six yards or thereabouts north-westward from Cavendish Street, and passing thence in a southwardly direction into and along Cavendish Street, and terminating therein by a junction with Tramway No. 14 at a point six yards or thereabouts south-westward from Rawlinson Street.

Tramway No. 16.—A single-line tramway 1·05 chains in length, commencing in Duke Street by a junction with Tramway No. 8 at a point six yards or thereabouts north-westward from Cavendish Street, passing thence in an eastwardly direction into and thence along Cavendish Street, and terminating therein at a point six yards or thereabouts north-eastward from Duke Street.

Tramway No. 17.—A tramway one mile two furlongs 1·90 chains in length, consisting of six furlongs 1·95 chains of single line and three furlongs 9·95 chains of double line, commencing at the termination of Tramway No. 8, passing thence in a southwardly direction into and thence along the centre of a new street and high level bridge in course of construction or about to be constructed by the Corporation of Barrow-in-Furness, thence in a southwardly direction across the bridge leading to and into and along Michaelson Road and Ramsden Dock Road, and terminating therein at the north side of the southward approach from Ramsden Dock Road to the Ramsden Dock Railway Station.

Signals interlocked with the bolts on the movable part of the high level bridge shall be provided by the Promoters; and where the tramway crosses the Furness Railway on the level, signals interlocked with catch points, placed on the dockyard branch of the Furness Railway, shall also be so provided.

Tramway No. 18.—A single-line tramway one furlong and ·60 of a chain in length, commencing in Ramsden Dock Road by a junction with Tramway No. 17 at a point one hundred yards or thereabouts from the termination of that tramway, passing thence in a southwardly direction into and thence along the approach to the Ramsden Dock Railway Station, and terminating by a junction with Tramway No. 17 at the termination thereof.

The tramways throughout shall be laid as single lines, except in the following instances, where they shall be laid as double lines.

Tramway No. 1.

In Ramsden Square and Abbey Road—

(*a.*) For a distance of one hundred yards or thereabouts from the commencement of the tramway.

In Abbey Road—

(*b.*) Between points respectively eleven yards or thereabouts and seventy-seven yards or thereabouts north-eastward from Hartington Street.

(*c.*) Between points respectively one hundred and seventy yards or thereabouts and two hundred and thirty-six yards or thereabouts north-eastward from Holker Street.

(*d.*) Between a point sixty-six yards or thereabouts from and a point in line with the south-west side of Cheltenham Street.

(*e.*) Between points respectively ninety-two yards or thereabouts and one hundred and fifty-eight yards or thereabouts north-eastward from Windsor Street.

(*f.*) Between points respectively twenty-nine yards or thereabouts and ninety-five yards or thereabouts north-eastward from the south-west side of the building called "West Mount."

(*g.*) Between points respectively one hundred and fifty-six yards or thereabouts and two hundred and twenty-two yards or thereabouts north-eastward from Hawcoat Lane.

(*h.*) Between points respectively seventy-seven yards or thereabouts and eleven yards or thereabouts from the termination of the tramway.

Tramway No. 2.

In Duke Street—

(*a.*) Between points respectively sixty-five yards or thereabouts south-eastward and one yard or thereabouts north-westward from the north-west side of Dundonald Street.

(*b.*) Between points respectively eleven yards or thereabouts and seventy-seven yards or thereabouts north-westward from Anson Street.

Tramway No. 8.

In Duke Street—

(*a.*) From the commencement of the tramway to a point twenty-two yards or thereabouts south-eastward from Cavendish Street.

(*b.*) From a point opposite the north-west side of Market Street to the termination of the tramway.

Tramway No. 9.

In Duke Street and the Strand—

(*a.*) Between a point seventy-eight yards or thereabouts north-westward from and a point in line with the south-east side of Ramsden Street.

In the Strand and St. George's Square—

(*b.*) Between points respectively eleven yards or thereabouts north-westward and fifty-five yards or thereabouts south-eastward from the south-east side of the Barrow Harbour Hotel.

In Salthouse Road—

(*c.*) Between points respectively sixty-three yards or thereabouts and three yards or thereabouts westward from the north-east side of School Street.

(*d.*) Between points respectively twenty-six yards or thereabouts and ninety-two yards or thereabouts westward from Marsh Street.

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In Salthouse Road and Roose Road—

(*e.*) Between points respectively thirty-seven yards or thereabouts westward and twenty-nine yards or thereabouts eastward from the west side of the bridge of the Furness Railway Company.

In Roose Road—

(*f.*) Between points respectively seventy-seven yards or thereabouts and eleven yards or thereabouts from the termination of the tramway.

Tramway No. 10.

In Roose Road—

(*a.*) Between points respectively three hundred and six yards or thereabouts and three hundred and seventy-two yards or thereabouts from the commencement of the tramway.

(*b.*) Between points respectively ten yards or thereabouts and seventy-six yards or thereabouts eastward from the centre of the bridge over the Furness Railway near Roose station.

(*c.*) Between points respectively seventy-seven yards or thereabouts and eleven yards or thereabouts from the termination of the tramway.

Tramway No. 11.

In Rawlinson Street—

(*a.*) Between points respectively one yard or thereabouts and sixty-seven yards or thereabouts south-eastward from High Street.

(*b.*) Between points respectively eleven yards or thereabouts and seventy-seven yards or thereabouts south-eastward from Cavendish Street.

(*c.*) Between points respectively seventy-seven yards or thereabouts and eleven yards or thereabouts north-westward from Ramsden Street.

(*d.*) Between points respectively forty-one yards or thereabouts and one hundred and seven yards or thereabouts south-eastward from Lower Lumley Street.

Tramway No. 14.

In Cavendish Street, between points respectively eleven yards or thereabouts and seventy-seven yards or thereabouts south-westward from Dalton Road.

Tramway No. 17.

In the new street or high level bridge, on the bridge over the Furness Railway, and in Michaelson Road.

(*a.*) Between points respectively sixty-six yards or thereabouts from the commencement of the tramway and eighty-six yards or thereabouts southward from Buccleuch Dock Road.

(*b.*) Between points respectively seventy-seven yards or thereabouts and eleven yards or thereabouts northward from Ramsden Dock Road.

In Ramsden Dock Road—

(*c.*) Between points respectively seventy-one yards or thereabouts and five yards or thereabouts westward from Schooner Street.

(*d.*) Between points respectively seventy-one yards or thereabouts and five yards or thereabouts northward from the centre of the bridge carrying the Ramsden Dock Road over the Ramsden Dock station branch of the Furness Railway.

(*e.*) Between points respectively one hundred and eighty-seven yards or thereabouts and two hundred and fifty-three yards or thereabouts southward from the centre of the last-named bridge.

(*f.*) Between points respectively one hundred and eighty-six yards or thereabouts and one hundred and twenty yards or thereabouts from the termination of the tramway.

The aforesaid tramways will be wholly situate in the parish and borough of Barrow-in-Furness, in the county of Lancaster.

Provided that in the event of steam or any mechanical power being used on the tramways the passing-places shall be constructed in such a manner as the Board of Trade may approve.

Gauge of tramways.

7. The tramways shall be constructed on a gauge of four feet: Provided always, that so much of section thirty-four of the Tramways Act, 1870, as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways, and that the engines and carriages used on the tramways shall be six feet three inches in width.

Further 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 the road authority a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein; and the Promoters shall not commence the construction, laying down, maintenance, 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 the road authority; and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act.

As to rails of tramways.

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

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For the protection of the Corporation.

(As to length of passing-places.)

(Promoters may contribute to street improvement.)

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

10. For the protection of the Corporation the following provisions (in addition to all other provisions of this Order and of the Tramways Act, 1870, in which the Corporation are referred to as the local or road authority or are mentioned by name) shall have effect; that is to say,

(A.) No passing-place shall be less than three chains in length.

(B.) The Promoters may contribute to the expense which the Corporation may from time to time incur in respect of any street improvement.

(C.) Whenever any of the tramways is constructed or authorised to be constructed over any manhole or entrance into any sewer of the Corporation, or so close to any such manhole or entrance as to make the use thereof dangerous or inconvenient in the opinion of the Corporation or of their surveyor for the time being, the Promoters shall, if required by the Corporation, construct another manhole or entrance in lieu thereof in such a position and according to such plan as may be approved of by such surveyor, or the Corporation may at their option construct any such manhole or entrance, and recover the cost of so doing from the Promoters.

(Further powers as to maintenance of rails on tramways.)

(D.) If the Promoters, as to any portion of the tramways, fail to comply with any of the requirements of section twenty-eight of the Tramways Act, 1870, or to maintain and keep in good condition and repair to the satisfaction of the Corporation, 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, or the substructure on which the same rest, the Corporation may, after giving to the Promoters forty-eight hours notice in that behalf (and without prejudice to any other remedy), execute and do all works necessary for such maintenance and repair, and for such restoration of the road, as in the said section twenty-eight of the Tramways Act, 1870, or in this Order, is mentioned, and the costs, charges, and expenses of so doing shall be paid to the Corporation by the Promoters.

(Corporation may stop traffic in certain cases.)

(E.) The 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 any of the tramways for the purpose of facilitating traffic during the holding of any markets or fairs, or during the time of any public meeting, procession, or demonstration, or during such time as, in the opinion of the Corporation, the roads or streets upon which any of the 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, and the Promoters shall not have any claim for compensation in respect thereof.

(Corporation may use tramways for certain purposes during certain hours.)

