CHAPTER cc.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Batley Corporation Tramways Camborne and Redruth Tramway East Ham Urban District Council Tramways Hull Corporation Tramways Middleton Corporation Tramways Portobello and Musselburgh Tramways and Southampton Corporation Tramways. [6th August 1900.]

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

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

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

Be it therefore enacted by the 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 1900. Short title.

2. The several Orders as amended and set out in the schedule to this Act annexed shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Confirmation of Orders in schedule.

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Act have full force and validity and the dates of the same respectively shall be the date of the passing of this Act.

Protection of houses of labouring class.

3. The Promoters mentioned in the said Orders shall not in the exercise of the powers of this Act or of the said Orders purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district in England or in any district in Scotland within the meaning of the Public Health (Scotland) Act 1897 as the case may be ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board or the Secretary for Scotland as the case may be ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied If any Promoters acquire or appropriate any house or houses under the powers of this Act or of the said Orders in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court or by the Secretary for Scotland by action in the Court of Session as the case may be and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

For the purposes of this section the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them the expression "house" means any tenement separately occupied by any person or persons.

SCHEDULE.

LIST OF ORDERS.

Batley Corporation Tramways.—Order authorising the Mayor Aldermen and Burgesses of the Borough of Batley to construct tramways in the said borough.

Camborne and Redruth Tramway.—Order authorising the Urban Electric Supply Company Limited to construct a tramway in the Parish and Urban District of Camborne in the Parish and Urban District of Redruth and in the Parish of Illogan in the Rural District of Redruth all in the county of Cornwall.

East Ham Urban District Council Tramways.—Order authorising the Urban District Council of East Ham to construct additional tramways in their district and for other purposes.

Hull Corporation Tramways.—Order authorising the Mayor Aldermen and Citizens of the City and County of Kingston-upon-Hull to construct additional tramways in their city and for other purposes.

Middleton Corporation Tramways. — Order authorising the Mayor Aldermen and Burgesses of the Borough of Middleton to construct tramways and for other purposes.

Portobello and Musselburgh Tramways.—Order authorising the National Electric Traction Company Limited (formerly known as the Drake and Gorham Electric Power and Traction Company Limited) to construct and work tramways in the Parishes of Duddingston and Inveresk and the Burgh of Musselburgh in the County of Midlothian and for other purposes.

Southampton Corporation Tramways.—Order authorising the Mayor Aldermen and Burgesses of the Borough of Southampton to construct additional tramways in the said borough.

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BATLEY CORPORATION.

Batley Corporation.

Order authorising the Mayor Aldermen and Burgesses of the Borough of Batley to construct Tramways in the said Borough.

Short title.

1. This Order may be cited as the Batley Corporation Tramways Order 1900.

Incorporation of Acts.

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

Interpretation.

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

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

The expression "the Corporation" shall mean the mayor aldermen and burgesses of the borough of Batley in the west riding of the county of York acting by the Council;

The expression "the borough" shall mean the borough of Batley;

The expression "mechanical power" includes steam electrical and every motive power not being animal power;

The expression "engine" includes motor.

Promoters.

The Promoters.

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

Lands.

5. The Promoters may—

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

(*b*) by agreement from time to time purchase and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes Provided that all sums received by the Promoters from the sale of such lands or from fines or premiums on

leases of the same shall be applied solely in repayment of outstanding loans and that such moneys shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board:

Provided that they shall not at any time hold for such purposes more than five acres of land Provided always that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken or appropriated under the powers of this section.

Construction of Tramways.

Construction of tramways.

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

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

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

Tramway No. 1 (1 mile 3 furlongs 7·5 chains in length or thereabouts) (whereof 3 furlongs 2 chains is single and 1 mile 5·5 chains is double) commencing in Batley Road Staincliffe at a point about 70 links to the north-east of Hollinbank Lane passing thence along Batley Road Healey Lane Mayman Lane Commercial Street Henrietta Street Branch Road and terminating in Bradford Road at a point about 1½ chains to the northward of the northern end of the said Branch Road:

Provided that no part of such tramway shall be laid within a distance of eight feet from the existing lines of the Dewsbury Batley and Birstal Tramways Company Limited except with the consent of the Company:

Tramway No. 1 will be laid as a single line except in the following places where it will be laid as a double line:—

(*a*) In Batley Road Staincliffe and Healey Lane between points distant respectively 1½ chains to the north-east of Hollinbank Lane and 5½ chains to the eastward of Deighton Lane;

(*b*) In Healey Lane between points distant respectively 3 chains to the westward and 2 chains to the south-eastward of the entrance to Healey House;

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(*c*) In Healey Lane between points 5 chains and 10 chains respectively to the eastward of the entrance to Healey House;

(*d*) In Healey Lane between points distant respectively ½ a chain and 4½ chains to the westward of Clark Green Street;

(*e*) In Mayman Lane and Commercial Street between Carlton Street and a point 1 chain to the north-west of Russell Street;

(*f*) In Branch Road between points distant respectively ¼ of a chain and 3½ chains to the southward of the northern end of that road:

Tramway No. 1A (6·5 chains in length) (whereof 3 chains is single and 3·5 chains is double) commencing by a junction with Tramway No. 1 at the junction between Henrietta Street and Commercial Street passing thence along the said Commercial Street and terminating therein opposite the steps of the Town Hall:

Tramway No. 1A will be laid as a single line except in the following case where it will be laid as a double line:—

In Commercial Street between the end of Russell Street and the centre of the Market Place:

Tramway No. 2 (1 furlong 9 chains in length) (whereof 1 furlong 5 chains is single and 4 chains is double) commencing by a junction with Tramway No. 1 in Batley Road Staincliffe at a point ½ a chain from the north-eastern end of that road passing thence into and along Common Road and terminating at the southern end of that road:

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

In Common Road between points distant respectively 2 chains to the north-west of the centre of Thornton Street and 1 chain to the north-west of the centre of Bunkers Lane:

Tramway No. 2A (a single line 1·5 chains in length) commencing in Healey Lane by a junction with Tramway No. 1 at a point situated ½ a chain from the south-western corner of that lane and terminating in Common Road by a junction with Tramway No. 2 at a point ½ a chain to the south-eastward of the northern end of Batley Road:

Tramway No. 2B (a single line 3 furlongs 7 chains in length) commencing by a junction with Tramway No. 2 at its termination above described passing thence into and along the Halifax Road and terminating in that road at a point opposite to the western end of Thorncliffe Road (formerly Intake Lane):

Provided that Tramway No. 2B shall not be constructed if any Order be confirmed by the Board of Trade on or before the thirty-first day of December one thousand nine hundred authorising the construction of a light railway along the portion of the Halifax Road on which the said Tramway No. 2B would otherwise be laid:

Provided always that notwithstanding anything shown upon the deposited plans Tramway No. 2B by this Act authorised shall be constructed in such position in the Halifax Road as to leave sufficient room for the construction along the same road of another tramway or

light railway if and when any such further tramway or light railway shall be authorised Provided also that the user of such lines of tramway or light railway shall be determined by the Board of Trade:

Tramway No. 2C (1 mile 3 furlongs 3·4 chains in length) (whereof 3 furlongs 2·4 chains is single and 1 mile 1 chain is double) commencing by a junction with Tramway No. 2B at its termination above described passing thence into and along Thorncliffe Road (formerly Intake Lane) Track Road Purlwell Lane Wellington Street Hick Lane and terminating in Bradford Road at a point 3 chains to the southward of the southern end of the said Hick Lane:

Provided that no part of such tramway shall be laid within a distance of eight feet from the existing lines of the Dewsbury Batley and Birstal Tramways Company Limited except with the consent of the Company:

Tramway No. 2C will be laid as a single line except in the following cases where it will be laid as a double line (that is to say):—

(*a*) In Thorncliffe Road (formerly Intake Lane) between points distant respectively 1 chain from Halifax Road and 5½ chains south of the junction between Dark Lane and Track Road;

(*b*) In Track Road and Purlwell Lane between points distant respectively ½ a chain to the east of Brierly Street and 1 chain to the north of Hartington Street;

(*c*) In Purlwell Lane and Wellington Street between Oxford Street and Peel Street;

(*d*) In Wellington Street between points distant respectively 3 chains to the westward of Hanover Street and Hilberoyd Road;

(*e*) In Hick Lane and Bradford Road between points distant respectively 2½ chains to the north-west and 2½ chains to the southward of the junction between the said Hick Lane and Bradford Road:

Tramway No. 3 (1 furlong 2 chains in length of which 6 chains is single and 6 chains double) commencing in Mayman Lane by a junction with Tramway No. 1 opposite Wetherill Street (formerly Carlton Street) passing thence into and along Clay Hill and Clark Green Road and terminating in Purlwell Lane by a junction with Tramway No. 2C at a point 70 links to the south-east of the end of the said Clark Green Road:

Tramway No. 3 will be laid as a single line except in the following case where it will be laid as a double line:—

In Clark Green Road from the east side of Dark Lane to its termination in Purlwell Lane:

Tramway No. 3A (a single line 1·2 chains in length) commencing at the eastern end of Healey Lane by a junction with Tramway No. 1 passing thence into and along Clayhill and terminating by a junction with Tramway No. 3 at a point ½ a chain to the eastward of Clark Green Road.

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For the protection of the Wakefield Corporation.

7. For the protection of the mayor aldermen and citizens of the city of Wakefield (in this section called "the Wakefield Corporation") the following provisions shall have effect unless otherwise agreed on in writing between the Promoters and the Wakefield Corporation:—

(1) The provisions of sections 30 and 32 of the Tramways Act 1870 shall for the purposes of this Order extend and apply to the water mains pipes and apparatus of the Wakefield Corporation and shall be construed as if the Wakefield Corporation were mentioned in the said sections in addition to company society body or person.

(2) If for the purpose of executing any repairs to or renewals of the water mains pipes and apparatus of the Wakefield Corporation it shall become necessary that the working or user of any portion of the tramways shall be wholly or in part stopped or delayed and the Wakefield Corporation shall except in cases of emergency give to the Promoters three clear days notice in writing requiring such stoppage or delay the working or user of such portion of the tramways shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such repairs or renewals and the Wakefield Corporation shall not be liable for any compensation claim demand damages costs or expenses for or in respect of such stoppage or delay.

(3) The works authorised by this Order shall be so constructed maintained and used as not to cause damage to the said water mains pipes and apparatus and if at any time hereafter any damage be in any manner caused to such water mains pipes or apparatus in consequence of the construction non-repair or user of the said works all loss costs damages and expenses which the Wakefield Corporation may reasonably incur or be put to in respect thereof shall be paid to them by the Promoters.

(4) If any difference shall arise between the Promoters and the Wakefield Corporation or their respective engineers as to the true intent and meaning of this section or the mode of giving effect thereto the same shall be determined by arbitration by an engineer to be appointed (unless agreed on) by the Board of Trade on the application of either party after notice in writing to the other of them.

Provisions as to construction of tramways.

8. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing the tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance and renewal of any of the tramways or any part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement

9. The rails of the tramways shall be such as the Board of Trade may approve. Rails to be such as Board of Trade may approve.

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

In case it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are by this section imposed.

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

12. The Promoters may with the consent of the Board of Trade lay down double lines in lieu of single or single lines in lieu of double lines on the tramways and if at any time after the construction of any of the tramways the road in which the same or any part thereof is laid shall be altered in level or widened the Promoters may take up and remove such tramway or part thereof and reconstruct the same in such position as they may think fit Provided that the uppermost surface thereof shall be on a level with the surface of the road as altered or widened And that in the exercise of the powers of this section no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto. Alteration of tramways.

13. In constructing and maintaining the tramways the Promoters may with the previous approval of the Board of Trade deviate laterally from the lines shown on the deposited plans to any extent not exceeding one foot but Power to deviate.

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no such deviation shall be made so that for a distance of thirty feet or upwards a less space than nine feet six inches shall intervene between the outer rail of the tramway and the outer edge of the footway on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

Cross-overs to be constructed in certain cases.

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

Additional cross-overs &c. may be made where necessary.

15. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove all such cross-overs passing-places sidings triangles junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the tramways or for providing access to any stables or carriage-houses sheds or works 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 it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

Temporary tramways may be made when necessary.

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

Application of road materials excavated in construction of works.

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

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

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

Motive Power.

Provisions as to motive power.

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

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

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

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

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

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

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

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

Further provisions as to use of mechanical power.

20. For the purpose of working the tramways by mechanical power the Promoters and their lessees may subject to the provisions of this Order erect construct maintain and use dynamos and other electric apparatus steam engines works and buildings and may construct erect lay down make and maintain on above or below the surface of any street or road posts brackets cables electric mains wires apparatus subways tunnels tubes boxes or openings and may for that purpose subject to the restrictions and provisions contained in Part II. of the Tramways Act 1870 open and break up any street or road or any sewer drain water or gas pipes tubes wires telephonic or telegraphic apparatus therein or thereunder.

Mechanical power works to be subject to section 30 of Tramways Act 1870.

21. All works to be executed by the Promoters in any street or road for working the tramways by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects (save as by this Order otherwise expressly provided) to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned.

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Byelaws.

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

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

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

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

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

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

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

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

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

Special provisions as to use of electrical power.

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

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

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

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

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

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

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

(7) The expression "the Promoters" in this section shall include their lessees and any person owning working or running carriages over any tramway of the Promoters

For protection of the Postmaster-General.

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

(B.) In the event of the tramways or any part thereof being worked by electricity the following provisions shall have effect:—

(1) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects

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

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

(3)—(a) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work;

(b) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration;

(4) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues;

(5) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of the act or execution

of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice;

(6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work;

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

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

(9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act;

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

(11) In this section the expression "the Promoters" includes their lessees and any person owning working or running carriages over the tramways or any part thereof of the Promoters.

Traffic upon Tramways.

Traffic upon tramways.

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

Promoters not bound to carry animals goods &c.

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

Provisions as to carriage of animals goods &c.

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

Junctions with works.

29. For the purpose of using the tramways for sanitary purposes and for the conveyance of scavenging stuff night soil ashes and other refuse coal coke gas-pipes road-metal and other materials required for their works the Promoters may with the consent of the Board of Trade make such junctions sidings and works as they may think necessary or convenient for making

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communication to the tramways from their depôts and yards Provided always that in the construction of such junctions sidings and works as aforesaid no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

Rates.

Passengers' fares.

30. The Promoters' lessees may demand and taken for every passenger travelling upon the tramways or any part thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile (and for this purpose a fraction of a mile beyond an integral number of miles shall be deemed a mile) but in no case shall the Promoters' lessees be bound to charge a less sum than twopence.