(F.) The Corporation may (subject to any byelaws for the time being in force with respect to the tramways, and subject also as regards Tramways Nos. 17 and 18 to any conditions, restrictions, and reservations which may be imposed by the Furness Railway Company under the provisions of this Order), with their own carriages, at any time between the hours of twelve o'clock at night and five o'clock in the morning, use all or any of

the tramways (except Tramway No. 18, and except so much of Tramway No. 17 as lies between the north-west end of the bridge known as the Ramsden Dock bridge and the termination of the said tramway) for the conveyance of night soil, ashes, rubbish, filth, scavenging stuff, and other refuse, coal, coke, gas pipes, road metal, and other materials required for their works, free of toll, and for this object the Corporation may, subject to such byelaws, conditions, restrictions, and reservations as aforesaid, make such sidings, junctions, or other works as they may from time to time deem expedient, so as to form connexions between the tramways and their depôts and yards: 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 town clerk, express his objection thereto; and the Corporation may, for such purposes, subject to the provisions of this Order, use steam or any mechanical power on the tramways: Provided that in making any such sidings, junctions, or other works as aforesaid, the Corporation, their officers or servants, shall not in any way stop, delay, interfere, or suspend the working of the ordinary traffic upon the tramways or any of them.

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

(G.) The Corporation may cause to be removed from the tramways any carriage, horse, or engine which shall be certified by an officer to be appointed by the Corporation to be unfit for use upon the 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 Corporation: Provided further, that if any dispute shall arise between the Corporation and the Promoters as to the fitness or unfitness of any such carriage, horse, or engine, the same shall be settled by two justices, 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 may be made and enforced in like manner as orders may be made and enforced under the Summary Jurisdiction Acts.

(As to cleansing of roads.)

(H.) The Corporation may cleanse every road in which any of the tramways is laid without reference to such tramway; but whatever cleansing, owing to snow or other matter impeding the traffic, may be requisite for the proper working of such tramway shall be executed by the Promoters, who shall, in performing the same, remove the snow or other matter from off the road forthwith, and without first placing it on any other part of the road.

(Corporation to be deemed promoters of certain tramways, &c.)

(I.) Within six months after the passing of the Act confirming this Order, or so soon thereafter as the same shall be demanded by the Promoters, the Corporation shall and they are hereby authorised to pay to the Promoters

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the costs and expenses of obtaining the rights, powers, and authorities conferred upon the Promoters by this Order with respect to the tramways numbered 12 and 13 respectively. For the purpose of estimating and making such payment the amount of such costs and expenses shall be deemed to bear the same proportion to the amount of the costs and expenses incurred by the Promoters in obtaining the rights, powers, and authorities conferred upon them by this Order as the length of the said tramways numbered 12 and 13 respectively bears to the entire length of the tramways by this Order authorised, and for the purpose aforesaid there shall be deemed to be included in such last-mentioned costs and expenses the amount to be paid to the Corporation by the Promoters under sub-section (o.) of this section, the marginal note whereof is "Certain expenses of Corporation to be paid by Promoters." Upon payment to the Promoters by the Corporation of the amount payable to them under this sub-section all the rights, powers, and authorities conferred by this Order upon the Promoters as to the construction, maintenance, and use of the said tramways numbered 12 and 13 respectively 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 in the first instance been authorised by this Order to construct the said tramways and works, and the Corporation shall as to the said tramways numbered 12 and 13 respectively 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 sub-section out of the borough fund, 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 said tramways numbered 12 and 13 respectively: Provided further, that the Corporation may use the said tramways for the purposes mentioned and set forth in sub-section (F.) of this section, the marginal note whereof is "Corporation may use tramways for certain purposes during certain hours"; but nothing in this section contained shall authorise the Corporation to place or run carriages for any other than the purposes in the said sub-section (F.) mentioned on the said tramways numbered 12 and 13 respectively, or either of them, and to demand tolls or charges in respect of the use of such carriages.

At any time after it shall have been proved to the satisfaction of the Board of Trade that the amount payable to the Promoters under this sub-section

by the Corporation has been paid to them, the Chancery Division of the High Court of Justice shall on the application of the Promoters in a summary way, and on the production of a certificate signed by a secretary or an assistant secretary of the Board of Trade specifying the length of the said tramways numbered 12 and 13, 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 said tramways numbered 12 and 13 respectively bears to the entire length of the tramways by this Order authorised, order such portion of the deposit so specified in such certificate as aforesaid to be paid out or transferred to the Promoters or to be applied as they may direct, and thereupon such portion of such deposit shall be so paid out, transferred, or applied as aforesaid.

(Accounts to be kept of capital expended on undertaking, and summary of such accounts to be made up once a year at least.)

(J.) The Promoters shall keep separate accounts of the capital expended on the undertaking, and of all expenses of working and maintenance, and of all sums received therefrom, and a summary of such accounts shall be made up once a year at least.

(Promoters to produce their books, &c. to Corporation.)

(K.) The Promoters, on the request of the Corporation, shall, at all reasonable times, produce to such person as the Corporation shall require all the books, accounts, and vouchers with reference to the tramways and undertaking, and permit such person to take such copies of and extracts from such books and accounts as he may think fit.

(Power to Corporation to purchase before expiration of 21 years from passing of Act confirming Order.)

(L.) In addition to the powers conferred upon them by section forty-three of the Tramways Act, 1870, the Corporation may, if at any time after the opening for public traffic of the new street and high level bridge in course of construction or about to be constructed by the Corporation (upon which Tramway No. 17, or some part thereof, is by this Order authorised to be laid and maintained), and before the expiration of twenty-one years after the passing of the Act confirming this Order, by resolution passed at a special meeting of the Council, in accordance with the provisions of section forty-three of the Tramways Act, 1870, they so decide, by notice in writing to be delivered at the office of the Promoters, addressed to the secretary of the Promoters, require the Promoters to sell the undertaking to the Corporation, and the Promoters shall at any time after the expiration of six months from the delivery of such notice, upon payment to them by the Corporation of a sum equal to the capital expended upon the undertaking, sell and convey the undertaking to the Corporation, subject to any liabilities which may be properly chargeable to their capital account.

Provided that for the purposes of this sub-section the expression "undertaking" shall mean and include all tramways then in the possession of or authorised to be constructed by the Promoters, 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

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other property of the Promoters appurtenant to or used for the purposes of the said tramways, and the expression "capital expended" shall mean capital properly expended for such undertaking.

After the giving of the notice in this sub-section provided for the Promoters shall not, without the previous consent in writing of the Corporation under the hand of the town clerk, contract, make, or enter into any new liability, contract, agreement, or other obligation, except such as may be in the ordinary course of the proper conduct of the undertaking.

The costs and expenses of the sale and conveyance 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.

The Corporation may pay the purchase-money, and all costs and expenses incurred by them in the purchase of the undertaking, out of the like rate, and shall have the like powers to borrow on the security of the same, as if such purchase were made under the authority of section forty-three of the Tramways Act, 1870.

If the Corporation exercise the power of purchase in this sub-section contained, they shall, if required, by and at the cost of the Promoters, cause to be prepared and executed a lease of the tramways to the Promoters for a term of twenty-one years, at a rent not exceeding five pounds per centum per annum on the cost of the undertaking to the Corporation, and upon such terms and conditions (including a proviso for re-entry on nonpayment of the rent or non-performance of the covenants and conditions thereof) as may be agreed upon between the Corporation and the Promoters, or in default of such agreement as may 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 such lease shall contain a provision for the retention by the Corporation during the continuance of such lease of a reasonable portion of the purchase-money (such portion to be settled, in default of agreement, by the Board of Trade in manner aforesaid) for securing the due performance by the Promoters of the covenants and conditions of such lease, and the amount of the rent payable under such lease shall be reduced by the amount of the interest on the sum retained at the rate aforesaid: Provided also, that such lease shall be granted subject to the performance of the obligations undertaken by the Promoters under this Order, except those relating to the maintenance and repair of the tramways and the roads upon which the same are laid, which maintenance and repair shall be undertaken by the Corporation.

(Promoters to run carriages certain number of times daily between certain hours.)

(M.) The Promoters, at all times after the completion and opening for public traffic of the tramways numbered 1, 8, 9, and 10 respectively, shall run carriages sufficient for passenger traffic from one extremity of the said tramways to the other, at least twelve times a day each way (Sundays, Good Friday, and Christmas Day excepted), between the hours of six in the morning and ten in the evening.

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(Extending sections 41, 42, and 43 of the Tramways Act, 1870.)

(N.) Notwithstanding anything in the Tramways Act, 1870, or in this Order contained, if at any time after the opening of any of the tramways for public 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 Board of Trade that the Promoters are insolvent, and an order is made by the Board of Trade under section forty-one or section forty-two of the Tramways Act, 1870, the Corporation may (if they think fit), subject to and in accordance with the provisions of section forty-three of the Tramways Act, 1870, and within three months after the date of such order of the Board of Trade, in lieu of exercising the powers conferred upon the local or road authority by section forty-one and section forty-two of the Tramways Act, 1870, cause a valuation of such tramways, and an estimate of the cost of the removal of the same, and of the reinstatement of the roads upon which the same are laid, to be made, and thereupon and upon payment by the Corporation to the Promoters, or other the person or persons for the time being entitled to give a legal discharge for the same, of such a sum as will represent the excess of the said valuation over the said estimate, such tramways and all the rights, powers, and authorities in respect of such tramways previous to the making of such order by the Board of Trade shall be transferred to, vested in, and exerciseable by the Corporation, and in case any difference arises as to the amount of any such valuation or estimate the same shall be referred to and settled by a referee to be nominated by the Board of Trade in manner provided by section thirty-three of the Tramways Act, 1870; provided that if the amount of such estimate in any case exceeds the amount of such valuation the Corporation may take possession of such tramways, and such tramways, and all such rights, powers, and authorities as aforesaid in respect of such tramways, shall be transferred to, vested in and exerciseable by the Corporation, and in either event such tramways shall be held by the Corporation subject to the provisions of and to the same extent as if the same had been constructed or acquired by them under the provisions of the Tramways Act, 1870.

The Corporation may pay the said sum out of the like rate, and shall have the like powers to borrow on the security of the same, as if such sum was purchase-money and expenses incurred by them in the purchase of any undertaking under the authority of section forty-three of the Tramways Act, 1870.