As to fares on Sundays and holidays.

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

Passengers' luggage.

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

Cheap fares for labouring classes.

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

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

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

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

Rates and charges for animals goods &c.

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

Payment of rates.

36. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by the Promoters or by their lessees or by twenty inhabitant ratepayers of the borough that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee reports that it has been proved to his satisfaction that all or any of the rates or charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Order authorised Provided also that a copy of this section shall be annexed to every table or list of rates published or exhibited by the Promoters or their lessees.

Periodical revision of rates.

Miscellaneous.

37. Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place and run carriages on and may work and may demand and take rates and charges in respect of the tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks horses harness engines machinery apparatus steam cable electrical and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and in such case the several provisions in this Order contained relating to the working of the tramways and the taking of rates and charges therefor shall extend and apply mutatis mutandis to and in relation to the Corporation and the Corporation may work such tramways and demand and recover such rates and charges accordingly but nothing in this section shall empower the

Power to Corporation to work tramways.

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Corporation to construct any station for generating electrical power nor to create or permit a nuisance.

Regulations.

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

Agreements with local authorities &c.

39. The Corporation on the one hand and any local authority company or person owning any tramway (including in that expression in this section any light railway) in or adjacent to the borough on the other hand may from time to time enter into and carry into effect agreements and arrangements for and with respect to—

(1) The formation of a junction or junctions between the tramways and any tramway belonging to such authority company or person;

(2) The working running over using maintaining and managing by either of the contracting parties of the tramways or any of the tramways of the other of them and the fixing apportionment and distribution of the rates and profits arising therefrom or of a rent for the same;

(3) The supply under any agreement for the tramways or any of the tramways of either of the contracting parties being worked and used by the other of them of motive power or of engines carriages and plant necessary for the purposes of such agreement;

(4) The appointment of officers and servants and generally all such matters as may be deemed desirable for enabling the tramways of the contracting parties to be worked in connexion.

Agreements with respect to traffic &c.

40. The Promoters or their lessees 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 any person with respect to the receiving from or forwarding to any such person any passengers animals goods minerals or parcels and the fixing collecting and apportionment of the rates charges rents or other receipts arising therefrom.

Contingent running power over Tramway 2B.

41. In the event of an Order under the Light Railways Act 1896 being confirmed by the Board of Trade authorising the construction of a light railway along the Halifax Road under the Spen Valley Light Railways Scheme deposited with the Light Railway Commissioners in the month of November One thousand eight hundred and ninety-eight the following provisions shall have effect (that is to say):—

(1) The promoters of the said Spen Valley Light Railways Scheme (in this section called "the Company") may subject to the approval of the the Board of Trade make a junction between the railways so authorised and Tramway No. 2B in Halifax Road at points in that tramway situate respectively at or near its junction with Tramway No. 2 and at or near its junction with Tramway No. 2C or at such other points in that tramway as the Board of Trade may approve;

(2) All works for the making of the said junctions shall be made in accordance with plans sections and specifications submitted to and approved by the Corporation before the commencement of the works provided that if the Corporation fail for twenty-eight days after such submission to disapprove thereof or to state their requirements in relation thereto the Company may execute the said works in accordance therewith but the said junctions shall be subject in all respects to the approval of and shall not be used until they have been re-inspected and certified to be fit for such use by the Board of Trade;

(3) When and so soon as the said junction shall have been so certified the Company may run engines and carriages with flanged wheels over and upon the rails of that tramway between the said points in consideration of such payments by the Company to the Corporation and upon and subject to such terms and conditions as may be mutually agreed between the Corporation and the Company or as in default of agreement shall be settled by arbitration under the provisions of section 33 of the Tramways Act 1870 and the Corporation shall not exercise their rights as owners of the tramways so as to interfere with or impede the Company in the reasonable exercise of their powers under this subsection;

(4) The powers and rights by this section conferred on the Company shall not be exercised so as to interfere with or impede the Corporation or their lessees in the full and free use and enjoyment of the tramways nor until the payments terms conditions and regulations upon and subject to which the said running powers may be exercised shall have been approved by the Board of Trade;

(5) The Company in using the said tramway shall at all times observe the byelaws and regulations and may charge the tolls and rates for the time being in force on that tramway so far as the same may be applicable to the Company in the use thereof and shall for the acts and defaults of themselves and their officers and servants in respect of such user incur all and the same liabilities as the Corporation or the lessees of the tramways would in like circumstances have incurred;

(6) Any dispute which may arise between the Company and the Corporation under this section shall be settled by arbitration under the provisions of section 33 of the Tramways Act 1870.

Mortgages to include rents and rates.

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

Orders &c. of the Board of Trade.

43. All orders regulations and byelaws made and consents and certificates given by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board and when purporting to be so signed the same shall be deemed to be duly made in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly.

Recovery of penalties.

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

Audit of accounts.

45. Sections 246 and 250 of the Public Health Act 1875 shall apply to the audit of the accounts of the receipts and expenditure of the Promoters and their officers with respect to the tramways as if such accounts related to receipts and expenditure under that Act.

Protection of local authority.

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

Form and delivery of notices.

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

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

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

Provisions as to arbitration.

48. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to 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 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.

Saving for general Acts.

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

SCHEDULE.

Rates and Charges for Animals Goods &c.

Animals.		Per Mile. s.	d.
For every horse mule or other beast of draught or burden -	per head	0	4
For every ox cow bull or head of cattle - - -	per head	0	3
For every calf pig sheep or other small animal - -	per head	0	1½

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	2
For all iron iron-ore pig-iron bar-iron rod-iron sheet-iron hoop-iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fire-clay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs	per ton	0	2½
For all sugar grain flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - -	per ton	0	3
For cotton wools drugs and manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein - - - - - -	per ton	0	4
For every carriage of whatever description - - - -		1	0

Small Parcels.	Any Distance. s.	d.
For any parcel not exceeding seven pounds in weight - - -	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - - - -	0	5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - - -	0	7
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight - - - - -	0	9
For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight such sum as the person conveying the same may think fit.		

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

For the Carriage of Single Articles of Great Weight.

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

Regulations as to Rates.

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

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

For a fraction of a ton rates and charges may be demanded and taken according to the number of 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 Imperial avoirdupois weight.

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

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Camborne and Redruth.

Order authorising the Urban Electric Supply Company Limited to construct a Tramway in the Parish and Urban District of Camborne in the Parish and Urban District of Redruth and in the Parish of Illogan in the Rural District of Redruth all in the County of Cornwall.

Preliminary.

Short title.

1. This Order may be cited as the Camborne and Redruth Tramway Order 1900.

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

The expression "mechanical power" includes steam electrical and every other motive power not being animal power;

The expression "engine" includes motor.

Promoters.

The Promoters.

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

Lands.

Lands by agreement.

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

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always that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken under the powers of this section.

Construction of Tramway.

Construction of tramway.

6. The Promoters may subject to the provisions of this Order construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order as the same have been amended previous to the passing of the Act confirming this Order (which plans and sections so amended as aforesaid are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramway herein-after described with all proper rails plates offices weigh-bridges turntables stables engine houses carriage houses warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

The tramway authorised by this Order is—

A tramway in the parish and urban district of Camborne in the parish and urban district of Redruth and in the parish of Illogan in the rural district of Redruth all in the county of Cornwall commencing at Camborne aforesaid in Trelowarren Street opposite the western kerb of Chapel Street Camborne and passing thence in an easterly direction along Trelowarren Street thence in a north-easterly direction into and along Wesley Street and Pendarves Street thence in an easterly direction along the main road from Camborne to Redruth and terminating in West-end Redruth aforesaid at or near a point opposite the south-western corner of the Western public-house.

The tramway is intended to be laid as a single line except at the following places where it is intended to be laid double (that is to say):—

(A) In Trelowarren Street aforesaid from the commencement of tramway for a distance of 4 chains east thereof.

(B) At the junction of Trelowarren Street and Wesley Street between points respectively 2 chains west and 3 chains east of the western frontage of Centenary Street.

(C) At the junction of Wesley Street and Pendarves Street between points respectively 9½ chains and 14½ chains north-east of the level crossing of the West Cornwall Railway in Wesley Street.

(D) In the main road from Camborne to Redruth between points respectively 5 chains west and 5½ chains east of the boundary between the parishes of Camborne and Illogan.

(E) At Pool in the main road from Camborne to Redruth between points respectively 38 chains and 43 chains west of the level crossing of the Portreath branch of the Great Western Railway in Illogan Highway.

(F) In the main road from Camborne to Redruth between points respectively 6 chains and 11 chains west of the aforesaid level crossing in Illogan Highway.

(G) In the main road from Camborne to Redruth between points respectively 20½ chains and 25 chains east of the aforesaid level crossing in Illogan Highway.

(H) In the main road from Camborne to Redruth between points respectively 2½ chains and 6½ chains west of the boundary between the parishes of Illogan and Redruth.

(I) In West End Redruth from the point of termination of tramway for a distance of 9 chains west thereof.

The total length of the tramway is 3 miles 3 furlongs 3 chains of which 2 miles 6 furlongs 0·5 chain is single line and 5 furlongs 2·5 chains is double line.

Provided that the tramway shall be laid as single line only at places (D) (E) and (H) unless the Board of Trade otherwise consent in writing.

In the foregoing descriptions the distances and lengths given for the purposes of describing any tramway or portion of tramway shall be read as if the words "or thereabouts" had been inserted after each such distance or length.

For protection of Great Western Railway Company.

7. The following provisions for the protection of the Great Western Railway Company (in this section called "the railway company") shall unless otherwise agreed upon between the Promoters and the railway company apply and have effect (that is to say):—

(1) In constructing maintaining and using the tramway by this Order authorised across the Roskear Branch the North Crofty Branch and the Portreath Branch Railway where those branches cross the public road from Camborne to Redruth on the level the same shall be constructed and maintained by the Promoters under the superintendence and to the reasonable satisfaction of the engineer of the railway company and in accordance with plans previously submitted to and approved by the said engineer Provided that such approval as aforesaid shall not be unreasonably withheld and that it shall be deemed to have been given unless the engineer signifies his disapproval and the grounds thereof within fourteen days after the submission of the said plans.

(2) If by reason of the execution of any of the works or any proceedings of the Promoters or the failure of any such works or any act or omission of the Promoters or of their servants the said branch railways or any of

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the works of the railway company shall be physically injured or damaged such injury or damage shall forthwith be made good by the Promoters at their own expense or in the event of their failure so to do the railway company may do the necessary works for that purpose at the expense of the Promoters and the Promoters shall repay to the railway company all reasonable and proper costs and expenses incurred by them in so doing and all loss or damage sustained by the railway company in consequence of such injury or damage.

(3) Nothing contained in this Order or which may be done in pursuance thereof shall prevent the railway company from maintaining and repairing and when necessary altering or reconstructing the said branch railways or other works of the railway company without interference on the part of the Promoters.

Provided that all such operations shall be executed by the railway company in such manner as to cause as little interruption or inconvenience as practicable to the traffic on the tramway and the railway company shall give fourteen days notice in writing to the Promoters before commencing any of such operations and the same as far as interfering with the tramway shall be conducted under the superintendence and to the reasonable satisfaction of the engineer of the Promoters.

(4) If any difference shall arise between the Promoters and the railway company as to any plans and sections or as to the mode of executing any works or as to any costs or expenses referred to in this section the same shall be determined by an engineer to be agreed upon between the Promoters and the railway company or failing agreement to be nominated as referee by the Board of Trade on the application of either party.

Gauge and width of carriages.

8. The tramway shall be constructed on a gauge of 3 feet 6 inches or such other gauge as may from time to time be determined by the Board of Trade with the consent of the local authorities of the districts in which the tramway shall be constructed Provided always that in the event of the tramways being constructed on a less gauge than 4 feet 8½ inches so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramway but no engine or carriage used on the tramway shall exceed 6 feet 4 inches in width or such other width as may be prescribed by the Board of Trade.

Provisions as to construction of tramway.

9. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing any part of the tramway lay before the Board of Trade and the road authority a plan showing the proposed mode of constructing laying down maintaining and renewing such tramway and a statement of the materials intended to be used therein

and the Promoters shall not commence the construction laying down maintenance or renewal of the tramway or part of the tramway 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 of the road authority as provided by section 26 of the said Act.

As to rails of tramway.

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

Penalty for not maintaining rails and roads in good condition.

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

In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramway or any portion thereof is situate or by twenty inhabitant ratepayers of such district that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are by this section imposed.

Sanitary authority to have access to sewers.

12. Every sanitary authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Promoters and the provisions contained in the 32nd and 33rd sections of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the sanitary authority as if the same were a pipe for the supply of gas or water.

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

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

Alteration of tramway.

14. The Promoters may with the consent of the Board of Trade and the road authority lay down double lines in lieu of single or interlacing lines or single lines in lieu of

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double or single lines on any part of the tramway and if at any time after the construction of the tramway the road in which the same or any part thereof is laid shall be altered in level or widened the Promoters may with the like consents take up and remove such tramway or any part thereof and reconstruct the same in such position as they may think fit Provided that the uppermost surface thereof shall be on a level with the surface of the road as altered or widened Provided further that in the exercise of the powers of this section no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

Double line with cross-overs to be constructed in certain cases.

15. Where according to the deposited plans it is proposed to lay down in any road a single line of tramway and a less space than nine feet six inches intervenes between the outside of the footpath on either side of such road and the nearest rail of the tramway the Promoters shall unless otherwise authorised by the Board of Trade and the local and road authorities respectively lay down in lieu of such single line a double line of tramway with proper cross-overs and every such double line shall be so laid that only one of such lines can be used at one and the same time.

Additional cross-overs &c. may be made where necessary.

16. The Promoters may subject to the provisions of this Order with the consent of the local authority and road authority from time to time make maintain alter and remove all such cross-overs passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the tramway or for providing access to any stables or carriage-houses sheds or works of the Promoters Provided that in the exercise of the powers of this section no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

Temporary tramway may be made when necessary.

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

occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

If any difference arises between the Promoters and any road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway or temporary tramways under the authority of this section the same shall be settled in the manner specified in section 33 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.

18. 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 with the sanction of the road authority be applied by the Promoters so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of the tramway within the district of such road authority of so much of the roadway on either side of such tramway 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 of such road authority or to such person as he may appoint to receive the same at such place as he may direct Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be settled by a referee to be nominated by the Board of Trade on the application of either party.

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

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

Motive Power.