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

(O.) The Promoters shall pay to the Corporation all costs, charges, and expenses reasonably and properly incurred by the Corporation 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 Corporation and the Promoters.

(As to settlement of differences.)

(P.) If any dispute or difference arises between the Corporation and the Promoters respecting the powers or provisions of this section, such dispute or difference shall, except where by this Order expressly provided, be

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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.

(Recovery of moneys.)

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

For the protection of the Furness Railway Company.

11. For the protection of the Furness Railway Company (herein-after in this section called "the company") the following provisions shall have effect; that is to say,

(A.) Notwithstanding anything in this Order contained, it shall not be lawful for the Promoters under any of the powers conferred upon them by this Order to construct Tramways Nos. 17 and 18 respectively or any portion thereof respectively except with the previous consent in writing of the company under their common seal, and the company may give their consent, subject to such conditions, restrictions, and reservations with respect to the working and user of such tramways and otherwise as the company may think fit.

(B.) The Promoters shall not enter upon, take, use, or otherwise interfere with, either temporarily or permanently, any of the lands, works, or property of the company, unless with the previous consent in writing of the company under their common seal.

(C.) All works executed by the Promoters under the provisions of this Order in, on, over, under, or affecting any of the lands, railways, sidings, bridges, or works of the company shall be done under the superintendence and to the reasonable satisfaction of the engineer for the time being of the company, and shall be only according to plans and sections to be submitted by the Promoters to such engineer, and to be reasonably approved of by him in writing under his hand, before any of the works are begun: Provided always, that such plans and sections shall be approved or disapproved within one month after the same shall have been submitted to such engineer, and shall be considered as approved if not disapproved within that time.

(D.) The Promoters shall not in the construction, maintenance, and user of any of the works by this Order authorised in any manner obstruct or interfere with the free, uninterrupted, and safe user of any of the railways, sidings, and works of the company, or with any traffic thereon.

(E.) If by reason of the execution of any of the works by this Order authorised, or any proceedings of the Promoters under the provisions of this Order, or the failure of any such works, or any act or omission of the Promoters or of their contractors, or of any persons in the employ of the Promoters or of their contractors, or the working of the tramways by this Order authorised, any of the railways, sidings, bridges, or other works of the Company, or any of the passenger or other traffic passing along the

same, shall be injured or damaged, such injury or damage shall be forthwith made good by the Promoters at their own expense, or in the event of their failing so to do, then the company may make good the same, and recover the expense thereof with full costs against the Promoters in any manner in which any simple contract debt of like amount is recoverable; and if any interruption shall be occasioned to the traffic on the railways or sidings of the company by reason of any of the matters or causes aforesaid, the Promoters shall, on demand, pay to the company all costs and expenses to which they may be put, as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption, such costs, expenses, and compensation to be respectively recoverable with full costs by the company from the Promoters in any manner in which any simple contract debt of the like amount is recoverable.

(F.) If any difference shall at any time arise between the company and the Promoters touching any of the matters mentioned or referred to in this section, such difference shall from time to time, on the application of either party, be referred to and determined by an arbitrator to be appointed by the Board of Trade; and the costs of the arbitration and of the reference shall be in the discretion of the arbitrator.

Further provision with reference to Tramway No. 17.

12. Whereas the Tramway No. 17 by this Order authorised is laid out so as to be carried along the high level bridge herein-before mentioned, and to cross the railway of the said Furness Railway Company in the Island Road on the level, therefore if and when Tramway No. 17 is constructed with the consent of the Furness Railway Company the following provisions shall have effect:—

(A.) The Furness Railway Company may from time to time erect such signals, apparatus, and conveniences as are required by this Order in connexion with Tramway No. 17, and as may from time to time be required by the Board of Trade, and the Furness Railway Company may appoint and remove such watchmen, signalmen, or other persons as may be necessary for the prevention of danger to or interference with the traffic on or over the said high level bridge and at and near the said crossing, and the working and management of such signals, apparatus, and conveniences shall be under the exclusive regulation of the Furness Railway Company, and all the expenses of erecting and maintaining such signals, apparatus, and conveniences, and of employing those watchmen, signalmen, and other persons, and all incidental expenses connected therewith, shall be repaid by the Promoters to the Furness Railway Company, as regards the expenses of the erection on the completion thereof, and as regards all such other expenses at the end of every half year, and in default of such repayment the amount of such expenses may be recovered from the Promoters by the Furness Railway Company with full costs of suit in any manner in which a simple contract debt of the like amount is recoverable.

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(B.) From and after the completion of Tramway No. 17 the said Furness Railway Company shall thenceforth, so long as the said Tramway No. 17 shall remain open for traffic, permit the portion of such tramway which may be laid on the said high level bridge to remain open for tramway purposes at all times, subject nevertheless to such conditions and restrictions as shall, in the opinion of the said Furness Railway Company, be necessary for the working of the traffic of their docks and for the repairs, renewal, or reconstruction of the said bridge.

Certain provisions of *Order* not to apply to Tramway No. 18 and portion of Tramway No. 17.

13. If and when Tramway No. 18, and so much of Tramway No. 17 as is authorised to be made upon the land and works now belonging to the said Furness Railway Company, are or is constructed with the consent of the said Furness Railway Company, the provisions of sub-section (L.) of section ten of this Order, the marginal note of which sub-section is "Power to Corpo- "ration to purchase before expiration of twenty-one years from passing of "Act confirming Order," and the provisions of the sections forty-three and forty-four of the Tramways Act, 1870, shall not apply to the said Tramway No. 18, nor to such portion of Tramway No. 17 as is authorised to be made upon land and works now belonging or reputed to belong to the said Furness Railway Company: Provided always, that if at any time after the passing of the Act confirming this Order the Corporation shall become the road authority for the road or roads on which the said portion of Tramway No. 17 shall be laid, then and in such case the provisions of the said sub-section (L.) of the said section ten of this Order, and the provisions of the said sections forty-three and forty-four of the Tramways Act, 1870, shall forthwith become and be applicable to so much of Tramway No. 17 as is situate between the south end of the said high level bridge and the north-west end of the said Ramsden Dock bridge as may be laid upon any road of which the Corporation may so become the road authority.

Corporation may purchase Tramway No. 18 and part of Tramway No. 17 with consent of railway company.

14. If and when Tramways Nos. 17 and 18 shall have been constructed it shall be lawful for the Corporation, by resolution passed at a special meeting of the Council, in accordance with the provisions of section forty-three of the Tramways Act, 1870, if they so decide, to purchase, with the consent of the said Furness Railway Company, at any time thereafter, and upon such terms and conditions as may be agreed upon, Tramway No. 18, or any part or parts thereof, and so much of Tramway No. 17 as is authorised to be made upon land and works now belonging to the said Furness Railway Company or any part or parts thereof. If the Corporation exercise the power of purchase in this section contained the Corporation may pay the purchase-money of the tramways or tramway or parts or part of tramway so purchased by them, and all costs and expenses incurred by them in such purchase, out of the like rate, and shall have the like powers to borrow on the security of the same, as if such purchase were made under the authority of section forty-three of the Tramways Act, 1870.

Furness Railway Company may purchase

15. If and when the Corporation exercise the powers of purchase conferred upon them by the said sub-section (L.) of the said section ten of this Order, or

by the said section forty-three of the Tramways Act, 1870, the said Furness Railway Company may at any time thereafter, if they think fit, purchase, upon terms to be agreed upon between the Promoters and the said company, the rights, powers, and authorities conferred by this Order upon the Promoters with respect to the construction, maintenance, and use of so much and such portion of the tramways as the Corporation are by the provisions of this Order excluded from purchasing without the consent of the said Furness Railway Company, and from and after the completion of any such purchase all such rights, powers, and authorities as to the construction of so much and such portions of such tramways as last aforesaid shall be transferred to and vested in and may thenceforward be exercised by the said company, and from and after the completion of any such purchase the said company shall, as to so much and such portion of such tramways as may be purchased by them, be deemed to be the promoters of this Order instead of the Promoters, and this Order shall be construed accordingly.

Power to purchase certain tramways in certain event.

16. The Promoters and the said Furness Railway Company may from time to time, subject to the provisions of this Order, and with the consent of the Board of Trade, enter into and carry into effect and rescind contracts, agreements, and arrangements for or with respect to the construction, maintenance, working, and user of the Tramways Nos. 17 and 18 respectively by this Order authorised, and the works and conveniences connected therewith respectively, or any part or parts thereof respectively, upon such terms and conditions and for such considerations as they may think fit.

Power to enter into agreements with the Furness Railway Company with reference to the construction of Tramways Nos. 17 and 18.

17. The Promoters and the said Furness Railway Company 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 the said Company any passengers, animals, goods, minerals, or parcels, and the fixing, collecting, and apportionment of tolls, charges, rents, or other receipts arising from the tramways, upon such terms and conditions as may be agreed upon between the Promoters and the said company.

Power to enter into agreements with the Furness Railway Company with respect to traffic.

18. The Promoters, with the consent of the Corporation, may from time to time, subject to the provisions of this Order, and with the approval of the Board of Trade, lease the tramways or any portion thereof to the said Furness Railway Company, and the said company may from time to time accept such lease and thereafter work and maintain the tramways from time to time leased to them, subject to the provisions of this Order.

Power to lease tramways to the Furness Railway Company.

19. Except as is by this Order otherwise expressly provided, nothing in this Order contained shall take away, lessen, prejudice, alter, or affect any of the estates, rights, powers, privileges, or authorities of the said Furness Railway Company.

Saving rights of the Furness Railway Company.

20. If, by reason of any act done or omitted to be done by the Corporation or the said Furness Railway Company under the powers conferred upon them by this Order or otherwise, the Promoters fail to complete tramways numbered 17 and 18 respectively, or any portion thereof respectively, within the time limited for such completion by this Order, then, if such failure shall be proved

Release of portion of deposit in certain event.

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to the satisfaction of the Board of Trade, the Chancery Division of the High Court of Justice shall, on the application of the Promoters, in a summary way, and on the production of a certificate signed by a secretary or an assistant secretary of the Board of Trade specifying the length of the said tramways respectively, or the length of the portion or portions thereof respectively, as the case may be, which shall not have been completed for the reason aforesaid, and the portion of the deposit made in pursuance of section twelve of the Tramways Act, 1870, and of the rules made by the Board of Trade under the power of the said Act in respect of the application of the Promoters for this Order, which bears to the whole of such deposit the same proportion as the length of such tramways, or of such portion or portions of such tramways, so not completed bears to the entire length of the tramways authorised by this Order, order such portion of the deposit so specified in such certificate as aforesaid to be paid out or transferred to the Promoters or to be applied as they may direct, and thereupon such portion of such deposit shall be so paid out, transferred, or applied as aforesaid.

Penalty for not maintaining rails and road in good condition.

21. 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, to the satisfaction of the road authority, 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 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 between footpath and tramway.

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

Local authority to have access to sewers.

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

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

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 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 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 for the efficient working of the tramways, or any of them, or for providing access to any stables, engine-sheds or carriage-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.

Temporary tramways may be made where 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 a tramway so removed or discontinued.

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

Application of road materials excavated in construction of works.

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

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

Period for completion of certain of the tramways.

28. If the tramways numbered 1, 8, and 9 respectively be not completed within one year from the date of the passing of the Act confirming this Order, and if the tramway numbered 10 be not completed within one year from the completion of the road upon which the same is intended to be laid, and (subject to the provisions of this Order for the protection of the Furness Railway Company) if the tramways numbered 17 and 18 be not completed within one year from the completion of the high level bridge in course of construction or about to be constructed by the Corporation, upon which said bridge Tramway No. 17 or some part thereof is intended to be laid and maintained, then, on the expiration of those periods respectively, the powers by this Order granted to the Promoters for constructing the said tramways, or otherwise in relation thereto, shall, notwithstanding anything in the Tramways Act, 1870, cease to be exercised except as to so much of the said tramways as are then completed.

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

29. 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.

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 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, including haulage by means of wire ropes or chains placed underground and worked by stationary engine power, and which system is herein-after referred to as the "cable system": Provided that in no case shall the cable system be used on the tramways without the consent in writing of the Corporation and of the

Board of Trade, and then only subject and according to such conditions as the Corporation may prescribe.

Provided also, that no steam or any mechanical power shall be used on any portion of tramways numbers 9, 10, and 11 where the road is less than twenty-three feet three inches in width in case of a single line of rail, or twenty-six feet in the case of a double line of rails, without the consent in writing of the Board of Trade.

Provided further, 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.

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.

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:

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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.

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 authority 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 the tramways or any part thereof, they or he shall give two months previous notice in writing of such intention to every road authority within whose district the tramways or any part thereof upon which they or he intend 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 any 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 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 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.

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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, 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.

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

Promoters not bound to carry goods.

39. 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.

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

40. The Promoters may, and when required by the local authority shall, carry in separate carriages or separate parts of carriages set apart for that purpose animals, goods, minerals, and parcels; provided that this provision shall not apply to the carriage of passengers luggage.

Tolls.

Tolls for passengers.

41. The Promoters may demand and take for every passenger travelling upon the tramways or any part thereof, including tolls and charges for the use of the tramways and of carriages and for motive power, and every other expense incidental to such conveyance, 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 any fraction of a mile beyond an integral number of miles shall be deemed a mile,) but the Promoters may charge for any less distance than two miles twopence in the case of second-class passengers, and threepence in the case of first-class passengers.

Passengers luggage.

42. Every passenger travelling upon the tramways or any part thereof 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 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.

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

44. The Promoters may demand and take in respect of any animals, goods, minerals, or parcels conveyed by them on the tramways or any part thereof, 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.

45. 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.

46. 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 rate-payers 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 made by the Board of Trade in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

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Miscellaneous.

Barrow-in-Furness. Abandonment of tramways authorised by the Barrow-in-Furness Corporation Act, 1881, &c.

47. From and after the date of the passing of the Act confirming this Order the Corporation shall cease to exercise all or any of the rights, powers, and authorities conferred upon the Corporation under or by virtue of the Barrow-in-Furness Corporation Act, 1881, with respect to the construction of the tramways authorised by the said Act, and any tramways (other than Tramway No. 7 authorised by the said Act) which may have been constructed by or on behalf of the Corporation, or by the Promoters as the agents of the Corporation, prior to the said date, under the powers conferred upon the Corporation by the said Act, shall, so far as the same are situate in the same roads or streets or parts of roads or streets as the tramways or any of them by this Order authorised, and except where otherwise expressly provided in this Order, be deemed to be transferred to and vested in and shall absolutely belong to the Promoters as though the same were part of the tramways by this Order authorised; and any such tramways shall, for the purposes of this Order, be deemed to be tramways authorised by this Order, and from and after the said date the rights, powers, and authorities conferred upon the Promoters by this Order shall extend and apply to any tramways constructed by or on behalf of the Corporation as aforesaid; and the Promoters may demand and take in respect of the use of any such tramways the tolls or charges by this Order authorised.

Provisions as to arbitration.

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

Form and delivery of notices.

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

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

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

Agreements between Promoters and road authorities.

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

tramways situated within the district of such road authority, and the rails, plates, sleepers, and works connected therewith, and the facilitating of the passage of the traffic over the same.

Power to hold patents.

51. 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 in or in connexion with tramways.

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

52. 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.

In event of sale under section 44 of the Tramways Act, Promoters to give the local authority option of purchase.

53. In the event of the Promoters desiring to exercise the power of sale conferred by section forty-four of the Tramways Act, 1870, they shall, if such sale is intended to be made to any person or persons other than the Corporation, before completing the same give to the Corporation two calendar months previous notice in writing of such their intention, specifying therein the price and terms upon which they propose to make such sale, and the Corporation may thereupon, if by resolution passed at a special meeting of the Council in accordance with the provisions of section forty-three of the Tramways Act, 1870, they so decide within the said period of two months, by notice in writing require the Promoters to sell to them the undertaking at the price and upon the terms specified in such first-mentioned notice, or, if the terms shall be inconsistent with the constitution or powers of a local authority, the equivalent in money of such terms, and upon payment or tender of such price, and the Corporation undertaking to comply with such terms, (or on payment or tender by the Corporation of such equivalent, as the case may be,) the Promoters shall forthwith sell the undertaking to the Corporation accordingly, and all the provisions of the Tramways Act, 1870, with respect to the purchase of the undertaking by the local authority, save and except so much thereof as regulates the terms of sale, shall extend and apply to any sale to the Corporation under this section, and in case any difference arises as to the equivalent of any terms or otherwise in relation to such purchase, 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.

Saving as to powers of borrowing on mortgage.

54. Nothing in this Order or in the Tramways Act, 1870, contained shall prevent the Promoters borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed to comprise all purchase-money which may be paid to the Promoters in the event of a compulsory sale of the undertaking, or any part thereof, to the local authority under section forty-three of the Tramways Act, 1870, and 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, and this Order, and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

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Audit of accounts in case of purchase of tramways by Corporation.

55. In case the Corporation shall purchase the tramways or any part thereof, sections two hundred and forty-six and two hundred and fifty of the Public Health Act, 1875, shall apply to the audit of the accounts of the receipts and expenditure of the Corporation and their officers with respect to the tramways or any part thereof so purchased, as if such accounts related to receipts and expenditure under that Act.

Saving for general Acts.

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

Company to carry mails.

57. The Promoters, if required by the Postmaster-General, shall perform with respect to any of the tramways of the Promoters all such reasonable services in regard to the conveyance of mails (including parcels as defined in the Post Office (Parcels) Act, 1882,) as the Postmaster-General may from time to time require, by notice under the hand of one of the secretaries or assistant secretaries of the Post Office, or the inspector-general of mails for the time being, the remuneration for such services being determined by agreement, or failing agreement, by a referee to be appointed by the Board of Trade at the request of either party: Provided that—

(1.) So long as the Promoters carry on their own account no animals, goods, minerals, or parcels, other than passengers luggage, no mails shall be tendered for conveyance to the Promoters unless such mails are in charge of an officer of the Post Office:

(2.) So long as the Promoters carry on their own account no animals, goods, or minerals the aggregate weight of mails tendered for conveyance by any one tramcar, whether in charge of an officer of the Post Office or not, shall not exceed the maximum weight for the time being prescribed for parcels or passengers luggage, whichever maximum is the greater:

(3.) Where mails are carried by a tramcar conveying passengers the mails shall be carried in the manner most convenient to passengers, so that the custody of the mails by any officer of the Post Office in charge thereof is not interfered with. In this section the expression "mails" has the same meaning as in the Regulation of Railways Act, 1873.

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.

Every engine used on the tramways shall have its number shown in some conspicuous part thereof, and shall be fitted— As to fittings of engines, &c.

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.

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. As to 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. Inspection of engines and carriages.

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

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 -	per head	0	6
For every ox, cow, bull, or head of cattle - - -	,,	0	6
For every calf, pig, sheep, or other small animal - -	,,	0	3

Goods and Minerals.

For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways	per ton	0	3
For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slags, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs -	per ton	0	4

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	Per mile. s.	d.
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings - - - - - - per ton	0	6
For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things - - per ton	0	6
For every carriage, of whatever description - - - each	1	0

Small Parcels.

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

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

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

For the Carriage of Single Articles of Great Weight.

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

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

Regulations as to Tolls.

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

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

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

NORTH BIRMINGHAM TRAMWAYS.

A.D. 1884.

North Birmingham.

Order authorising the Construction of Tramways in the Parishes of Birmingham and Aston in the County of Warwick; and amending the North Birmingham Tramways Order, 1883.

Short title.