Provisions as to motive power.

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

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

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

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

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

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

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

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

Mechanical power works.

21.—(1) The Promoters may (subject to the provisions of this Order):—

(*a*) Erect provide and use on any lands acquired by them under the powers of this Order dynamos engines boilers and other machinery and apparatus and things necessary or proper for the working of the tramway by mechanical power;

(*b*) From time to time subject to the reasonable approval of the local and road authority and to such reasonable terms and conditions as those authorities may impose and subject to the approval of the local authority as to the design of works enter upon and open the surface of and lay down construct erect and maintain on in under or over the surface of any road such posts conductors wires tubes mains plates boxes and apparatus and make and maintain such openings posts wires tubes or ways in on under or over any such surface as may be necessary or convenient either for the working of the tramway or for providing access to or forming connections with any engines machinery or apparatus or for connecting any portions of such tramway.

(2) The provisions of section 26 of the Tramways Act 1870 and the provisions of this Order shall apply mutatis mutandis to the breaking up of and interference with any roads under this section and the Promoters shall from time to time and without delay repair and make good all such roads to the satisfaction of the road authority.

(3) If at any time the local authority shall become entitled under the provisions of sections 41 or 42 of the Tramways Act 1870 or of any other enactment to remove the tramway within their district or any part thereof the local authority may without removing such tramway or in addition

thereto remove the electrical equipment of such tramway or of such part thereof in like manner and subject to the same provisions as to the payment of the costs in every respect as in cases of removal of tramways under section 41 of the said Act.

Mechanical power works to be subject to section 30 of Tramways Act 1870.

22. All works to be executed by the Promoters in any road for working the tramways by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned.

Byelaws.

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

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

For regulating the emission of smoke or steam from engines used on the tramway;

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

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

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the tramway by exhibition of the same in conspicuous places on the carriages and elsewhere;

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

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

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

Special provisions as to use of electrical power.

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

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

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

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

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

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

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

(7) The expression "the Promoters" in this section shall include any person owning working or running carriages over any tramway of the Promoters.

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For the protection of the Postmaster-General.

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

(B) In the event of the tramway or any part thereof being worked by electricity the following provisions shall have effect :—

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

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

(3) (*a*) Before any electric line is laid down or any act or work for working the tramway by electricity is done within 10 yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;

(*b*) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration ;

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(4) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues;

(5) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the Court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice;

(6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work;

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

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

(9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act;

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

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

Traffic upon Tramway.

Traffic upon tramway.

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

Promoters not bound to carry animals goods &c.

28. 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.

29. No goods animals articles or things other than passengers and passengers' luggage and parcels not exceeding fifty-six pounds in weight shall be conveyed on the tramway between the hours of eight in the morning and eight in the evening without the consent of the local authority and the road authority nor shall any carriages trucks or waggons constructed for use upon a railroad be permitted to pass along the tramway between the same hours without such consent.

Heavy traffic confined to certain hours.

30. The Promoters shall at all times after the opening of the tramway or any part or parts thereof for public traffic provide such service of cars as may be reasonably required in the public interests and the Promoters shall be liable to a penalty of not exceeding five pounds for every day on which they shall fail to comply with the provisions of this section Provided that the Promoters shall not be liable to any such penalty if the failure to run such service arises from circumstances over which they have no control Any question which may arise as to the service of cars required in the public interests may be determined on the application of the Promoters or of the local authority or other body or person by the Board of Trade whose decision shall be final and conclusive.

Service of cars.

Rates.

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

Rates for passengers.

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

As to fares on Sundays and holidays.

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

Passengers' luggage.

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

Cheap fares for labouring classes.

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

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

Rates for animals goods &c.

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

Payment of rates.

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

Periodical revision of rates.

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

Miscellaneous.

As to power of sale under section 44 of Tramways Act 1870.

38. If the Promoters shall at any time be desirous of selling their undertaking under section 44 of the Tramways Act 1870 they shall first give notice of their desire to the local authorities of each district in which any

part of their undertaking is situate and if all of such local authorities shall within three calendar months after the receipt of such notice pass such a resolution as is specified in section 44 of the Tramways Act 1870 deciding to purchase the whole of the tramway undertaking the Promoters shall thereupon sell to such local authorities and such local authorities shall purchase so much of the undertaking of the Promoters as is situate in the district of each local authority upon the terms of such local authorities paying the fair market value of the undertaking as a going concern such value in case of difference to be determined by an engineer or other fit person to be nominated as referee by the Board of Trade on the application of either party and the expenses of the reference shall be paid and borne as the referee may direct.

Agreements with road authorities.

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

Power to enter into agreements with respect to traffic.

40. The Promoters or any person using the tramway or any portion of the tramway under the authority of this Order 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 any person with respect to the receiving from or forwarding to any such person any animals goods minerals or parcels and the fixing collecting and apportionment of rates charges or other receipts arising in respect of such traffic.

Saving as to powers of borrowing on mortgage.

41. 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 43 of the Tramways Act 1870 and that any mortgage granted by the Promoters shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being purchased by the local authority under section 43 of the Tramways Act 1870 and that every mortgage deed granted by the Promoters shall be endorsed with notice.

Orders &c. of the Board of Trade.

42. All orders regulations and byelaws made and consents and certificates given by the Board of Trade under the authority of this Order shall be signed by a secretary or assistant secretary of the Board and when purporting to be so signed the same shall be deemed to be duly made in

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accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly.

Recovery of penalties.

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

Power to hold patents.

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

Form and elivery of notices.

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

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

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

Provisions as to arbitration.

46. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 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 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.

Saving for general Acts.

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

SCHEDULE.

Rates and Charges for Animals Goods &c.

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

	Any Distance. s.	d.
Small Parcels.		
For any parcel not exceeding seven pounds in weight - -	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - - - -	0	5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - -	0	7
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - - -	0	9
For any parcel exceeding fifty-six pounds in weight but not exceeding five hundred pounds in weight such sum as the Promoters may think fit.		

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

Single Articles of Great Weight.

For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which

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including the carriage exceeds four tons but does not exceed eight tons such sum as the Promoters may think fit not exceeding two shillings per ton per mile.

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.

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

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

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

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

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

EAST HAM URBAN DISTRICT COUNCIL.

East Ham Urban District Council.

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

Preliminary.

Short title.

1. This Order may be cited as the East Ham Urban District Council Tramways Order 1900.

Order of 1898 and this Order to be construed together.

2. This Order and the East Ham Urban Council Tramways Order 1898 (in this Order called "the Order of 1898") shall be construed together as one Order.

Incorporation of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order Provided that the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any alteration of or interference with any telegraphic line belonging to or used by the

Postmaster-General The expression "telegraphic line" in this Order has the same meaning as in the Telegraph Act 1878.

Interpretation.

4. 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 tramway undertaking" includes the tramway undertakings respectively authorised by the East Ham Improvement Act 1898 the Order of 1898 and this Order.

Promoters.

The Promoters.

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

Lands by agreement.

6. The Promoters may—

(a) subject to the sanction of the Local Government Board and under such conditions as they may prescribe from time to time appropriate and use for the purposes of the tramway undertaking but subject to the provisions (if any) under which such lands were respectively acquired any lands not dedicated to public use from time to time vested in them;

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

Provided that they shall not at any time hold for such purposes more than five acres of land Provided always that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken or appropriated under the powers of this section.

Construction of Tramways.

Construction of tramways.

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

(a) construct and maintain in accordance with the plans and sections deposited at the offices of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails junctions crossing places turnouts plates works and conveniences connected therewith as may

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be necessary or proper therefor and for connecting and using the same with the existing or authorised tramways of the Promoters or for the purposes thereof;

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

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

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

Tramway No. 4.—(7 furlongs 4·80 chains in length) of which 5 furlongs 8·80 chains are single line and 1 furlong 6 chains are double line situate partly in the parish of Little Ilford and partly in the parish of East Ham and wholly in the Urban District of East Ham commencing in Wanstead Park Road at the boundary of the parishes of East Ham and Wanstead at a point about 12 chains or thereabouts from the boundary of Wanstead Park and proceeding thence in a southerly direction along Wanstead Park Road then in a south-easterly direction along Wanstead Road to a point opposite to the entrance of the City of London Cemetery or thereabouts thence in a southerly direction along an intended new road proposed to be called Forest Drive and Station Road and terminating by junctions with Tramways Nos. 1 and 2 authorised by the East Ham Urban Council Tramways Order 1898 in Romford Road opposite Station Road or thereabouts.

Provided that this tramway shall not be constructed on the said intended new road until such road has been vested in the East Ham Urban District Council.

Provided also that no rail of the tramways to be laid on the bridge crossing the Great Eastern Railway at Manor Park Station and the approaches to such bridge shall be so laid that a less space than 11 feet 6 inches shall at any time intervene between such rail and the outside of the existing footpath on the western side of such bridge and approaches and the tramways to be laid on such bridge and approaches shall notwithstanding anything shown on the deposited plans be laid in accordance with the plan signed by Adam Horsborough Campbell on behalf of the Promoters and John Wilson on behalf of the Company.

Tramway No. 4 will be laid as double line throughout except in the following places where it will be single line that is to say:—

In Wanstead Park Road—

(A) Between the commencement of proposed Tramway No. 4 at the boundary of the parishes of Little Ilford and Wanstead and 84 yards or thereabouts north of Cook Road.

(B) Between 17 yards or thereabouts north of Cook Road and 73 yards or thereabouts north of Wanstead Road.

In Wanstead Road—Between Wanstead Park Road and 133 yards or thereabouts east of Wanstead Park Road.

In intended new road proposed to be called Forest Drive.

(A) Between a point in an intended new road proposed to be called Forest Drive 5 yards or thereabouts from the intersection of Wanstead Road with Forest Drive and 69 yards or thereabouts north of Forest Drive.

(B) Between 4 yards or thereabouts north of Forest Drive and Whitta Road.

In Station Road—Between 7 yards or thereabouts south of Manor Park Road and 17 yards or thereabouts north of Romford Road.

Tramway No. 5—(1 mile 2 furlongs 0·34 chains in length) of which 7 furlongs 7·34 chains are single line and 2 furlongs 3 chains are double line commencing in the Romford Road by junctions with the existing tramway of the North Metropolitan Tramways Company and proceeding thence in a southerly direction along Red Post Lane and Katherine Road and terminating by junctions with Tramway No. 3 authorised by the Order of 1898 in Barking Road opposite Katherine Road or thereabouts.

Tramway No. 5 will be laid as double line throughout except in the following places where it will be single line that is to say:—

In Red Post Lane—

(A) Between 65 yards or thereabouts south of Romford Road and 7 yards or thereabouts south of Sherrard Road.

(B) Between 73 yards or thereabouts south of Sherrard Road and 32 yards or thereabouts north of Strone Road.

(C) Between 34 yards or thereabouts south of Strone Road and 25 yards or thereabouts south of Rutland Road.

(D) Between 91 yards or thereabouts south of Rutland Road and 10 yards or thereabouts south of Plashet Grove.

In Katherine Road—

(A) Between 76 yards or thereabouts south of Plashet Grove and 14 yards or thereabouts south of Heigham Road.

(B) Between 80 yards or thereabouts south of Heigham Road and 14 yards or thereabouts south of Stamford Road.

(C) Between 80 yards or thereabouts south of Stamford Road and 33 yards or thereabouts north of Barking Road.

Provided that Tramway No. 5 shall not be laid at the narrow places marked on the deposited plans on either side of the railway bridge unless and until the road has been widened so as to afford a space of not less than 9 feet 6 inches between the edges of the footpaths and the nearest rail of the tramway.

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Tramway No. 7.—(6 furlongs 1 · 81 chains in length) of which 4 furlongs 8 · 23 chains are single line and 1 furlong 3 · 58 chains are double line commencing at a point in Green Street opposite Plashet Lane or thereabouts proceeding thence in a south-easterly direction into and along Plashet Lane to its junction with Plashet Grove thence in an easterly direction along Plashet Grove and terminating by junctions with Tramway No. 2 authorised by the Order of 1898 in High Street North opposite Plashet Grove or thereabouts.

Tramway No. 7 will be laid as double line throughout except in the following places where it will be single line that is to say—

In Plashet Lane.—Between 20 yards or thereabouts east of Green Street and 39 yards or thereabouts east of Walpole Road.

In Plashet Grove—

(A) Between 27 yards or thereabouts east of Plashet Lane and 7 yards or thereabouts west of Wyndham Road.

(B) Between 59 yards or thereabouts east of Wyndham Road and 7 yards or thereabouts east of Red Post Lane.

(C) Between 73 yards or thereabouts east of Red Post Lane and 34 yards or thereabouts west of Woodhouse Grove.

(D) Between 32 yards or thereabouts east of Woodhouse Grove and 13 yards or thereabouts west of High Street North.

Tramway No. 8.—(7 furlongs 1 · 42 chains in length) of which 5 furlongs 7 · 42 chains are single line and 1 furlong 4 chains are double line commencing by junctions with Tramway No. 3 authorised by the Order of 1898 in Barking Road opposite Green Street or thereabouts proceeding thence in a south-easterly and easterly direction along Central Park Road and Rancliffe Road (formerly White Horse Lane) and terminating by junctions with Tramway No. 2 authorised by the Order of 1898 opposite Rancliffe Road or thereabouts.

Tramway No. 8 will be laid as double line throughout except in the following places where it will be single line that is to say—

In Central Park Road—

(A) Between 47 yards or thereabouts south-east of Barking Road and St. Martin's Avenue.

(B) Between 66 yards or thereabouts east of St. Martin's Avenue and 103 yards or thereabouts east of Macaulay Road.

In Rancliffe Road—

(A) Between 31 yards or thereabouts south-east of Central Park Road and 177 yards or thereabouts south-east of Central Park Road.

(B) Between 479 yards or thereabouts west of High Street South and 119 yards or thereabouts west of High Street South.

(c) Between 53 yards or thereabouts west of High Street South and the junction with the Tramway No. 2 authorised by the Order of 1898 in High Street South.

Provided that notwithstanding anything shown on the deposited plans Tramway No. 8 shall not be laid in Rancliffe Road otherwise than in the centre of such road as it exists at the time of the construction of the tramway.

Tramway No. 9.—(5 furlongs 2·69 chains in length) commencing by junctions with Tramways Nos. 2 and 3 authorised by the Order of 1898 opposite High Street North or thereabouts proceeding thence in an easterly direction along Barking Road and terminating at the boundary of the parishes of East Ham and Barking in the centre of the bridge crossing the Back River or thereabouts.