1. This Order may be cited as "The North Birmingham Tramways Order, 1884."

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

The expression "the Order of 1883" means the North Birmingham Tramways Order, 1883;

The terms "the local authorities" and "the road authorities" 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;

The expressions "the Borough" and "the Corporation" mean respectively the borough of Birmingham in the county of Warwick and the Mayor, Alderman, and Burgesses of the said borough of Birmingham acting by the Council; and

The term "person" includes a corporation.

Promoters.

The Promoters.

4. The North Birmingham 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, take on lease, and acquire for the purposes of the undertaking, such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes; provided that they shall not at any time hold for such purposes more than five acres of land.

Construction of Tramways.

Construction of tramways.

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

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North Birmingham.

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—

A Tramway (No. 3), 5 furlongs 0·25 chains in length, of which 4 furlongs 4·25 chains will be single line and 6·00 chains will be double line, situate in the parish of Aston, in the county of Warwick, commencing at the end of Lozells Road, by a junction with the authorised line of the Birmingham Central Tramways Company, Limited, opposite the west corner of Birchfield Road, and passing thence in a north-easterly direction along Witton Road, and terminating in that road by a junction with the authorised line of the Birmingham and Aston Tramways Company, Limited, at a point 9 yards north-east of the intersection of Bevington Road with Witton Road.

The double portions will be situate as follows, viz.:

From a point in Witton Road, 0·90 chains from the commencement of the tramway for a distance of 3·00 chains north-eastward.

From a point in Witton Road, 1·50 chains north-west of the north-west side of Trinity Road, for a distance of 3·00 chains north-eastward.

A Tramway (No. 4), 2 furlongs 3·78 chains in length, of which 2 furlongs 1·07 chains will be single line, and 2·71 chains will be double line, situate in the parish of Aston, in the borough of Birmingham and county of Warwick, commencing by a junction with the authorised line of the Birmingham Central Tramways Company, Limited, at a point in Curzon Street 0·15 chains west of the west side of Lawley Street, and passing thence in a north-easterly and south-easterly direction along Lawley Street, and in an easterly direction along Landor Street, and terminating in that street at a point 243 yards east of the intersection of Lawley Street and Landor Street, the point being on the boundary between the borough of Birmingham and the district of the Saltley Local Board.

The double portion will be situate as follows, viz.:

From a point in Lawley Street, 1·00 chains north of the north side of Landor Street, for a distance of 2·71 chains southward along Lawley Street, and eastward along Landor Street.

A Tramway (No. 5), 1 mile 0 furlongs 1·71 chains in length, of which 6 furlongs 4·11 chains will be single line, and 1 furlong 7·60 chains will be double, situate in the parish of Aston, in the county of Warwick, commencing at the termination of Tramway No. 4, and passing thence in an easterly direction along Landor Street, Adderley Road, and Washwood Heath Road, and terminating in that road at a point 27 yards north-east of the intersection of High Street and Adderley Road.

The double portions will be situated as follows, viz.:

From a point in Landor Street, 2·85 chains from the commencement of the tramway, for a distance of 3·00 chains eastward.

From a point in Landor Street, 3·60 chains west of the centre of the bridge carrying the Midland Railway, for a distance of 3·00 chains eastward.

From a point in Landor Street, 1·20 chains west of the west side of Adderley Road, for a distance of 3·00 chains eastward along Landor Street, and northward along Adderley Road.

From a point in Adderley Road, 7·45 chains south of the south side of Duddeston Mill Road, for a distance of 3·00 chains southward.

From a point in Adderley Road, 1·30 chains south of the south side of Mill Lane, for a distance of 3·00 chains northward.

From a point in Adderley Road, 0·90 chains south of the south side of High Street to the termination of the tramway.

A Tramway (No. 6), 4 furlongs 8·53 chains in length, of which 3 furlongs 4·58 chains will be single line, and 1 furlong 3·95 chains will be double line, situate in the parish of Aston, in the county of Warwick, commencing at the termination of Tramway No. 5, and passing thence in a north-easterly direction along Washwood Heath Road, and terminating in that road at a point 30 yards east of its intersection with Highfield Road.

The double portions will be situate as follows, viz.:

From a point in Washwood Heath Road, 7·50 chains north-east of the north-east side of Cranemore Lane, for a distance of 4·45 chains north-eastward.

From a point in Washwood Heath Road, 9·50 chains south-west of the south-west side of Aston Church Road, for a distance of 3·00 chains north-eastward.

From a point in Washwood Heath Road, opposite the north-east side of Aston Church Road, for a distance of 3·50 chains westward.

From a point in Washwood Heath Road, 0·50 chains west of the west side of Leigh Road, for a distance of 3·00 chains westward.

Provided always, that Tramway No. 4 shall not be constructed without the consent in writing of the Corporation. Provided also, that if the Corporation do not give such consent within a period of twelve calendar months after the passing of the Act confirming this Order, the Promoters shall be at liberty to abandon the construction of Tramways Nos. 5 and 6; and on the production at any time after the expiration of the said period of twelve calendar months of a certificate signed by a secretary or an assistant-secretary of the Board of Trade, specifying the length of the Tramway No. 4, and of Tramways Nos. 5 and 6, if the Promoters have abandoned the construction of the same, and the portion of the deposit made in pursuance of section twelve of the Tramways Act, 1870, and of 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 such deposit the same proportion as the length of the said Tramway No. 4, and of Tramways Nos. 5 and 6, if the same have been abandoned as

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aforesaid, bears to the entire length of the tramways authorised by this Order, 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 out or transferred to the Promoters, or to be applied as they may direct, and thereupon such portion of such deposit shall be so paid out, transferred, or applied as aforesaid.

Extending to this Order certain provisions of the Order of 1883.

7. The following provisions of the Order of 1883, that is to say, sections seven to nine (both inclusive), eleven to thirty-eight (both inclusive), forty to forty-seven (both inclusive), forty-nine to fifty-five (both inclusive), and seventy-two to eighty-eight (both inclusive), and Schedule A. to the Order of 1883 annexed, as amended by this Order, shall, so far as applicable, extend and apply to the tramways and undertaking by this Order authorised, in like manner in every respect as if the tramways and undertaking by this Order authorised were the tramways and undertaking authorised by the Order of 1883; and for the purposes of such application, the expressions "the tramways," the "undertaking," and "this Order," in the said provisions shall be construed to mean the tramways and the undertaking as defined by this Order and this Order.

As to rails of tramways.

8. Section ten of the Order of 1883 is hereby repealed, and the following section shall apply and have effect in lieu thereof with respect to so much of the tramways authorised by the Order of 1883 as have not been commenced at the passing of the Act confirming this Order, and with respect to the tramways authorised by this Order.

The rails of the tramways shall be such as the Board of Trade and the road authorities 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.

Promoters to make deposit before opening roads in districts of certain road authorities.

9. Before the Promoters open or break up any road within the district of either of the road authorities following, namely, the Manor of Aston Local Board and the Saltley Local 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 either of the said road authorities 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 from time to time invested, in the joint names of the Promoters and of such road authority, 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 any of the said road authorities to the satisfaction of the surveyor of such road authority, the deposit fund shall be paid out, or the securities in which the same is invested shall be transferred, to the Promoters by the said bank, and the certificate of the surveyor for the time being of such road authority, certifying that such tramways have been completed to his satisfaction as aforesaid, shall be sufficient authority to the said bank to make such payment or for such transfer.

If the tramways within the district of either of the said 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 by the said bank to the road authority of such district, and the same may be applied 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; and the Promoters shall join such road authority in any deed, act, matter, or thing which may be necessary to effect such application of the deposit fund as aforesaid.

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 nonpayment 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.

For protection of railway companies.

10. 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 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 tramways constructed by them respectively, shall be subject to the following conditions:—

(1.) Such tramway, if a single line of tramways, 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,

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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 section twenty-eight 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 of like amount 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, 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 of like amount 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 turn-outs 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.

Protecting bridges over canals.

11. Where any tramway by this Order authorised is constructed upon any bridge carrying a road over a canal, the following provisions shall apply and have effect :—

A. The Promoters shall give fourteen days' notice in writing to the canal company owning such canal 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 under the superintendence (at the cost of the Promoters) and to the reasonable satisfaction of such 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 shall be deemed by such 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 such 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 such 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 such canal company for all damage that may be occasioned to any bridge, work, or property of such 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 such tramway, shall be borne by the Promoters.

Saving of rights of canal com-

12. Nothing in this Order shall take away or abridge any power of any canal company to open or break up any road along or across which any tramway by

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panies to open roads.

this Order authorised is laid, or any power vested in such 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. Such canal company shall cause as little detriment or inconvenience to the Promoters as circumstances admit.

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 such 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 such 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. Such 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 such canal company of any such work as aforesaid for loss of traffic occasioned thereby, 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 such 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 the tramway at their own risk and cost during the execution of the work there. Provided that such work shall always be completed by such canal company with all reasonable expedition.

F. Such 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 such canal company, by reason of the existence of the tramway, or any of the works connected therewith, shall be borne by the Promoters.

Difference between Promoters and canal companies.

13. If any difference arises between the Promoters and any canal company with respect to any interference or control exercised or claimed to be exercised by the Promoters, or on their behalf, or by such 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 such 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 such 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 such canal company, and the expenses of the reference shall be borne and paid as the referee shall direct.

Rights of canal companies under their Acts not to be interfered with.

14. 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 any canal company in or by all or any of the several Acts of Parliament now in force relating to their canals.

Rights of canal companies under the Tramways Act, 1870, and this Order not to be interfered with.

15. Notwithstanding the special provisions herein-before contained for their protection and benefit, every 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.

Motive Power.

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

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

Provided always, that the Promoters shall not use steam or any mechanical power upon any of the 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 Promoters shall not, without the previous consent in writing of the Board of Trade, use steam or any mechanical power at any passing-place where the roadway is less than 26 feet in width.

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 Schedule A. to the Order of 1883 annexed, as amended by this Order, 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.

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Tramways for purposes of traffic and tolls to form part of tramways authorised by Orders of 1880 and 1882.