Tramway No. 9 will be laid as double line throughout.

Tramway No. 10.—(7 furlongs 9·31 chains in length) of which 6 furlongs 7·31 chains are single line and 1 furlong 2 chains are double line commencing at a point upon the bridge over the Metropolitan northern outfall sewer 17 yards or thereabouts north of the centre of Roman Road by junctions with Tramway No. 2 authorised by the Order of 1898 proceeding thence in a southerly and easterly direction along East Ham Manor Way terminating opposite Ferndale Street or thereabouts.

Tramway No. 10 will be laid as double line throughout except in the following places where it will be single line that is to say—

In Manor Way—

(A) Between 17 yards or thereabouts north of the centre of Roman Road at the junction with Tramway No. 2 authorised by the Order of 1898 and 77 yards or thereabouts north of Beckton Road.

(B) Between 11 yards or thereabouts north of Beckton Road and 79 yards or thereabouts south of the Beckton branch of the Great Eastern Railway.

(C) Between 145 yards or thereabouts south of the Beckton branch of the Great Eastern Railway and 79 yards or thereabouts north of Beaconsfield Street.

(D) Between 12 yards or thereabouts north of Beaconsfield Street and 11 yards or thereabouts east of Cameron Street.

(E) Between 77 yards or thereabouts east of Cameron Street and terminating at Ferndale Street.

Provided that notwithstanding anything in this Order contained or shown on the deposited plans Tramway No. 10 shall not without the consent in writing of the Board of Trade and subject to such reasonable conditions and regulations as the Board of Trade may require at the cost of the Promoters cross over the Beckton Branch Railway by means of a level crossing and the double line at the end of the said tramway shall

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be so laid that a space of not less than 9 feet 6 inches shall intervene between the edge of the footpaths and the nearest rail of the tramway.

Provided also that no part of Tramway No. 10 laid in a portion of a road alongside which open ditches exist shall be opened for public traffic until substantial fences have been erected along the sides of such portion of road.

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

For the protection of Government observatories &c.

8. When any department of Her Majesty's Government represents to the Board of Trade that the use of electrical power under this Order or the Order of 1898 injuriously affects or is likely to injuriously affect any instruments or apparatus whether electrical or not used in any observatory or laboratory belonging to or under the control of that Department the Board of Trade after such inspection or inquiry as they may think proper may by their regulations require the Promoters to use such reasonable and proper precautions including insulated returns as the Board of Trade may deem necessary for the prevention of such injurious affection For the purposes of this section any inspector of the Board of Trade may during his inspection of the Promoters' works and apparatus be accompanied by any person or persons appointed in that behalf by the Government Department concerned and the Promoters shall give all due facilities for the inspection Provided always that in the case of any observatory or laboratory established after the passing of the Act confirming this Order or of any instruments or apparatus hereafter used in any existing observatory or laboratory which may be of greater delicacy than those used therein at the passing of the Act confirming this Order the Board of Trade shall consider to what extent if any it is expedient in the interests of the public that the powers of this section should be exercised regard being had to the site of the observatory or laboratory or the purposes of the instruments or apparatus as the case may be.

For the protection of West Ham Corporation.

9.—(1) The Promoters shall if required by the mayor aldermen and burgesses of the county borough of West Ham (in this section referred to as "the corporation") subject to the provisions of this Order and to the approval of the Board of Trade—

(a) permit all necessary and convenient junctions to be made and maintained between the tramways of the corporation and the tramways of the Promoters;

(b) grant to the corporation and to their assignees lessees and licencees all such reasonable running powers and traffic facilities over and on the tramways upon such terms and conditions as to payment compensation or otherwise as may be agreed.

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(2) Any matter in difference under this section between the Promoters and the corporation shall unless otherwise agreed be referred to the Board of Trade whose decision shall be final or if the Board of Trade think fit to the arbitration of a person nominated by the Board of Trade.

For protection of London Tilbury and Southend Railway Company.

10. In constructing and maintaining the tramways sanctioned by this Order and in constructing and maintaining any works for the purpose of working such tramways by mechanical power where the same are intended to cross the bridge carrying Katherine Road over the railways of the London Tilbury and Southend Railway Company (herein-after called "the Company") the following provisions shall have full force and effect and be binding upon the Promoters:—

(1) The Promoters shall not in any way vary alter or interfere with the structure of the said bridge and they shall so contruct and maintain the tramways works and apparatus over such bridge and approaches as not injuriously to affect the same;

(2) In the event of any injury being caused to such bridge or the approaches thereto by the construction maintenance repairing use or removal of the said tramway works and apparatus if the Promoters fail so to do the Company may restore such bridge and approaches or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the reasonable costs incurred by the Company in so doing shall be repaid them by the Promoters;

(3) Whenever and so often as the Company shall require to widen lengthen strengthen re-construct alter or repair the said bridge or approaches or to widen or alter their railways thereunder the Promoters shall afford the Company all reasonable and proper facilities for so doing and if it shall be necessary for effecting any of such purposes that the working and user of the tramway over the said bridge or approaches should be wholly or partially stopped or delayed or that the tramway shall be temporarily diverted taken up or removed and the Company give to the Promoters twenty-eight clear days' notice in writing requiring such stoppage or delay or diversion the working and user of such portion of the tramway shall be stopped or the said tramway shall be diverted taken up or removed accordingly under the superintendence of the engineer of the Promoters if such engineer give such information but only for so long as may be absolutely necessary for effecting such purposes and the Company shall not be liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto And if such widening lengthening strengthening re-construction or alteration is effected prior to the second day of August one thousand nine hundred and three the Promoters shall bear the cost of the diversion taking up or removal of the said tramways and if the same shall be effected subsequently to such date such cost shall be paid by the Company And in case the principal engineer of the Company or in case of difference an arbitrator to be appointed as herein-after provided shall be of opinion that the present fabric of the

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said bridge prior to the second day of August one thousand nine hundred and three should be strengthened in consequence of the existence or user of the tramway the Company may at the reasonable expense of the Promoters execute such work as the said engineer or arbitrator may deem or decide to be necessary for the purpose and the Company may recover from the Promoters all moneys reasonably expended by them in the execution of any such works as aforesaid;

(4) All works which may be necessary in constructing and maintaining any tramway or for working the tramways by mechanical power over the said bridge and approaches shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the principal engineer of the Company or in case of difference by an engineer to be appointed by the Board of Trade on the application of either the Company or the Promoters and no such works shall be commenced (except in case of emergency) until the Promoters shall have given to the said principal engineer 28 clear days' notice in writing thereof;

(5) The term "Promoters" shall include any person or body or persons leasing or working the said tramways;

(6) If any difference shall arise between the Promoters and the Company touching this section or anything to be done or not to be done thereunder the same shall be determined by an engineer to be agreed upon or failing agreement by an engineer to be appointed by the Board of Trade on the application of either party after notice in writing to the other;

(7) The Promoters and the Company may agree for any variation or alteration of the works or matters in this section provided for or with respect to the manner in which the same shall be executed or carried into effect.

For further protection of Great Eastern Railway Company.

11. For the protection of the Great Eastern Railway Company (in this section called "the Company") the following provisions shall unless otherwise agreed between the Promoters and the Company be observed and have effect (that is to say):—

(1) In this section the word "apparatus" includes posts conductors wires tubes mains plates cables ropes and apparatus and any similar appliances to be used as or for the purposes of a motive power for the carriages running on any tramway and includes also any openings and ways for the purposes of such apparatus.

(2) Where any tramway by this Order authorised to be constructed or altered or any tramway on or in connexion with which any apparatus is to be constructed or used is laid along a road which is carried by means of a bridge over any railway of the Company the Promoters shall so construct or alter and maintain and use the said tramway and apparatus as not to alter or interfere with the structure of any such bridge or of the approaches thereto.

(3) In the event of any injury being caused to any such bridge or the approaches thereto by the construction alteration maintenance repairing

user or removal of any such tramway or apparatus the Company may at the expense in all things of the Promoters forthwith in case of emergency and in other cases after giving seven clear days' notice in writing of their intention so to do restore such bridge and approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned.

(4) All works which may be necessary in constructing altering and maintaining any such tramway or apparatus over any such bridge and the approaches thereto shall be constructed and maintained in all things at the expense of the Promoters and under the superintendence and to the reasonable satisfaction of the principal engineer of the Company hereinafter referred to as "the principal engineer."

(5) In case it shall become necessary in consequence of the existence or user of any such tramway or apparatus to strengthen the fabric of any such bridge the Company may after giving to the Promoters seven clear days' notice thereof execute such works as the principal engineer may deem necessary but in all things at the expense of the Promoters.

(6) If it shall become necessary for effecting such strengthening that the working and use of any portion of any such tramway shall be wholly or in part stopped or delayed and the Company shall (except in cases of emergency when they shall give the longest notice practicable) give the Promoters seven clear days' notice in writing requiring such stoppage or delay the working or user of such portion of the said tramway shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the Company shall not be liable for any compensation claim demand damages costs or expenses for or in respect of such stoppage or delay.

(7) The sleepers and other materials forming the substructure of any such tramway where the same crosses any such bridge over the railway or are laid along the approaches thereto shall be such as shall be reasonably approved of by the Company.

(8) Whenever and so often as the Company shall require to lengthen strengthen reconstruct alter or repair any bridge over which any tramway of the Promoters is laid or the approaches thereto and they shall find it necessary for effecting any of such purposes that the working and user of any such tramway over any such bridge or approaches shall be wholly or partly stopped or delayed or that the tramway or any apparatus connected therewith shall be wholly or in part temporarily diverted 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 or user of the tramway shall be stopped or delayed or the tramway or apparatus shall be diverted or taken up or removed accordingly by and at the expense in all things of the Promoters and under the superintendence of the principal engineer (if such engineer shall give such superintendence) but only for so long as the Company may find it to be absolutely

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necessary for effecting such purpose and the Company shall not be liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage delay diversion taking up or removal or in any way relating thereto In cases of emergency or in other cases if the Promoters after such notice make default in diverting taking up or removal of any such tramway or apparatus the Company may at the expense of the Promoters effect such diversion taking up or removal.

(9) Notwithstanding anything contained in this Order the Promoters shall not acquire otherwise than by agreement any land belonging to the Company.

(10) The term "Promoters" shall include not only the Council but also any person or body of persons leasing or working the tramways.

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

Tramways to form part of tramway undertaking for all purposes.

12. Subject to the provisions of this Order the tramways shall for all purposes form part of the tramway undertaking and the Promoters and their lessees and licencees may in respect of the tramways exercise and enjoy all and the like powers rights privileges and authorities which they now may or are empowered to exercise and enjoy and shall be subject and liable to the like penalties conditions restrictions and stipulations as they are subject and liable to with respect to the tramway undertaking or any part thereof and may demand take and recover in respect of the tramways or any part or parts thereof the like tolls rates and charges for the use thereof and for the conveyance thereon of traffic of all kinds and for the use of carriages placed and run thereon by them as they are authorised to demand and take in respect of the tramways authorised by the Order of 1898.

Cheap fares for labouring classes.

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

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Promoters' lessees to provide such service as may appear to the Board to be reasonable. A.D. 1900. *East Ham Urban District Council.*

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

14. Subject to the provisions of this Order and to the approval of the Board of Trade the Promoters may with the consent of the North Metropolitan Tramways Company make junctions or connections of the tramways with the tramways belonging to the said company. Junctions with North Metropolitan Tramways.

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

HULL CORPORATION.

Order authorising the Mayor Aldermen and Citizens of the City and County of Kingston-upon-Hull to construct additional Tramways in their City and for other purposes. *Hull Corporation.*

Preliminary.

1. This Order may be cited as the Hull Corporation Tramways Order 1900 and the Hull Corporation Tramways Order 1896 and this Order may be jointly cited as the Hull Corporation Tramways Orders 1896 and 1900. Short title.

2.—(1) The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order Provided that the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any alteration of or interference with any telegraphic line belonging to or used by the Postmaster-General The expression "telegraphic line" in this Order has the same meaning as in the Telegraph Act 1878. Incorporation of Acts.

(2) The proviso to sub-section (1) of this section shall apply to the undertaking so far as regards any works undertaken after the commencement of this Order.

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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 Order of 1886" "the Order of 1890" and "the Order of 1892" mean respectively the Drypool and Marfleet Steam Tramways Order 1886 the Drypool and Marfleet Steam Tramways Order 1890 and the Drypool and Marfleet Steam Tramways Order 1892;

The expression "the Order of 1896" means the Hull Corporation Tramways Order 1896;

The expression "the existing tramways" means all the tramways now in existence which were constructed under the authority of the Order of 1886;

The expression "the tramways" means the tramways and works authorised by this Order and such parts of the existing tramways as are proposed to be relaid;

The expression "the Corporation tramways" means any tramways for the time being belonging to the Promoters;

The expression "the undertaking" means the undertaking authorised by the Order of 1886 the Order of 1890 the Order of 1892 and this Order;

The expression "the city" means the city and county of Kingston-upon-Hull;

The expression "mechanical power" includes steam electrical and every other motive power not being animal power;

The expression "engine" includes motor.

The Promoters.

4. The mayor aldermen and citizens of the city and county of Kingston-upon-Hull shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Construction of Tramways.

Construction of tramways.

5. The Promoters may subject to the provisions of this Order construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates sleepers channels junctions turntables turnouts crossings passing-places offices stables carriage engine boiler and dynamo houses sheds buildings works and conveniences connected therewith or for the purposes thereof Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

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

Tramway No. 1 (double line 2 furlongs 0 · 50 chain in length) commencing by a junction with the existing tramway at a point 0·40 chain or thereabouts north-westward from the intersection of the centre lines of Albion Street and Prospect Street passing thence along Prospect Street and the intended street authorised by the Hull Corporation Act 1897 and terminating at the north-west end of Junction Street by a junction with the existing tramway at a point 0 · 50 chain or thereabouts south-eastward from the intersection of the centre lines of Savile Street and Waterworks Street.

Tramway No. 2 (double line 7 furlongs 4 · 15 chains in length) in substitution for a portion of the existing tramways commencing by a junction with the existing tramway at a point 0·50 chain or thereabouts westward from the intersection of the centre lines of Great Union Street and Witham passing thence along Great Union Street and Hedon Road and terminating in the last-named road by a junction with the existing tramway at a point 1 · 30 chains or thereabouts eastward from the intersection of the centre lines of Woodhouse Street and Hedon Road.

Tramway No. 3 (double line 1 mile 3 furlongs 4 · 70 chains in length) to be situate in Hedon Road partly in substitution for a portion of the existing tramways commencing by a junction with the existing tramway at a point 1 · 80 chains or thereabouts westward from the intersection of the centre lines of Hotham Street and Hedon Road passing thence along Hedon Road and terminating at a point 0 · 45 chain or thereabouts westward from the intersection of the centre lines of Marfleet Lane and Hedon Road Provided that this tramway shall not be constructed east of Holderness Drain unless and until the road in which it is authorised to be constructed shall have been widened to the satisfaction of the Board of Trade.

Tramway No. 4 (double line 4 furlongs 0 · 50 chain in length) to be situate in Holderness Road commencing by a junction with the existing tramway at a point 2 · 90 chains or thereabouts north-eastward from the intersection of the centre lines of Lee Street and Holderness Road and terminating at a point 2·00 chains or thereabouts south-westward from the intersection of the centre lines of Aberdeen Street and Holderness Road.

For the protection of the North Eastern Railway Company

6. For the protection of the North Eastern Railway Company (in this section called "the Company") the following provisions shall unless otherwise agreed between the Promoters and the Company have effect (that is to say):—

(1) Tramway No. 2 shall not be laid nor shall electrical motive power be employed under the powers of this Order on that part of Hedon Road where it crosses the railway of the North Eastern Railway Company unless and until the said railway has been carried over the road by means of a bridge such bridge and works in connection therewith to be

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constructed unless otherwise agreed between the Promoters and the North Eastern Railway Company in accordance with the Heads of Arrangement between the Promoters and the said Company which are set forth in the Schedule hereto and are hereby confirmed and made binding upon the Promoters and the said Company Provided that nothing contained in this Order shall be deemed to extend to or alter or affect the existing rights powers duties and obligations of the Promoters with respect to the use of steam power or any mechanical or other power upon so much of the existing tramway as crosses the said railway unless and until such railway is carried over the road as before mentioned.

(2) The Promoters shall so exercise the powers conferred upon them by this Order with respect to Tramway No. 3 as not to interfere with or obstruct the construction by the Company of the North Eastern Junction Railway No. 2 authorised by the Hull Joint Dock Act 1899 or the construction by the Company and the Hull Barnsley and West Riding Junction Railway and Dock Company of the diversion of the Marfleet Drain by the same Act authorised.

Alteration of tramways.

7. The Promoters may with the consent of the Board of Trade lay down double lines in lieu of single or single lines in lieu of double or interlacing lines in lieu of double or single lines on any of the Corporation tramways and may with the like consent alter the position in the road of any of the Corporation tramways or any part thereof respectively Provided that the uppermost surface thereof shall be on a level with the surface of the road Provided further that in the exercise of the powers of this section no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto Provided further that the powers of this section shall not be exercised in Whitefriargate or in Silver Street.

Additional crossings &c. may be made where necessary.

8. The Promoters may subject to the provisions of this Order from time to time make maintain alter or remove all such crossings passing places sidings loops triangles junctions and other works in addition to those particularly specified in and authorised by the Orders relating to the Corporation tramways as they find necessary or convenient for the efficient working of such tramways or any of them or for facilitating the traffic of the roads in which the same are laid or for providing access to any stables carriage-houses sheds or works of the Promoters or for effecting junctions with any tramways 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 it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and

delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto Provided also that the powers of this section shall not be exercised in Whitefriargate or in Silver Street. A.D. 1900. *Hull Corporation.*

Motive Power.

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

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

(2) The Board of Trade shall make regulations (in this Order referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Order of mechanical power on the Corporation tramways and for regulating the use of electrical power Provided that until the Board of Trade shall have made regulations in pursuance of this Order the regulations contained in the first schedule to the Order of 1896 and the regulations prescribed by the Board of Trade in pursuance of section 28 of that Order shall be deemed to be the Board of Trade regulations.

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

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

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

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

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

10. For the purpose of working any of the Corporation tramways by mechanical power the Promoters may supply electrical energy from any station constructed in pursuance of powers conferred or to be conferred upon them and may subject to the provisions of this Order construct maintain and use stations for generating electrical power with all necessary or proper machinery dynamos engines buildings works and Mechanical power works.

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conveniences and may place construct erect lay down make and maintain on above or below the surface of any street or road (whether a tramway shall be constructed therein or not) posts brackets electric conductors wires apparatus subways tunnels cables tubes and openings and may with the consent of the owners and occupiers of any houses or buildings affix to such houses or buildings and maintain brackets rosettes electric conductors wires and apparatus Provided that before placing such poles or wires in Whitefriargate or Silver Street the Promoters shall lay before the Board of Trade a plan showing the position of every such pole and wire and shall not commence the erection thereof until such plan shall have been approved by the said Board and all such poles and wires shall be placed and erected in accordance with the plan so approved.

Mechanical power works to be subject to section 30 of Tramways Act 1870.

11. All works to be executed by the Promoters in any road for working the Corporation tramways by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects (save as by this Order otherwise expressly prescribed) to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned.

Application of provisions of Order of 1896.

12. The following provisions of the Order of 1896 shall so far as they are applicable in that behalf and are not inconsistent with the provisions of this Order extend and apply mutatis mutandis to and in relation to the tramways and undertaking authorised by this Order as if such provisions were re-enacted in this Order (that is to say) :—

Section 5. Lands by agreement.
Section 8. Relaying of existing tramways.
Section 9. Gauge of tramways.
Section 10. Provisions as to construction of tramways.
Section 11. Power to lay single or interlacing lines in place of double.
Section 12. As to rails of tramways.
Section 14. Penalty for not maintaining rails in good condition.
Section 16. Removal of existing tramways.
Section 18. Temporary tramways may be made when necessary.
Section 19. Application of road materials excavated in construction of works.
Section 20. Tramways not to be opened until certified by Board of Trade.
Section 24. Byelaws.
Section 25. As to recovery of penalties.
Section 26. Amendment of the Tramways Act 1870 as to byelaws by local authority.
Section 27. Orders and byelaws to be signed &c.
Section 28. Provisions as to use of electric power.
Section 29. For protection of the Postmaster-General.
Section 30. Promoters not to carry goods.
Section 31. Interchange of traffic.
Section 32. Tolls for passengers.

Section 33. As to fares on Sundays and holidays.
Section 34. Passengers' luggage.
Section 36. Tolls for parcels &c.
Section 37. As to payment of tolls.
Section 38. Power to Corporation to work tramways.
Section 40. Provisions as to arbitration.
Section 41. Form and delivery of notices.
Section 42. Section 265 of the Public Health Act 1875 incorporated.
Section 45. Saving for general Acts; and
Section 46. Costs of Order.
The Second Schedule.

Provided that notwithstanding anything contained in section 5 of the Order of 1896 (Lands by agreement) the Promoters may hold for the purposes of the whole of their tramway undertaking any quantity of lands not exceeding ten acres.

Cheap fares for labouring classes.

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

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

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

Repeal of sections &c. of Order of 1896.

14. Subject to the provisions of this Order sections 15 17 21 22 23 and 35 of the Order of 1896 and the first schedule to that Order are hereby repealed.

Repeal of previous enactments.

15. The Order of 1886 the Order of 1890 and the Order of 1892 shall be applicable in all respects to the existing tramways until they are relaid or superseded by the tramways authorised by this Order as the case may be and on and from the opening of the tramways for public traffic the same shall be subject only to the provisions of this Order.

Mortgages to include rents and rates.

16. The Promoters may include in any mortgage of the local rate made by them under section 20 of the Tramways Act 1870 the moneys coming to them out of the rents reserved under any lease made under the authority of

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the Order of 1896 or of this Order and the rates tolls charges and sums authorised to be taken or received by them under the provisions of the Order of 1896 or of this Order.

Carrying of mails by Promoters.

17. Notwithstanding any provision in any Act or Provisional Order relating to any of the Corporation tramways the Conveyance of Mails Act 1893 shall extend and apply to all such tramways as if the same had been authorised by an Act of Parliament passed after the 1st day of January 1893 and to the Promoters as the body or person owning or working such tramways.

SCHEDULE.

Heads of Arrangement between the North Eastern Railway Company herein-after called "the Company") and the Corporation of Kingston-upon-Hull (herein-after called "the Corporation").

1. The Company to the extent of the powers of the Company and the Corporation to proceed with all reasonable despatch to abolish the Hedon Road level crossing by raising their Victoria Dock Branch at that point not less than seven feet from their existing rail level and carrying the same over the Hedon Road by means of a bridge and lowering the roadway of the Hedon Road so as to obtain a clear headway under such bridge of sixteen feet three inches and gradients for the road not steeper than one in forty the footpaths to remain unaltered if and as far as may be found reasonably practicable and to be connected with the lowered roadway by means of steps the entire width of the new road to be not less than fifty-eight feet from the face of the existing houses on the north side of Hedon Road and to consist of a ten feet footpath on the north side and an eight feet footpath on the south side and a forty feet lowered carriage way The girders carrying the bridge to have a clear span over the carriage way of forty feet measured at right angles to the line of the carriage way and to be supported on suitable columns placed at the edge of each footway The Company to seek in the next Session of Parliament and use their best endeavours to obtain any powers necessary to enable them to carry out the said works and the Corporation to assist the Company to obtain such powers and the Company to carry the same when obtained into effect with all reasonable despatch and each party to afford all reasonable facilities for the purpose.

2. The works mentioned in the last preceding clause (so far as they affect the roadway) to be constructed in accordance with detailed plans sections and specifications to be agreed upon between the Company and the Corporation or in default of agreement to be settled by an arbitrator to be appointed in case of difference by the Board of Trade.

3. The said bridge if so desired by the Company to be constructed of such dimensions as to carry four lines of railway.

4. Before the commencement of the said works the engineer of the Company and the Corporation respectively or if they cannot agree an arbitrator to be appointed as before mentioned to make an estimate of the cost of the alterations to the railways and works of the Company necessitated by or reasonably consequential upon the raising of their Victoria Dock Branch at the level crossing but such cost is not to include any alterations on the north side of the Hedon Road extending west of the Southcoates Junction or east of Craven Street Bridge.

5. Upon the completion of the works mentioned in clause 2 hereof the Corporation to pay to the Company (i) one-third of the total cost thereof including in such cost the value of any land outside the limits of the then existing roads required for the construction of the works and any sums paid or to be paid for compensation but excluding any cost which would not have been incurred if the said bridge had been constructed so as to carry two lines of railway only and (ii) one-third of the estimated cost referred to in the last preceding clause Provided that any lands or buildings of the Company required for widening Hedon Road shall be charged at the value of such lands and buildings only and no compensation shall be charged as damage for severance or for otherwise injuriously affecting other lands or buildings of the Company other than making good any structural damage to buildings partly taken for such widening and failing agreement as to value such value to be settled by an arbitrator to be appointed by the Board of Trade.

6. Upon payment of the sum mentioned in sub-section (ii) of the last preceding clause the Corporation to be free from any further liability in respect of the cost of alterations of the Company's railways or works whether or not consequential upon the raising of the said Victoria Dock Branch and the Company to be free to provide for the alterations of their railways and works in such manner as they shall think fit.

7. The structure of the said bridge at all times to be maintained by the Company and the road as altered at all times to be maintained by the Corporation.

8. Any difference which may arise between the Corporation and the Company under this Agreement to be referred to and settled by an arbitrator to be appointed (unless otherwise agreed upon in any case) by the Board of Trade upon the application of either party.

MIDDLETON CORPORATION.

Order authorising the Mayor Aldermen and Burgesses of the Borough of Middleton to construct Tramways and for other purposes.

Preliminary.

1. This Order may be cited as the Middleton Corporation Tramways Order 1900. Short title.

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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 Middleton in the county palatine of Lancaster;

The expression "the borough" means the borough of Middleton;

The expression "mechanical power" includes steam electrical and every other motive power not being animal power;

The expression "engine" includes motor.

Promoters.

The Promoters.

4. The Corporation acting by the council shall be the Promoters for the purpose of this Order and are in this Order referred to as the "Promoters."

Lands.

5. The Promoters may—

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

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

Provided that they shall not at any time hold for such purposes more than five acres of land Provided always that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands appropriated or taken under the powers of this section.

Construction of Tramways.

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

(*a*) construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to as "the deposited plans" and "the deposited sections") the tramways hereinafter described with all proper rails points junctions plates works and conveniences connected therewith or for the purposes thereof;

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

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

The tramways authorised by this Order will be wholly situated within the parish of Middleton and in the township and borough of Middleton in the county of Lancaster and are as follows (that is to say):—

A tramway (No. 1) 1 mile 1 furlong 0·57 chain in length commencing at the junction of Manchester New Road with Manchester Old Road passing along Manchester New Road and terminating at the southern boundary of the borough of Middleton;

Tramway No. 1 will be laid as a double line except between the points herein-after specified where it will be laid as a single line (namely) from the commencement of the said tramway to a point in Manchester New Road one chain from the said commencement.

A tramway (No. 2) 2 furlongs 6·74 chains in length commencing at the junction of Oldham Road with Manchester New Road and Tramway No. 1 passing along Oldham Road and terminating at the junction of Oldham Road with Townley Street;

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

(*a*) In Oldham Road between points two hundred feet west of the western corner of the shop of the Middleton and Tonge Industrial Society Limited in Oldham Road and fifty feet east of the said corner;

(*b*) In Oldham Road between a point twenty-five feet south-west of the western corner of the house No. 113 Oldham Road and the termination of Tramway No. 2.

A tramway (No. 2A) 1·05 chains in length (the whole of which will be single line) commencing at a point in Manchester New Road by a junction with Tramway No. 1 and terminating at a junction with Tramway No. 2 in Oldham Road at a point 20 yards on the south side of the south-east corner of the Commercial Hotel.

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A tramway (No. 3) 1 mile · 50 chain in length commencing at the junction of Townley Street with Oldham Road and Tramway No. 2 passing along Townley Street Dane Street and Grimshaw Lane and terminating at the boundary of the borough of Middleton at the junction of Grimshaw Lane with Greengate Street;

Tramway No. 3 will be laid as a single line except between the points herein-after specified where it will be laid as a double line (namely):—

(*a*) In Townley Street and Dane Street between points eighteen feet east of the corner of the house No. 108 Townley Street and eighteen feet north of the corner of the house No. 16 Dane Street;

(*b*) In Dane Street between points thirty feet east of the western corner of the Middleton Engineering Works and one hundred and fifteen feet east of the western corner of No. 1 Mill of the Middleton and Tonge Cotton Mill Company Limited;

(*c*) In Dane Street between points sixty feet south-east of the corner of the house No. 67 Dane Street and twenty-five feet north-east of the north-western corner of the house off No. 36 Grimshaw Lane;

(*d*) In Grimshaw Lane between points thirty feet east of the south-eastern corner of the Lord Nelson Inn and thirty-feet west of the south-eastern corner of the shop No. 241A Grimshaw Lane:

Provided that Tramway No. 3 shall not be opened for traffic until the road has been widened to the satisfaction of the Board of Trade and that wherever the road is less than twenty-two feet in width double or interlacing lines shall be laid.