Traffic and Tolls.

17. The tramways by this Order authorised shall, save as by this Order expressly provided, 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 1883, and sections fifty-six to sixty-seven (both inclusive) and sixty-nine to seventy-one (both inclusive) of the Order of 1883, and Schedule B. to that Order annexed, shall, as far as applicable, apply to the tramways by this Order authorised and to the traffic thereon, and to the tolls and charges authorised to be demanded and taken in respect of such traffic, in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Order of 1883.

Cheap fares for labouring classes

18. Section sixty-eight of the Order of 1883 is hereby repealed, and the following provisions shall apply and have effect in lieu thereof with respect to the tramways authorised by the Order of 1883 and this Order.

The Promoters at all times after the opening of such tramways, or any part or parts thereof, for public traffic, shall and they are hereby required to run carriages from one extremity thereof to the other at least twice 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 artisans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the Promoters, nevertheless, not being required to take any fare less than one penny), provided that in case of any complaint made to the Board of Trade as to the hours appointed by the Promoters for the running of such carriages, the said Board shall have power to fix and regulate the same from time to time.

Provisions as to running powers over the Birmingham tramways, and over tramways of the Birmingham and Aston Tramways Company, Limited, and of the Birmingham Central Tramways Company, Limited.

19. Subject as herein-after mentioned, the Promoters may run over and use with their horses, engines, and carriages, for the purposes of traffic of all kinds, so much of the tramways constructed under the powers of the Birmingham (Corporation) Tramways Order, 1872, as extends from a point in Paradise Street, Birmingham opposite the south-eastern corner of the Birmingham Town Hall to the junction of Constitution Hill with Great Hampton Row, and also so much of the tramways of the Birmingham and Aston Tramways Company, Limited, already constructed or authorised to be constructed under or by the Birmingham and Aston Tramways Order, 1880, as extends from a point 9 yards north-east of the intersection of Bevington Road with Witton Road to the junction of Aston Lane and Witton Road, and also so much and such parts of the tramways of the Birmingham Central Tramways Company, Limited, constructed or authorised to be constructed under or by the Birmingham and Suburban Tramways Order, 1882, as extend from the junction of Wheeler Street with Lozells Road to the junction of Birchfield Road with

Witton Road, and from a point in Albert Street 5·90 chains west of the intersection of Albert Street with Moor Street along Albert Street, Duddeston Row, and Curzon Street, to a point in Curzon Street 0·15 chains west of the west side of Lawley Street.

Terms of such user.

20. The powers conferred by the last preceding section shall not be exercised until the terms, conditions, and regulations to which the Promoters shall be subject in respect of running over and using the said respective portions of tramways, and the tolls or other considerations to be paid by them for the same, have been respectively agreed upon between the Promoters on the one hand, and the Corporation, the Birmingham and Aston Tramways Company, Limited, and the Birmingham Central Tramways Company, Limited, respectively, on the other hand, and have been approved by the Board of Trade, and so far as regards the said portion of tramway extending from a point in Paradise Street opposite the south-eastern corner of the Birmingham Town Hall, to the junction of Constitution Hill with Great Hampton Row, the same powers shall not in any case be exercised until the same portion of tramway has been taken up, and relaid on a gauge of three feet six inches.

Byelaws to be observed.

21. The Promoters in using or traversing the said respective portions of tramways, 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 portions of tramways respectively, so far as the same shall be applicable to the Promoters 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 respective portions of tramways.

Provisions as to running powers over Tramway No. 6.

22. If any person or persons shall hereafter, with the consent of the local board for the district of Saltley, be authorised to construct and shall construct a tramway from the junction of Saltley Road and Nechells Place to the junction of High Street, Saltley, and Washwood Heath Road, such person or persons may run over and use with their horses, engines, and carriages for the purposes of traffic of all kinds, the whole of the Tramway No. 6 authorised by this Order, when the same is completed and opened for public traffic.

The terms, conditions, and regulations to which such person or persons shall be subject in respect of running over and using the said Tramway No. 6, and the tolls or other consideration to be paid by them for the same, shall, if not agreed upon between the Promoters and such person or persons 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.

Such person or persons in using or traversing the said Tramway No. 6, 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 No. 6, so far as the same shall be applicable to such person or persons 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 Promoters would incur if such acts and defaults were the acts and defaults of the Promoters.

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Miscellaneous.

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23. From and after the passing of the Act confirming this Order, the Order of 1883 shall be read and construed subject to the modifications following, that is to say:—

A. The time prescribed for the commencement of the tramways authorised by the Order of 1883 shall be and the same is hereby extended until the expiration of eighteen calendar months from the first day of August one thousand eight hundred and eighty-four.

B. The time prescribed for the completion and opening for public traffic of the tramways authorised by the Order of 1883 shall be and the same is hereby extended until the expiration of two years from the said first day of August one thousand eight hundred and eighty-four.

C. The provisions of Schedule A. to the Order of 1883 annexed with respect to the brake power of engines shall be read and construed as though the words "and the road authorities" were inserted therein after the words "as the Board of Trade."

Audit of accounts of Corporation in event of their electing to be substituted for Promoters as to tramways within the borough.

24. In case the Corporation elect to be substituted in the place of the Promoters for the purposes of this Order so far as relates to the tramways within the borough, or acquire the said tramways, sections two hundred and forty-six and two hundred and fifty of the Public Health Act, 1875, shall apply to the audit of the accounts of the receipts and expenditure of the Corporation and their officers with respect to the Tramways within the Borough as if such accounts related to receipts and expenditure under that Act.

Company to carry mails.

25. The Promoters, if required by the Postmaster-General, shall perform with respect to any of the tramways of the Promoters all such reasonable services in regard to the conveyance of mails (including parcels as defined in the Post Office (Parcels) Act, 1882,) as the Postmaster-General may from time to time require, by notice under the hand of one of the secretaries or assistant secretaries of the Post Office, or the inspector-general of mails for the time being, the remuneration for such services being determined by agreement, or failing agreement, by a referee to be appointed by the Board of Trade at the request of either party: Provided that—

(1.) So long as the Promoters carry on their own account no animals, goods, minerals, or parcels, other than passengers luggage, no mails shall be tendered for conveyance to the Promoters unless such mails are in charge of an officer of the Post Office:

(2.) So long as the Promoters carry on their own account no animals, goods, or minerals the aggregate weight of mails tendered for conveyance by any one tramcar, whether in charge of an officer of the Post Office or not, shall not exceed the maximum weight for the time being prescribed for parcels or passengers luggage, whichever maximum is the greater:

(3.) Where mails are carried by a tramcar conveying passengers the mails shall be carried in the manner most convenient to passengers, so that the custody of the mails by any officer of the Post Office in charge thereof is not interfered with. In this section the expression "mails" has the same meaning as in the Regulation of Railways Act, 1873.

SOUTH BIRMINGHAM TRAMWAYS.

Order authorising the construction of tramways in the parish of Edgbaston, in the county of Warwick, and in the parish of Yardley, in the county of Worcester, and amending the South Birmingham Tramways Order, 1883.

PART I.

1. This Order may be cited as "The South Birmingham Tramways Order, 1884." Short title.

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

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

Provided that in this Order—

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

The expression "the Order of 1883" means the South Birmingham Tramways Order, 1883;

The terms "the local authorities and the "road authorities" mean respectively the local authorities and the road authorities of each of the districts within which the tramways are by this Order authorised to be constructed;

The expressions "the borough" and "the Corporation" 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" includes a corporation.

Promoters.

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

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. Lands by agreement.

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 Construction of tramways.

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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, weigh-bridges, 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 tramways authorised by this Order are—

A tramway (No. 1), 4 furlongs 8·20 chains in length, of which 4 furlongs 1·75 chains will be single line, and 6·45 chains will be double line, situate in the parish of Edgbaston and borough of Birmingham, in the county of Warwick, commencing at the termination of the authorised line of the South Birmingham Tramways Company at a point in Pershore Road 73 yards south-west of the centre of the bridge over Bourne Brook, the said point forming the boundary between the counties of Warwick and Worcester, and passing thence in a north-easterly direction along Pershore Road, and thence in a westerly direction along Edgbaston Road, and terminating by a junction with the existing Birmingham tramway in Bristol Road at a point. 0·35 chains or thereabouts north-east of the north-east side of Edgbaston Road.

The double portions will be situated as follows, viz.:—

From the point of commencement for a distance of 0·85 chains.

From a point in Pershore Road 1 furlong 7·70 chains from the commencement of the tramway for a distance of 2·60 chains in a north-easterly direction.

From a point in Pershore Road, opposite the south-west side of Edgbaston Road, along Pershore Road in a south-westerly direction for a distance of 3·00 chains.

A tramway (No. 3), 5 furlongs 3·72 chains in length, of which 3 furlongs 2·97 chains will be single line, and 2 furlongs 0·75 chains will be double line, situate in the parish of Yardley, in the county of Worcester, commencing by a junction with the existing Birmingham Central Tramway in Stratford Road at a point 66 yards or thereabouts north of the west corner of the "Mermaid Inn," and passing thence in an easterly direction along Stratford Road and Warwick Road, and terminating in the last-named road at a point 19 yards or thereabouts north-west of the centre of Greet Bridge.

The double portions will be situate as follows, viz.:—

From the point of commencement in Stratford Road for a distance of 8·15 chains.

From a point in Warwick Road 1·80 chains west of the west side of Baker Street for a distance of 3·00 chains easterly.

From a point in Warwick Road 1·50 chains west of the west side of Sturge Street for a distance of 3·00 chains easterly.

In Warwick Road from the south-east side of Albion Street for a distance of 3·00 chains south-easterly.