For the protection of the Lancashire County Council.

7. For the protection of the County Council of Lancashire (herein-after referred to as "the County Council") the following provisions shall apply and have effect (that is to say):—

(1) In constructing the tramway upon or over any bridge which is repairable by the inhabitants of the county of Lancaster or of any hundred therein or any parts of the approaches thereto the Promoters shall not alter or interfere with the structure of such bridge or approaches unless such alteration or interference with the construction of such bridge or approaches be absolutely necessary for the purpose of constructing the tramway and in the event of any such alteration or interference the Promoters shall together with the prescribed notice submit to the County Council detailed drawings and specifications showing the proposed work as affecting such bridge or approaches and the Promoters shall so construct and maintain the tramway in the road over such bridge and forming the approaches thereto 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 the tramway on or over the same (whether such injury shall occur either during or after the construction or in affecting the maintenance of the tramway) the county council after seven days' written notice to the Promoters except in cases of emergency

of their intention so to do may restore such bridge and approaches or the part or parts thereof which may be injured to as good a state as they were in before such injury was occasioned at the expense of the Promoters and the Promoters shall repay to the County Council all reasonable expenses which they may be put to in restoring such bridge and in maintaining and repairing so much of the road over such bridge and approaches as the Promoters are liable to repair under this Order and the County Council may recover from the Promoters all such expenses so due as aforesaid;

(2) In the event of mechanical power being used on that portion of the tramway which is laid on any such bridge or approaches the County Council may execute such works as may be agreed between them and the Promoters (or in case of difference between them as may be determined as herein-after provided) necessary for the strengthening of the fabric of such bridge provided such strengthening is needed for and by reason of the tramway apart from the ordinary traffic on the road in question and the County Council may execute all such agreed works at the expense of the Promoters and the County Council may recover from the Promoters all moneys reasonably expended by them in the execution of such works as aforesaid If it becomes necessary for effecting such strengthening that the working of any portion of the tramway be wholly or in part stopped or delayed and the County Council give the Promoters three clear days' notice in writing requiring such stoppage or delay the working of such portion of the tramway shall be stopped or delayed accordingly but only for so long as may be necessary for effecting such strengthening and the County Council shall not be liable for any claims damages or expenses in respect of such stoppage or delay;

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

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

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

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(6) The Promoters shall at their own expense pave so much of any main road whereon or over which any tramways authorised by this Order are laid as lies between the rails and as extends 18 inches beyond the rails of and on each side of such rails with granite cubes or setts or such other paving as the surveyor of the County Council may approve;

(7) Any matter in difference under this section between the Promoters and the County Council shall unless otherwise agreed be referred to the Board of Trade whose decision shall be final or if the Board of Trade think fit to the arbitration of a person nominated by the Board of Trade.

For the protection of the Lancashire and Yorkshire Railway Company.

8. For the protection of the Lancashire and Yorkshire Railway Company (in this section called "the company") the following provisions shall unless otherwise agreed between the Promoters and the company be observed and have effect (that is to say):—

(1) The Promoters shall so exercise the powers conferred by the section of this Order of which the marginal note is "As to laying down and maintaining works necessary for using electrical power" as not to interfere with or obstruct the construction by the company across Manchester New Road and Dane Street of the Manchester Blackley and Middleton Railway authorised by the Lancashire and Yorkshire Railway (New Railways) Act 1899 and if under the powers of that section the Promoters shall have so constructed or erected any posts brackets conductors wires or apparatus that the construction by the company of the said railway will interfere therewith or necessitate their removal or diversion the Promoters shall on being required by the company so to do forthwith at their own cost remove or divert the same accordingly;

(2) Notwithstanding anything contained in this Order or shown on the deposited plans so much of Tramway No. 3 as lies between its commencement and the junction of Langton Street and Townley Street shall be constructed as a double line;

(3) In working the said tramway no tramcar or other vehicle used thereon shall without the consent in writing of the company under their common seal be stopped or permitted to be stopped in front of the entrances to the Middleton goods station or within 10 yards on either side thereof;

(4) Any matter in difference under this section between the Promoters and the company shall unless otherwise agreed be referred to the Board of Trade whose decision shall be final or if the Board of Trade think fit to the arbitration of a person nominated by the Board of Trade.

Gauge.

9. The tramways shall be constructed on a gauge of 4 feet 8½ inches or such other gauge as may from time to time be determined by the Board of Trade on the application of the Promoters Provided that in the event of the tramways being constructed on a less gauge than 4 feet 8½ inches so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramways beyond the outer edge of the wheels of such carriages shall not apply to carriages used on the tramways but in the

like event no engine or carriage used on the tramways shall exceed 6 feet in width or such other width as may from time to time be prescribed by the Board of Trade.

Provisions as to construction of tramways.

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

Rails of tramways.

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

Penalty for not maintaining rails and roads in good condition.

12. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Promoters at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues In case 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 is or are situate or by twenty inhabitant ratepayers of such district that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramways to be kept on level of surface of road.

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

Alteration of tramways.

14. The Promoters may with the consent of the Board of Trade and subject in places where the Promoters may not be the road authority to the approval of that authority lay down double lines in lieu of single or

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interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and if at any time after the construction of the tramways the road in which the same or any part thereof is laid shall be altered or widened the Promoters may with the like consent and approval take up and remove such tramway or part thereof and reconstruct the same in such position as they may think fit Provided that the uppermost surface thereof shall be on a level with the surface of the road Provided further that in the exercise of the powers of this section 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 one-third of the owners and occupiers of the houses shops or warehouses abutting on the place where such rail is proposed to be laid by notice in writing under their hands addressed to the Promoters express their objection thereto.

Cross-overs to be constructed in certain cases.

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

Additional crossings &c. may be made where necessary.

16. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove all such crossings passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the tramways or providing for access to any stables or carriage-houses sheds or works of the Promoters or their lessees but in places where the Promoters may not be the road authority the same shall only be made subject to the approval of the road authority 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 it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice in writing of their intention express their objection thereto.

Temporary tramways may be made where necessary.

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

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Application of road materials excavated in construction of works.

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

(2) Any paving metalling or material excavated by the Promoters in the construction of the tramways from any road under the jurisdiction or control of any road authority other than the Promoters may be applied by the Promoters so far as may be necessary in or towards the reinstating of such road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain and the Promoters shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor of such road authority or to such person as he may appoint to receive the same at such place as he may direct Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be settled by a referee to be nominated by the Board of Trade on the application of either party.

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

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

Motive Power.

Provisions as to motive power.

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

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

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

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

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

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

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

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

As to laying down and maintaining works necessary for using electrical power.

21. The Promoters or their lessees may construct lay down place make erect maintain on above or below the surface of any street or road such posts brackets electric conductors wires apparatus subways tunnels cables tubes and openings as may be requisite or necessary for the purpose of the working by electrical power of any tramways which in accordance with the provisions of this Order it may for the time being be lawful to work by electrical power and may for that purpose subject to the restrictions and provisions of this Order open and break up any road in which the tramways so to be worked by electrical power or any of them may be situate and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder.

Mechanical power works to be subject to section 30 of the Tramways Act 1870.

22. All works to be executed by the Promoters or their lessees in any road for working the tramways by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects (save as by this Order otherwise expressly provided) to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned.

Byelaws.

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

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

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

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

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

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

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

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

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

Special provisions as to use of electrical power.

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

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

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

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

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

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expense involved and to the effect thereof upon the commercial prospects of the undertaking;

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

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

(7) The expression "the Promoters" in this section shall include their lessees and any person owning working or running carriages over any tramways of the Promoters.

For protection of the Postmaster-General.

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

(*b*) In the event of the tramways or any part thereof or any tramways over which the Promoters may have acquired running powers under or by virtue of any agreement entered into in pursuance of the provisions of section 40 of this Order being worked by electricity the following provisions shall have effect:—

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

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

pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection;

(3) (*a*) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work;

(*b*) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration;

(4) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues;

(5) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice;

(6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work;

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

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

(9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator

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appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act;

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

(11) In this section the expression "the Promoters" includes their lessees and any person owning working or running carriages over the tramways (or any part thereof) of the Promoters.

Traffic upon Tramways.

Traffic upon tramways.

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

Promoters not bound to carry animals goods &c.

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

Provisions as to carriage of animals goods &c.

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

Interchange of traffic.

30. The Promoters or their lessees may with the consent of the Board of Trade from time to time but subject to the provisions of this Order enter into and fulfil contracts and agreements with any company or person owning or lawfully working or using any tramways for and in relation to the interchange accommodation and forwarding of carriages passengers and traffic on from or to any of such tramways on to or from the tramways or any of them and for and in relation to the use by the contracting parties or any or either of them of the whole or any part of their respective tramway undertakings or of any or either of them respectively.

Rates.

Rates and charges.

31. The Promoters' lessees may demand and take for every passenger travelling upon the tramways or any part thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile (and for this purpose a fraction of a mile beyond an integral number of miles shall be deemed a mile) but in no case shall the Promoters' lessees be bound to charge a less sum than twopence.

As to fares on Sundays and holidays.

32. The Promoters or their lessees or any person working or using the tramways shall not take or demand on Sundays or any public holiday

any higher rates or charges than those levied by them on ordinary week days.

Passengers' luggage.

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

Cheap fares for labouring classes.

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

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

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

Rates for animals goods &c.

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

Payment of rates.

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

Periodical revision of rates and charges.

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

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

Miscellaneous.

Power to Corporation to work tramways.

38. Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place and run carriages on and may work and demand and take rates and charges in respect of the tramways or any tramways vested in the Corporation and may provide such plant materials and things as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and in such case the several provisions relating to the working of the said tramways and the taking of rates and charges therefor shall extend and apply (mutatis mutandis) to and in relation to the Corporation and the Corporation may work such tramways and demand and recover such rates and charges accordingly but nothing in this section shall empower the Corporation to construct any station for generating electrical power nor to create or permit a nuisance.

Regulations.

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

Power to combine with other authorities.

40. The Corporation may with the consent of the Board of Trade enter into and carry into effect agreements with any neighbouring local authority authorised to enter into such agreements or with any company working tramways within the borough or in any neighbouring district for the effective or more effective or economical working of the tramways within the borough by combination with such neighbouring authority or company and may in pursuance of any such agreement grant running powers over the tramways of the Corporation or run the tramcars belonging to the Corporation outside the borough and may demand and take tolls and charges in respect thereof.

Working agreements.

41. The Promoters may with the consent of the Board of Trade from time to time but subject to the provisions of this Order enter into and fulfil contracts and agreements with any local authority or person authorised to

enter into such contracts for and in relation to the construction or working of the whole or any part of the tramways.

Orders &c. of the Board of Trade.

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

Recovery of penalties.

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

Audit of accounts.

44. Sections 246 and 250 of the Public Health Act 1875 shall apply to the audit of the accounts of the receipts and expenditure of the Corporation and their officers with respect to the tramways as if such accounts related to receipts and expenditure under that Act.

Section 265 of the Public Health Act 1875 incorporated.

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

Power to hold patents.

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

Form and delivery of notices.

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

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

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

Provisions as to arbitration.

48. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to 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 and

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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.

Saving for general Acts.

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

SCHEDULE.

Rates and Charges for Animals Goods &c.

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

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

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

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

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

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

Regulations as to Rates.

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

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

For a fraction of a ton rates and charges may be demanded and taken according to the number of 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 Imperial avoirdupois weight.

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

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PORTOBELLO AND MUSSELBURGH.

Order authorising the National Electric Traction Company Limited (formerly known as the Drake and Gorham Electric Power and Traction Company Limited) to construct and work Tramways in the Parishes of Duddingston and Inveresk in the Burgh of Musselburgh in the County of Midlothian and for other purposes.

Short title.

1. This Order may be cited as the Portobello and Musselburgh Tramways Order 1900.

Incorporation of Acts.

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

Interpretation.

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

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

The expression "mechanical power" includes electrical and every other motive power not being steam or animal power;

The expression "engine" includes motor.

Promoters.

The Promoters.

4. The National Electric Traction Company Limited (formerly known as the Drake and Gorham Electric Power and Traction Company Limited) of 66 Victoria Street in the city of Westminster 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 let or dispose of any such lands which may not be necessary for such purposes Provided that they shall not at any time hold for such purposes more than five acres of land Provided always that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken under the powers of this section.

Construction of Tramways.

Construction of tramways.

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

of this Order at the office of the Board of Trade the tramways herein-after described with all proper rails plates sleepers junctions turntables turnouts crossings engine houses carriage houses apparatus works and conveniences connected therewith or for the purposes thereof and may work and use the same Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers under the Electric Lighting Acts 1882 and 1888 or the Electric Lighting (Scotland) Act 1890 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

The tramways authorised by this Order are:—

Tramway No. 1 situate in the parish of Duddingston and city of Edinburgh and county of the city of Edinburgh commencing in the main road between Portobello and Musselburgh by a junction with the existing tramway belonging to the Corporation of Edinburgh at its point of termination passing thence in an easterly direction along the said main road and terminating by a junction with Tramway No. 2 at a point in such road where the boundary of the city of Edinburgh intersects that road.

The total length of Tramway No. 1 is 3·15 chains and is to be laid as a single line throughout.

Tramway No. 2 situate in the parishes of Duddingston and Inveresk partly in the burgh of Musselburgh and wholly in the county of Midlothian commencing by a junction with Tramway No. 1 at its termination as before described passing thence in an easterly direction along the said main road between Portobello and Musselburgh crossing over Magdalene Bridge and passing along High Street Fisherrow Bridge Street over New Bridge and along High Street Musselburgh and Linkfield to Levenhall and terminating in the main road leading to West Pans and Morrison's Haven at a point 4 chains or thereabouts measured in an easterly direction from the western gable of the public-house (generally known as Mrs. Forman's) opposite Pinkie Road Levenhall.

Tramway No. 2 is to be laid as a single line throughout excepting between the following points where such tramway is to be laid as a double line viz.:—

(*a*) Between two points in the before-mentioned main road measured respectively 100 feet or thereabouts and 340 feet or thereabouts in an easterly direction from the commencement of the tramway.

(*b*) Between two points in the before-mentioned main road measured respectively 35 feet or thereabouts and 275 feet or thereabouts in an easterly direction from the eastern gable of the dwelling-house at the Joppa Salt Works.

(*c*) Between two points in the before-mentioned main road measured respectively 120 feet or thereabouts in a westerly direction from

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the western gable of the house at Eastfield and 120 feet or thereabouts in an easterly direction from such gable.

(*d*) Between two points in the before-mentioned main road measured respectively 70 feet or thereabouts and 310 feet or thereabouts in an easterly direction from the centre of the junction of the road leading to Easter Duddingston with the said main road.

(*e*) Between two points in the before-mentioned main road measured respectively 300 feet or thereabouts and 540 feet or thereabouts in an easterly direction from the point where the municipal and parish boundary of Musselburgh intersects the main road at Magdalene Bridge.

(*f*) Between two points in the before-mentioned main road measured respectively 110 feet or thereabouts in a westerly direction from the eastern gable of the building at the Pinkie Salt Works and 130 feet or thereabouts in an easterly direction from such gable.

(*g*) Between two points in the before-mentioned main road measured respectively 305 feet or thereabouts and 545 feet or thereabouts in a westerly direction from the Ship Inn.

(*h*) Between a point in the before-mentioned main road 120 feet or thereabouts measured in a westerly direction from the centre of the junction of Lochend Road with the said main road and a point in High Street Fisherrow 120 feet or thereabouts measured in an easterly direction from the centre of the said junction.

(*i*) Between a point in High Street Fisherrow 20 feet or thereabouts measured in an easterly direction from the centre of the junction of Fisher's Wynd with High Street Fisherrow and a point in Bridge Street 15 feet or thereabouts measured in a south-easterly direction from the line of face of buildings on the south side of High Street Fisherrow.

(*j*) Between two points in Bridge Street measured respectively 285 feet or thereabouts in a north-westerly direction from the gable of the last house on the eastern side of Bridge Street at the southern end of such street and a point 20 feet or thereabouts in a south-easterly direction from such gable.

(*k*) Between two points in High Street Musselburgh measured respectively 345 feet or thereabouts and 585 feet or thereabouts in an easterly direction from the centre of the junction of Dalrymple Loan with High Street.

(*l*) Between two points in High Street Musselburgh measured respectively 45 feet or thereabouts in a westerly direction from the Pillars near the western boundary of Loretto and 195 feet or thereabouts in an easterly direction from such Pillars.

(*m*) Between a point in the road between High Street and Linkfield 90 feet or thereabouts measured in a north-easterly direction from the eastern boundary of Loretto and a point in

Linkfield 310 feet or thereabouts measured in an easterly direction from such boundary.

(*n*) Between a point in Linkfield 293 feet or thereabouts measured in a westerly direction from the gable of the most westerly house in Victoria Terrace and a point in the main road 53 feet or thereabouts measured in a westerly direction from such gable.

(*o*) Between a point in Albert Terrace 200 feet or thereabouts measured in a westerly direction from the gable of the most easterly house in Albert Terrace and a point in the main road 40 feet or thereabouts measured in an easterly direction from such gable.

(*p*) Between two points in the said main road measured respectively 620 feet or thereabouts and 380 feet or thereabouts in a westerly direction from the western gable of the public-house (generally known as Mrs. Forman's) at Levenhall opposite Pinkie Road.

(*q*) Between two points in the said main road measured respectively 55 feet or thereabouts in a westerly direction from the western gable of the public-house (generally known as Mrs. Forman's) opposite Pinkie Road at Levenhall and 185 feet or thereabouts in an easterly direction from such gable.

The total length of Tramway No. 2 is 2 miles 6 furlongs 9 chains of which 2 miles 0 furlongs 6·56 chains is single line and 6 furlongs 2·44 chains is double line.

Provided that no application for an extension of time for the construction of so much of Tramway No. 2 as is situate within the burgh of Musselburgh shall be made without the previous consent of the Corporation of that burgh.

Tramway No. 3 situate in the parish of Inveresk and burgh of Musselburgh and in the county of Midlothian commencing by a junction with Tramway No. 2 at a point on the New Bridge 118 feet or thereabouts measured in a south-easterly direction from the centre of the New Bridge passing thence along Mall Avenue and Inveresk Road and terminating in Inveresk Road at a point opposite the south-west corner of a proposed new street.

Tramway No. 3 is to be laid as a single line throughout excepting between the following points where such tramway is to be laid as a double line viz.:—

Between two points in Mall Avenue measured respectively 320 feet or thereabouts and 520 feet or thereabouts in a westerly direction from the centre line of the New Bridge.

The total length of Tramway No. 3 is 1 furlong 3 chains of which 9·97 chains is single line and 3·03 chains is double line.

Tramway No. 4 situate in the parish of Inveresk and burgh of Musselburgh and in the county of Midlothian commencing by a junction with Tramway No. 3 at a point 80 feet or thereabouts measured in a south-westerly direction from the centre of the main

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entrance gate to the Free Church in Mall Avenue passing thence along Mall Avenue and High Street in a north-easterly direction and terminating in High Street Musselburgh by a junction with Tramway No. 2 at a point 90 feet or thereabouts measured in a north-easterly direction from the centre of the main entrance gate to the said Free Church.

The total length of Tramway No. 4 is 2 · 65 chains and is to be laid as a single line throughout.

Tramway No. 5 situate wholly in the burgh of Musselburgh in the parish of Inveresk and in the county of Midlothian commencing by a junction with Tramway No. 2 at a point 2 · 22 chains or thereabouts measured in an easterly direction from the street called Newbigging and terminating at the face of the buildings on south side of High Street Musselburgh belonging to Mrs. Campbell at a point 16 feet or thereabouts eastwards from the west gable of said buildings.

The total length of Tramway No. 5 is 1 · 80 chains and is to be laid as a single line throughout.

Tramway No. 6 situate wholly in the burgh of Musselburgh in the parish of Inveresk and in the county of Midlothian commencing by a junction with Tramway No. 2 at a point 4 · 22 chains or thereabouts measured in an easterly direction from the street called Newbigging and terminating by a junction with Tramway No. 5 at the face of the said buildings on south side of High Street Musselburgh belonging to Mrs. Campbell at a point 16 feet or thereabouts eastwards from the west gable of said buildings.

The total length of Tramway No. 6 is 1 · 90 chains and is to be laid as a single line throughout.

For the protection of the Corporation of Edinburgh.

7. For the protection of the Corporation of Edinburgh (in this section called "the Corporation") the following provisions shall have effect (that is to say):—

(1) Notwithstanding anything in this Order contained the Promoters shall not within a period of twelve months from the date of the passing of the Act confirming this Order except with the written consent of the Corporation construct Tramway No. 1 nor make any junction between the said Tramway and the existing tramway belonging to the Corporation nor construct Tramway No. 2 so far as that tramway may be situate within the boundaries of the city of Edinburgh as the same may be extended by Parliament during the present session.

(2) The Corporation if by resolution passed in accordance with section 43 of the Tramways Act 1870 they so decide may within twelve months from the date of the passing of the Act confirming this Order with the approval of the Board of Trade by notice require the Promoters to transfer and thereupon such Promoters shall transfer to the Corporation the powers granted by this Order for the construction of Tramway No. 1 and Tramway No. 2 so far as Tramway No. 2 may be within the

jurisdiction of the Corporation at the date of such notice on payment to the Promoters of a proportion of the expense of obtaining this Order ascertained according to the length of the said tramway within the jurisdiction of the Corporation in relation to the whole length of the tramways authorised by this Order.

(3) If and when Tramway No. 2 is constructed by the Promoters the Corporation if by resolution passed in accordance with section 43 of the Tramways Act 1870 they so decide may with the approval of the Board of Trade (without prejudice to the rights conferred on the Corporation as local authority by section 43 of the Tramways Act 1870 to purchase at the periods and on the terms therein mentioned) at any time after such construction by notice require the Promoters to sell and thereupon such Promoters shall sell to the Corporation on the expiration of six months from the date of such notice the portion of Tramway No. 2 which at the date of such notice may be situate within the city of Edinburgh and outside the present boundary of the burgh of Musselburgh on the terms of payment to the Promoters of the cost price of construction of such portion of Tramway No. 2 without any allowance for electrical or other motive power equipment except the cost price of any poles and wires which may be placed along the portion so purchased together also with a proportion of the expense of obtaining this Order ascertained according to the length of the portion of tramway purchased under such notice in relation to the whole length of the tramways authorised by this Order.

For the protection of the water mains and pipes of the Edinburgh and District Water Trustees.

8. Notwithstanding anything contained in section 30 of the Tramways Act 1870 or in this Order the Promoters shall not in making forming laying down maintaining repairing or renewing the tramways or any part thereof themselves alter or interfere with the existing lines or levels of the mains aqueducts conduits or lines of pipes and apparatus connected therewith or any of them belonging to the Edinburgh and District Water Trustees (herein-after called "the Water Trustees") including consumers' pipes nor injuriously affect or interrupt the supply of water conveyed by the same but any alteration of or interference with the mains aqueducts conduits or lines of pipes and apparatus connected therewith of the Water Trustees including consumers' pipes as may be necessary in consequence of the construction of the tramways authorised by this Order shall on the requisition of the Promoters be executed by the Water Trustees at the expense of the Promoters and the Water Trustees shall at all times have a right of access to such mains aqueducts conduits or lines of pipes and apparatus connected therewith including consumers' pipes for the renewal repair enlargement alteration and maintenance of the same and for making new connections and laying additional pipes when and wherever they shall see fit and any additional cost of such alterations or repairs caused by the works of the Promoters of any such mains aqueducts conduits lines of pipes and apparatus connected therewith including consumers' pipes laid before the construction of the said

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tramways shall be borne by the Promoters And in all cases where works are to be executed by the Water Trustees at the cost of the Promoters the Water Trustees shall use every means in their power to have the works executed as economically as possible and with all reasonable despatch.

If any difference shall at any time arise between the Promoters and the Water Trustees or their respective engineers with respect to the necessity for any alteration of or interference with any mains aqueducts conduits or lines of pipes and apparatus connected therewith including consumers' pipes of the Water Trustees or with respect to the cost of any works executed by the Water Trustees under this section or with respect to any other matter under this section or the time taken or required for executing any of the works or operations therein mentioned such difference shall be referred to an engineer to be mutually agreed on or failing agreement to an engineer to be appointed by the sheriff of the Lothians and Peebles on the application of either the Promoters or the Water Trustees as the case may be.

For the protection of the water mains and pipes of the Town Council of Musselburgh.

9. The provisions of section 8 of this Order the short title of which is "For the protection of the water mains and pipes of the Edinburgh and "District Water Trustees" shall mutatis mutandis apply to the mains aqueducts conduits or lines of pipes and apparatus of the Town Council of Musselburgh to the same intent and effect as the said section applies to the Edinburgh and District Water Trustees and for the purposes of this section "the Water Trustees" therein shall mean the Town Council of Musselburgh as trustees under the Musselburgh and Dalkeith Water Act 1871 "the mains aqueducts conduits or lines of pipes and apparatus connected therewith" shall mean the mains and other apparatus aforesaid belonging to the Town Council of Musselburgh and "the engineers" shall mean the engineer of the said Town Council of Musselburgh.

For the protection of the gas mains and pipes of the Edinburgh and Leith Corporations' Gas Commissioners.

10. Notwithstanding anything contained in section 30 of the Tramways Act 1870 or in this Order the Promoters shall not in making forming laying down maintaining repairing or renewing the tramways or any part thereof themselves alter or interfere with the existing lines or levels of the mains or lines of pipes and apparatus connected therewith or any of them belonging to the Edinburgh and Leith Corporations Gas Commissioners (herein after called "the gas commissioners") including consumers' pipes nor injuriously affect or interrupt the supply of gas conveyed by the same but any duplication or alteration or removal and relaying of or interference with the mains or pipes and apparatus connected therewith of the gas commissioners including consumers' pipes as may be necessary in consequence of the construction and maintenance of the tramways and of the works and operations of the Promoters shall be executed by the gas commissioners at the expense of the Promoters and the gas commissioners shall at all times have a right of access to such mains and pipes and apparatus connected therewith including consumers' pipes and to the roads on which the tramways are laid for the duplication extension renewal repair enlargement alteration and maintenance of such mains and pipes and for making new connections and laying

additional pipes when and wherever they shall see fit and any cost of removal and relaying and of alterations or repairs rendered necessary by the works or operations of the Promoters in any road or street where any such mains and pipes and apparatus connected therewith including consumers' pipes shall have been laid before the formation of the tramways shall be borne and paid by the Promoters to the gas commissioners and in all cases where works are to be executed by the gas commissioners at the cost of the Promoters the gas commissioners shall use every means in their power to have the works executed as economically as possible and with all reasonable despatch But if any dispute should arise between the Promoters and the gas commissioners as to the amount of such costs the same shall be decided by arbitration in the manner herein-after provided and all payments for work executed by the gas commissioners shall be made by the Promoters within one month after the cost of the work has been agreed on or fixed by arbitration as aforesaid with interest at five per cent. per annum from the expiration of such one month till paid and the same shall be recoverable by the gas commissioners in any court in Scotland.

If any difference shall at any time arise between the Promoters and the gas commissioners or their respective engineers with respect to the necessity for any duplication alteration removal or interference with the mains or pipes and apparatus of the gas commissioners or as to the amount claimed by the gas commissioners from the Promoters of the cost of any works executed by the gas commissioners under this section or with respect to the time taken or required for executing any of the works or operations therein mentioned or with respect to any other matter under this section such difference shall be referred to an engineer to be mutually agreed on or failing agreement to an engineer to be appointed by the sheriff of the Lothians and Peebles on the application of either the Promoters or the gas commissioners.

The provisions of section 30 of the Tramways Act 1870 as the same are amended by this section shall remain in force.

The expression "the Promoters" shall for the purposes of this section include assignees licencees and any person for the time being owning the tramways.

For the protection of the gas mains and pipes of the Musselburgh Gas Light Company.

11. The provisions of section 10 of this Order the short title of which is "For the protection of the gas mains and pipes of the Edinburgh and Leith Corporations Gas Commissioners" shall mutatis mutandis apply to the gas mains and pipes of the Musselburgh Gas Light Company to the same intent and effect as the said section applies to the Edinburgh and Leith Corporations Gas Commissioners and for the purposes of this section "the gas commissioners" shall mean the Musselburgh Gas Light Company "the gas mains and pipes" shall mean the gas mains and pipes belonging to the Musselburgh Gas Light Company and "the engineer" shall mean the engineer of the said Musselburgh Gas Light Company.