From a point in Warwick Road 4·40 chains north-west of the centre of Greet Bridge to the termination of the tramway

A tramway (No. 4), 6 furlongs 2·25 chains in length, of which 4 furlongs 3·05 chains will be single line, and 1 furlong 9·20 chains will be double line, situate in the parish of Yardley, in the county of Worcester, commencing at the termination of Tramway No. 3, and passing thence in an easterly direction along Warwick Road, and terminating in that road at a point 400 yards or thereabouts west of the south-west corner of the Church at Flint Green.

The double portions will be situated as follows, viz.:—

From the point of commencement for a distance of 2·40 chains.

From a point in Warwick Road 4·60 chains east of the centre of the bridge over Greet Brook for a distance of 4·00 chains easterly.

From a point in Warwick Road 9·00 chains west of the centre of the bridge over Tyseley Brook for a distance of 6·80 chains westerly.

From a point in Warwick Road 6·80 chains east of the centre of the bridge over Tyseley Brook for a distance of 3·00 chains easterly.

From a point in Warwick Road 0·65 chains west of the termination of the tramway for a distance of 3·00 chains westerly.

Provided that so much of Tramways No. 3 and No. 4 as may be laid over Greet Bridge shall be so laid as double lines that one only of such lines can be used at one and the same time.

A tramway (No. 5), 6 furlongs 3·00 chains in length, of which 5 furlongs 1·20 chains will be single line, and 1 furlong 1·80 chains will be double line, situate in the parish of Yardley, in the county of Worcester, commencing at the termination of Tramway No. 4, and passing thence in an easterly direction along Warwick Road, and terminating in that road at a point 56 yards or thereabouts north-west of the intersection of Station Lane with Warwick Road.

The double portions will be situate as follows, viz.:—

From a point in Warwick Road opposite the east side of Yardley Road for a distance of 3·00 chains westerly.

From a point in Warwick Road 0·30 chains west of the west side of Flint Green Lane for a distance of 3·00 chains westerly.

From a point in Warwick Road 1·40 chains west of the east side of Dudley Park Road for a distance of 3·00 chains westerly.

From the centre of the bridge over Westley Brook in Warwick Road for a distance of 2·80 chains easterly.

A tramway (No. 6), 2 furlongs 4·35 chains in length, of which 1 furlong 8·63 chains will be single line, and 5·72 chains will be double line, situate in the parish of Yardley, in the county of Worcester, commencing at the termination of Tramway No. 5, and passing thence in a north-easterly direction along Warwick Road, and terminating in that road at a point 15 yards east of the north-east corner of the "Dolphin Inn."

The double portions will be situate as follows, viz.:—

From a point in Warwick Road 3·50 chains east of the east side of Station Lane for a distance of 3·00 chains easterly.

From a point in Warwick Road 1·30 chains east of the east side of Victoria Road for a distance of 2·72 chains easterly.

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Provided that if in any part of any road there shall be a less space than 9 feet 6 inches between the outside of the footpath on either side of the road and the nearest rail of the tramway, at a place where it is not so marked on the deposited plans, the Promoters shall not, unless otherwise authorised by the Board of Trade, construct the tramway at such place until the road has been so widened that a space of not less than 9 feet 6 inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway. Provided also (but without prejudice to the preceding proviso), that as to Tramways Nos. 3, 4, 5, and 6, where, according to the deposited plans, it is proposed to lay down a single line of tramway, and the roadway shall be of a clear width of less than 20 feet, the Promoters shall, unless otherwise authorised by the Board of Trade, in lieu of such single line, lay down a double line of tramway with proper passing-places, and every such double line shall be so laid that only one of such lines can be used at one and the same time.

As to construction of Tramway No. 1 over Bournebrook Bridge.

7. The Promoters shall not construct Tramway No. 1 until the bridge over Bourne Brook shall have been widened to the satisfaction of the Corporation, and the Promoters shall pay to the Corporation such a reasonable contribution towards the cost of such widening as may be agreed upon between the Corporation and the Promoters, or, failing such agreement, as may be determined by an arbitrator in the manner specified by section 33 of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

As to construction of tramways over Greet Bridge.

8. For the protection of the justices of the peace for the county of Worcester (in this section referred to as "the Worcester county justices") the following provisions (in addition to all other provisions of this Order applicable to those justices) shall apply and have effect with respect to the construction and maintenance of Tramways Nos. 3 and 4.

(For protection of Greet Bridge of Worcester county justices.)

(*a.*) In constructing Tramways Nos. 3 and 4 upon or over Greet Bridge, or upon or over the approaches thereto, the Promoters shall not at any time alter or interfere with the structure of such bridge, nor of the approaches thereto, unless such alteration or interference with the construction of such bridge or such approaches be absolutely necessary for the purpose of constructing the said Tramways Nos. 3 and 4 respectively, and in the event of any such alteration or interference the Promoters shall (together with the notice required in such cases by section 26 of the Tramways Act, 1870,) submit to the Worcester county justices detailed drawings and specifications showing the proposed works as affecting such bridge or approaches, and if any difference arise between the Promoters and the Worcester county 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 Tramways Nos. 3 and 4 in the road over such bridge and approaches as not to injuriously affect such bridge or approaches, and in the event of any injury being occasioned to such bridge or approaches, or any part or parts thereof respectively, by the construction of Tramways Nos. 3 and 4 on or over the same (whether such injury occurs either during or after construction or in effecting the maintenance of such tramways) the Worcester county 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 Worcester county justices against all reasonable sums, costs, and expenses which they may pay or be put to in restoring such bridge and the approaches thereto, and in maintaining and repairing the road over such bridge and approaches, and the Worcester county 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.

(Power to justices to require bridge to be widened and strengthened.)

(*b.*) If in the judgment of the Worcester county justices or their surveyor for the time being (either during or after construction or in effecting the maintenance of the Tramways Nos. 3 and 4) it shall be deemed necessary to widen or strengthen Greet Bridge, or to widen or alter the approaches thereto, the Promoters shall, at their own expense, and forthwith after the receipt of a notice for that purpose signed by the clerk of the peace for the county of Worcester, and under the superintendence and to the satisfaction of the surveyor for the time being to the Worcester county justices, make, do, and execute all such works, matters, and things as shall be considered necessary by such surveyor to effect such widening or strengthening or altering respectively, and in case the Promoters shall fail to execute and complete such last-mentioned works as aforesaid, the Worcester county justices may execute and complete the same at the expense in all things of the Promoters, and the Promoters shall recoup to and indemnify the Worcester county justices against all such sums, costs, and expenses as they may pay or be put to in respect of such widening or strengthening of such bridge, or widening or altering the approaches thereto respectively, and the Worcester county 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; and the provisions in this section herein-before contained with respect to the said bridge and approaches shall apply to the said bridge as widened or strengthened, and the approaches thereto as widened or altered, respectively.

(Certain expenses of Worcester county justices to be paid by Promoters.)

(*c.*) The Promoters shall pay all costs charges, and expenses incurred by the Worcester county justices in relation to this Order, and shall on demand repay to them all reasonable charges and expenses incurred by the Worcester county justices for the supervision and inspection of any work done by the Promoters in connexion with Tramways Nos. 3 and 4, and the Worcester county justices are hereby authorised to order such supervision and inspection of the works as they may deem proper, and the Worcester county justices may recover from the Promoters all such charges and expenses as a simple contract debt in manner herein-before in this section mentioned.

(As to settlement of differences.)

(*d.*) If any dispute or difference arises between the Worcester county 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 by this Order otherwise expressly provided, be settled in the manner specified in section thirty-three

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of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

(*e.*) 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 Worcester county justices, but the Worcester county justices 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.

9. The following provisions of the Order of 1883, that is to say, sections eight to twenty-three (both inclusive), twenty-seven to forty-one (both inclusive), forty-four to fifty (both inclusive), sixty-eight to seventy-one (both inclusive), sections seventy-three, seventy-four, and seventy-five, sections seventy-seven to eighty-three (both inclusive), and Schedule A. to the said Order annexed, shall, so far as the same are applicable, apply to the tramways and undertaking by this Order authorised in like manner in every respect as if the tramways and undertaking by this Order authorised were the tramways and undertaking authorised by the Order of 1883; and for the purposes of such application the expressions "the tramways," "the undertaking," and "this Order" in the said provisions shall be construed to mean respectively the tramways and the undertaking as defined by this Order, and this Order.

Extension of section 26 of the Tramways Act, 1870.

10. 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.

11. 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, 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.

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

12. 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 aud 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.

Promoters to make deposit before opening roads in district of Yardley board of surveyors.

13. Before the Promoters open or break up any road within the district of the Yardley board of surveyors they shall deposit in a bank to be approved by such board, to a joint account in the names of the Promoters and such Board, a sum of money (in this section referred to 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 the said board notice in writing.

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

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On the completion of the tramways within the said district to the satisfaction of the surveyor of the said board the deposit fund shall be paid out, or the securities in which the same is invested shall be transferred, to the Promoters by the said bank, and the certificate of the surveyor for the time being of the said board, certifying that such tramways have been completed to his satisfaction as aforesaid, shall be a sufficient authority to the said bank to make such payment or for such transfer.

If the tramways within the said district, 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 by the said bank to the said board, and the same may be applied 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 the said board shall be at liberty to break up or use any part of the materials of such tramways, and the Promoters shall join the said board in any deed, act, matter, or thing which may be necessary to effect such application of the deposit fund as aforesaid.

If the deposit fund is insufficient to reimburse the said board the expenses so incurred, the said board 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 by the said board, or if such proceeds of sale are insufficient the Promoters shall on demand pay to the said board such deficiency, and in case of nonpayment the same may be recovered by the said board 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.

14. 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 tramway 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 by the said bank 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 certificate in writing under the hand of the surveyor for the time being of the borough, and the certificate of the said surveyor shall be a sufficient authority to the said bank to make such payment. 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 from time to time invested in the joint names of the Promoters and of the Corporation 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 and any securities in which the same may for the time being be invested, or any part thereof, may be applied in satisfying any debt, damages, costs, and charges which the Promoters may at any time be liable to pay to the Corporation.

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

15. 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

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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.

16. 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.

17. 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 within the borough.

18. 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.

19. 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.

The Corporation may, with the consent of the Board of Trade, if they think fit, in any lease granted by them of such tramways under the authority of this section, reserve the right to grant running powers over such tramways or any part thereof to any company or person duly authorised in that behalf: Provided that the amount of the rent payable by the grantees of such running powers, the amount of abatement (if any) of rent payable by the lessees, and other the terms and conditions of the grant shall be such as may be agreed upon between the Corporation and the Promoters or the lessees for the time being of such tramways, or of such portion of such tramways over which such running powers are granted, or as, failing such agreement, may be settled by an arbitrator appointed by the Board of Trade on the application of either party, and the Promoters and lessees shall, as far as they can, facilitate the formation of all necessary and convenient junctions, crossings, and communications between such of the tramways as are situate within the borough and any other tramway within the borough that the Corporation may require to be joined.

Application of security fund as to the borough.

20. 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 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.

21. 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 and opening for public traffic 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

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the same either in the re-instatement of the roads within the borough, or otherwise for the general benefit of the borough.

Motive Power.

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

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

Provided always, that the 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 consent, 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 Promoters shall not, unless otherwise authorised by the Board of Trade, use steam or any mechanical power upon any part of the tramways where, in the case of a single line, a less space than nine feet six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway, or where, in the case of a double line, the roadway shall be less than twenty-six feet in width.

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 the Order of 1883 annexed, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time, as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam or any mechanical power on the tramways.

Traffic and Tolls.

For purposes of traffic and tolls tramways to form part of tramways authorised by Order of 1883.

23. The tramways by this Order authorised shall, save as by this Order expressly provided, 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 1883, and sections fifty-one to fifty-eight (both inclusive), section sixty, sections sixty-two to sixty-seven (both inclusive) of the Order of 1883, and the Schedule B. to that Order annexed, shall, as far as applicable, apply to the tramways by this Order authorised, and to the traffic thereon, and to the tolls and charges authorised to be demanded and taken in respect of such traffic, in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Order of 1883.

Suspension of traffic by order of local authority.

24. 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.

Provisions as to running powers over the Birmingham Tramways, and over tramways of the Birmingham Central Tramways Company, Limited.

25. Subject as herein-after mentioned, the Promoters may run over and use with their horses, engines, and carriages for the purposes of traffic of all kinds so much of the tramways constructed under the Birmingham (Corporation) Tramways Order, 1872, as lies between a point in Paradise Street, Birmingham, opposite the south-eastern corner of the town hall, and the junction of Bristol Road with Edgbaston Road, and also so much of the tramways of the Birmingham Central Tramways Company, Limited, constructed or authorised to be constructed under or by the Birmingham and Suburban Tramways Order, 1882, as extends from the commencement of the Tramway No. 1 (Southern Division), by the last-mentioned Order authorised, in New Great Queen Street, Birmingham, along Dudley Street, Pershore Street, Bromsgrove Street, Moat Row, Bradford Street, Camp Hill, and Stratford Road, to the junction of Stratford Road with Warwick Road.

Terms of such user.

26. The running powers conferred by the preceding section shall not be exercised until the terms, conditions, and regulations to which the Promoters shall be subject in respect of running over and using the said respective portions of tramways, and the tolls or other consideration to be paid by them for the same, have been respectively agreed upon between the Promoters on the one hand and the Corporation and the Birmingham Central Tramways Company, Limited, respectively on the other hand, and have been approved by the Board of Trade; and so far as regards the said portion of tramway extending from a point in Paradise Street opposite the south-eastern corner of the town hall to the junction of Bristol Road with Edgbaston Road, such powers shall not in any case be exercised until the said portion of tramway has been taken up and relaid on a gauge of 3 feet 6 inches.

Byelaws to be observed.

27. The Promoters, in using or traversing the said respective portions of tramways 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 portions of tramways respectively so far as the same shall be applicable to the Promoters 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 respective portions of tramways.

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Miscellaneous.

Form and delivery of notices.

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

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

Saving of rights.

29. 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.

Audit of accounts of Corporation as to tramways.

30. In case the Corporation purchase the tramways authorised by the Order of 1883 or this Order, or any part of such tramways, or elect to be substituted for the Promoters of this Order with respect to the tramways within the borough, sections two hundred and forty-six and two hundred and fifty of the Public Health Act, 1875, shall apply to the audit of the accounts of the receipts and expenditure of the Corporation and their officers with respect to such tramways or such part thereof as if such accounts related to receipts and expenditure under that Act.

Waiting rooms.

31. Within six calendar months after the completion and opening of the tramways for public traffic the Promoters shall provide sufficient waiting-rooms at Sparkbrook and at the terminus at Acock's Green, and shall furnish and maintain such rooms in a suitable manner, and do all things reasonably necessary for the comfort and convenience of the public travelling or intending to travel upon the tramways in all respects to the satisfaction of the road authority.

PART II.

Amendment of the Order of 1883.

Amendment of Order 1883.

32. From and after the passing of the Act confirming this Order, the Order of 1883 shall be read and construed subject to the modifications following;

provided always, that for the purpose of the application of any of the provisions of the Order of 1883 to the tramways and undertaking by Part I. of this Order authorised, such provisions shall be read and construed without such modification therein.

(*a.*) The time prescribed for the commencement of the tramways authorised by the Order of 1883 shall be and the same is hereby extended until the expiration of eighteen calendar months from the first day of August one thousand eight hundred and eighty-four.

(*b.*) The time prescribed for the completion and opening for public traffic of the tramways authorised by the Order of 1883 shall be and the same is hereby extended until the expiration of two years from the said first day of August one thousand eight hundred and eighty-four.

(*c.*) Section three of the Order of 1883 shall be and the same is hereby repealed, and the section set forth in the Schedule to this Act annexed, and therein numbered (3) shall be and the same is hereby substituted therefor, and shall apply and have effect with respect to the tramways authorised by the Order of 1883 in lieu thereof.

(*d.*) Sections 30, 31, and 32 of the Order of 1883 shall, for the purposes of that Order be read and construed as if the words "and road authorities" were inserted therein respectively throughout after the words "local authorities," and as if in the said section thirty-two the words "or road authority" were inserted after the words "local authority."

(*e.*) Sections 33 and 36 of the Order of 1883 shall, for the purposes of that Order, be read and construed as if the words "or road authority" were inserted therein respectively throughout after the words "local authority," and as if the words "or road authorities" were inserted therein respectively throughout after the words "local authorities."

(*f.*) The sections set forth in the Schedule to this Order annexed shall be read together with and form part of the Order of 1883.

Company to carry mails.

33. The Promoters, if required by the Postmaster-General, shall perform with respect to any of the tramways of the Promoters all such reasonable services in regard to the conveyance of mails (including parcels as defined in the Post Office (Parcels) Act, 1882,) as the Postmaster-General may from time to time require, by notice under the hand of one of the secretaries or assistant secretaries of the Post Office, or the inspector-general of mails for the time being, the remuneration for such services being determined by agreement, or failing agreement, by a referee to be appointed by the Board of Trade at the request of either party: Provided that—

(1.) So long as the Promoters carry on their own account no animals, goods, minerals, or parcels, other than passengers luggage, no mails shall be tendered for conveyance to the Promoters unless such mails are in charge of an officer of the Post Office:

(2.) So long as the Promoters carry on their own account no animals, goods, or minerals the aggregate weight of mails tendered for conveyance by any one tramcar, whether in charge of an officer of the Post Office or not, shall not exceed the maximum weight for the time being prescribed for parcels or passengers luggage, whichever maximum is the greater.

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(3.) Where mails are carried by a tramcar conveying passengers the mails shall be carried in the manner most convenient to passengers, so that the custody of the mails by any officer of the Post Office in charge thereof is not interfered with. In this section the expression "mails" has the same meaning as in the Regulation of Railways Act, 1873.

SCHEDULE.

In this Schedule the expressions "the tramways," "the undertaking," and "this Order" shall mean respectively the tramways and undertaking authorised by the Order of 1883, and the Order of 1883.

(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 his Order—

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

The terms "the local authorities" and "the road authorities mean respectively the local authorities and the road authorities of each of the districts within which the tramways are by this Order authorised to be constructed, and those terms shall, both in respect of the Tramways Act, 1870, and this Order, include the Rural Sanitary Authority of the King's Norton Union; and

The term "person" includes a corporation.

Promoters to construct turnout in Pershore Road at request of Northfield Highway Board.

A. The Promoters shall, at the request of the highway board for the parish of Northfield, construct a turnout or siding, not exceeding twelve yards in length, of single line of tramway, in such part of Pershore Road as the said board shall direct, so as to afford a proper and convenient communication between the said board's depôt in or near that road and the tramways.

Toll-house.

B. The Promoters shall, within six months after the completion and opening for public traffic of the tramways by this Order authorised, contribute and pay to the highway board for the parish of Northfield a sum of fifty pounds towards a fund for the purchase by the said board of the toll-house on the Pershore Road.

Regulations by road authorities of Northfield and King's Norton.

C. For the purposes of this Order sections 46, 47, and 48 of the Tramways Act, 1870, and sections 47, 55, 56, 59, and 60 of this Order, shall be read and construed as if the term "road authority" had been used therein respectively throughout in lieu of the term "local authority"; and the reasonable costs and expenses incurred by the road authorities of the parishes of Northfield and King's Norton respectively of and incidental to the preparation and approval of the regulations to be made by them respectively under the powers conferred by the Tramways Act, 1870, and this Order, shall be paid by the Promoters to such road authorities respectively.

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Not more than one carriage to stand at terminus.

D. The Promoters shall not permit more than one carriage to stand at one time at or near the terminus of any tramway in the parishes of Northfield and King's Norton respectively, and then only a reasonable time to set down and take up passengers, and in case of default the driver of any such carriage shall be liable to a penalty not exceeding forty shillings for each such offence.

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