For protection of North British Railway Company.

12. For the protection of the North British Railway Company (in this section called "the Railway Company") the following provisions shall have

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effect (that is to say) The works connected with the laying of Tramway No. 2 where it crosses the Fisherrow Branch of the North British Railway on the level shall be carried out under the supervision and to the reasonable satisfaction of the engineer for the time being of the Railway Company and according to plans and sections to be submitted to and approved by him previous to the commencement of the work but the Promoters may proceed with the said works unless within fourteen days after the plans and sections are so submitted the Railway Company shall state any objections to such plans or sections and any such objections shall failing agreement be settled by an arbiter to be agreed on or failing agreement to be appointed by the Board of Trade and such works shall be thereafter maintained by and at the cost of the Promoters The carriages used on the tramways shall not be stopped on or be otherwise allowed to interfere with or obstruct the traffic passing along said branch railway.

Gauge and width of carriage.

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

Provisions as to construction of tramways.

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

As to rails of tramways.

15. The rails of the tramways shall be such as the Board of Trade may approve and the Board of Trade may from time to time upon the application of the local authority or road authority require the Promoters to adopt and apply such improvements in the tramways within the district of such local authority or road authority as experience may from time to time suggest having regard to the greater security of the public and advantage to the

ordinary traffic and the Promoters shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Penalty for not maintaining rails and road in good condition.

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

In case 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 is or are situate or by twenty inhabitant ratepayers of such district that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are by this section imposed.

Right of access to sewers &c.

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

Tramways to be kept on level of surface of road.

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

Alteration of tramways.

19. The Promoters may with the consent of the Board of Trade and of the local and road authority lay down double lines in lieu of single or single lines in lieu of double or interlacing lines in lieu of double or single lines on any of the tramways authorised by or constructed under this Order and may with the like consents alter the position in the road of any such tramways or any part thereof respectively Provided that in the exercise of the powers of this section no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene

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shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

Cross-overs to be constructed in certain cases.

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

Additional cross-overs &c. may be made where necessary.

21. The Promoters may subject to the provisions of this Order from time to time hereafter make maintain alter renew and remove all such cross-overs passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the tramways or for providing access to any stables engine-houses power-houses carriage-houses sheds or works.

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 it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice in writing of their intention express their objection thereto:

Provided also that the number and situation of such crossings passing-places sidings junctions and other works shall be agreed between the Promoters and the road authority and if any difference arise between the Promoters and the road authority with respect to the number and situation of any such crossings passing-places sidings junctions or works the same shall be referred to arbitration.

Temporary tramways may be made when necessary.

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

If any difference arises between the Promoters and any road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway or temporary tramways under the authority of this section the same shall be referred to arbitration.

23. Any paving metalling or material excavated by the Promoters in the construction of the tramways from any road under the jurisdiction or control of any road authority may be applied by the Promoters so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Promoters are by this Order required to maintain and the Promoters shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor of such road authority or to such person or persons as he may appoint to receive the same at such place as he may direct Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be referred to arbitration.

Application of road materials excavated in construction of works.

Provided always that as regards so much of the tramways as will be situate within the burgh of Musselburgh the Promoters shall not use the causeway blocks or setts which may be lifted from any road or street within the said burgh but shall deliver the same to the burgh commissioners as and when lifted or the commissioners may require the Promoters and the Promoters shall be bound to convey and store such blocks or setts at their own cost to any place within the burgh which the commissioners may direct not being a greater distance than one mile from the place of excavation and the commissioners may dispose of such causeway blocks or setts at their own pleasure.

24. If the Promoters at any time find it necessary or desirable to remove snow or other matter impeding the traffic on the tramways the Promoters shall at their own cost remove the snow or other matter and the Promoters shall not use salt or other unsuitable material for thawing the snow on any road Provided that any snow or other matter removed by the Promoters from the tramways shall not be allowed to remain on the road but shall be at once taken away by the Promoters.

As to removal of snow &c.

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

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

Motive Power.

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

Provisions as to motive power.

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade and no form

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of mechanical power other than electrical power on the overhead trolley system shall be used without the approval of the road authority.

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

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

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

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

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

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

Mechanical power works.

27.—(1) The Promoters may from time to time subject to the provisions of this Order—

(*a*) Erect provide and use on any lands acquired under the powers of this Order generating stations dynamos engines boilers and other machinery and apparatus and things necessary or proper for the working of the tramways by mechanical power.

(*b*) Execute all such works in connection with the tramways being in under or over the roads in which the same are authorised to be laid as may be necessary or expedient for constructing the same to be worked by electrical power under the provisions of this Order.

(*c*) Construct lay down place erect maintain renew and repair on under or over the surface of any road all such cables electric mains conductors wires posts plates tubes grooves rails bonds boxes batteries apparatus machinery works and appliances and execute such works as may be requisite or convenient for working the tramways by mechanical power.

(*d*) Lay down and form connections between any dynamos engines boilers and other machinery and the tramways.

(2) Before constructing or making any alteration in any such works the Promoters shall lay before the Board of Trade and the road authority a plan of all such works and shall not commence the construction or alteration

thereof until such plan shall have been approved by the said Board and by the road authority and all such works shall be constructed or altered in accordance with the plan so approved.

As to posts standards and brackets.

28.—(1) Subject to the provisions of this Order and of any regulations made under this Order by the Board of Trade the size position design and construction of all posts standards and brackets and their several attachments erected in the district of any local or road authority shall be such as the said authority and the Promoters may agree or as in case of difference between them may be determined by arbitration and in all cases shall be erected to the reasonable satisfaction of such authority.

(2) The local authority shall upon giving not less than fourteen days' notice to the Promoters of their desire to do so have the right to use any posts standards and brackets erected in the streets or roads within their district for the support of any electric wires or lamps or any gas lamp belonging to the local authority or to any company or person with whom such local authority may contract for the lighting of the streets without making any payment for such use Provided that in placing maintaining or altering such wires or lamps no damage shall be caused to such posts standards or brackets and no obstruction shall be caused to the working by the Promoters of the undertaking.

(3) Before commencing to erect any posts standards or brackets and before any electric wires or lamps of the local authority are supported on any such posts standards or brackets under this section plans showing the position design and construction of the posts standards or brackets and where electric wires or lamps of the local authority are to be supported on any such posts standards or brackets the method and position in which they are to be so supported must be sent to the Board of Trade and the posts standards or brackets shall not be erected nor shall electric wires or lamps be supported on any such posts standards or brackets except according to plans approved by the Board of Trade.

Mechanical power works to be subjected to section 30 of Tramways Act 1870.

29. All works to be executed by the Promoters in any road for working the tramways by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned.

Byelaws.

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

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

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

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of

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horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety;

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

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

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

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

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

Special provisions as to use of electrical power.

32. The following provisions shall apply to the use of electrical power on the tramways unless such power is entirely contained in and carried along with the carriages:—

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

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

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

(4) The Promoters shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Promoters

either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking.

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

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

(7) When any department of Her Majesty's Government represents to the Board of Trade that the use of electrical power under this Order injuriously affects or is likely to injuriously affect any instruments or apparatus whether electrical or not used in any observatory or laboratory belonging to or under the control of that department the Board of Trade after such inspection or inquiry as they may think proper may by their regulations require the Promoters to use such reasonable and proper precautions including insulated returns as the Board of Trade may deem necessary for the prevention of such injurious affection For the purposes of this subsection any inspector of the Board of Trade may during his inspection of the Promoters' works and apparatus be accompanied by any person or persons appointed in that behalf by the Government Department concerned and the Promoters shall give all due facilities for the inspection Provided always that in the case of any observatory or laboratory established after the passing of the Act confirming this Order or of any instruments or apparatus hereafter used in any existing observatory or laboratory which may be of greater delicacy than those used therein at the passing of the Act confirming this Order the Board of Trade shall consider to what extent if any it is expedient in the interests of the public that the powers of this subsection should be exercised regard being had to the site of the observatory or laboratory or the purposes of the instruments or apparatus as the case may be.

(8) The expression "the Promoters" in this section shall include licencees and any person owning working or running carriages over any tramways of the Promoters.

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For protection of the Postmaster-General.

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

(B) In the event of any of the tramways or any part thereof being worked by electricity the following provisions shall have effect :—

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

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

(3)—(*a*) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work.

(*b*) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration.

(4) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which

such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.

(5) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the Court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.

(6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.

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

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

(9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Acts 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.

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

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

Traffic upon Tramways.

Traffic upon tramways.

34. The tramways may be used for the purpose of conveying passengers animals goods minerals and parcels but the Promoters shall not carry on the tramways any animals goods or minerals without the consent in writing of the local authority who are hereby empowered to give such consent for such period and upon and subject to such terms and conditions as they may think fit.

Promoters not bound to carry animals goods &c.

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

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Tramways not to be worked on Sundays without consent.

36. The tramways shall not be worked or used on Sundays without the consent in writing of the local authority who are hereby empowered to give such consent for such period and upon and subject to such terms and conditions as they may think fit.

Service of cars.

37. The Promoters shall run each day in the week (Sundays excepted) between the hours of eight in the morning and ten in the evening at least one car each way over the tramways every thirty minutes during those hours The Promoters shall be liable to a penalty not exceeding one pound for every day on which they do not run such number of cars as aforesaid in accordance with the provisions of this section Provided always that the Promoters shall not be liable to any such penalty if the failure to run such number of cars aforesaid arises from circumstances over which the Promoters have no control Before and after the hours aforesaid the Promoters shall run such a number of cars over the tramways as the reasonable convenience of the public may require And further the Promoters shall run a car from the western terminus of the tramways to the eastern terminus thereof to convey passengers travelling to Musselburgh by the latest car at night which may run on the tramways of the Corporation of Edinburgh or their lessees to the terminus at Portobello Any question which may arise as to the service of cars required in the public interests may be determined on the application of the Promoters or of the local authority or other body or person by the Board of Trade whose decision shall be final and conclusive.

As to stopping places.

38. Stations or stopping places for the cars running on the said tramways shall be fixed by agreement between the Promoters and the local authorities having jurisdiction on the route of the tramways and failing agreement such stations or stopping places shall be fixed by arbitration.

Rates.

Rates for passengers.

39. The Promoters may demand and take for every passenger travelling upon the tramways or any part thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile and in no case shall the fare from one station or stopping place exceed one penny where the distance travelled does not exceed one mile and a fraction of a mile beyond an integral number of miles shall be deemed a mile Provided that the Promoters shall not charge more than twopence for the whole journey from terminus to terminus of the tramways authorised by this Order.

As to fares on Sundays and holidays.

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

Passengers' luggage.

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

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Cheap fares for labouring classes.

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

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

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

Rates and charges for animals goods &c.

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

Payment of rates.

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

Periodical revision of rates and charges.

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

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is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Order authorised Provided also that a copy of this section shall be annexed to every table or list of rates published by the Promoters.

Miscellaneous.

As to purchase of the undertaking by the local authority.

46. Notwithstanding anything in the Tramways Act 1870 contained:

(1) The powers of purchase given by section 43 of the Tramways Act 1870 shall not be exercisable by the local authority of the burgh of Musselburgh until the expiration of forty-two years from the passing of the Act confirming this Order The period of twenty-one years in the 43rd section of the Tramways Act 1870 mentioned shall in respect of so much of the undertaking as is within the said burgh of Musselburgh be deemed to be the period of forty two years from the passing of the Act confirming this Order and the periods of seven years in such section mentioned shall be deemed to be periods of seven years subsequent to such period of forty-two years.

(2) Notwithstanding the preceding provisions of this section the powers of purchase given by section 43 of the Tramways Act 1870 shall be exercisable by the local authority of the burgh of Musselburgh as regards so much of the undertaking as is within the said burgh at the expiration of periods of fourteen twenty-one and twenty-eight years from the passing of the Act confirming this Order upon the terms prescribed by sub-section (3) of this section and in such cases the period and the terms of purchase in the said section 43 mentioned shall as regards so much of the undertaking as aforesaid be deemed to be the respective periods and terms of purchase by this section prescribed.

(3) The price to be paid on any such purchase shall be—

(*a*) A sum equal to the actual cost of the land buildings works material rolling stock and plant purchased after deducting a reasonable sum for depreciation; and

(*b*) In respect of goodwill an additional sum equal

(I) In the case of a purchase on the expiration of a period of fourteen years to the net profits of the undertaking during the four years immediately preceding the purchase; and

(II) In the case of a purchase on the expiration of a period of twenty-one years to the net profits of the undertaking during the two years immediately preceding the purchase; and

(III) In the case of a purchase on the expiration of a period of twenty-eight years to the net profits of the undertaking during the year immediately preceding the purchase.

(4) If any question arises as to the price to be paid on any such purchase that question shall be referred to arbitration and if any other question arises with regard to the purchase that question may be settled by the Board of Trade.

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47. In the event of the Promoters desiring to exercise the power of sale conferred by section 44 of the Tramways Act 1870 they shall as regards the tramways within the burgh of Musselburgh give six calendar months previous notice in writing to the local authority of that burgh of their intention to exercise such power and of the terms and conditions of such proposed sale and that local authority may thereupon if by resolution passed at a special meeting of the members constituting the local authority in accordance with the provisions of section 43 of the Tramways Act 1870 they so decide within the said period of six months by notice in writing require the Promoters to sell to them the tramways upon the same terms and conditions as those specified in the said first-mentioned notice and the Promoters shall forthwith sell the same to that local authority accordingly and all the provisions of section 43 of the Tramways Act 1870 with regard to the purchase of the undertaking by the local authority shall extend and apply to any sale to that local authority under this section.

Local authority to have right to purchase in the event of contemplated sale.

48. Subject to the provisions of this Order the Promoters on the one hand and the road authority on the other hand may from time to time enter into and carry into effect agreements with respect to the mode of laying down or erection and maintenance of any cables mains posts wires apparatus or other works and the maintenance of roads and the exercise of any of the powers by this Order conferred in that behalf.

Agreements with road authority.

49. The Promoters may with the consent of the Board of Trade from time to time but subject to the provisions of this Order enter into and fulfil contracts and agreements with any person or local authority authorised to enter into such contracts or agreements for and in relation to the construction or working of the whole or any part of the tramways or with respect to the receiving or forwarding of any animals goods minerals or parcels and of the fixing collecting and apportionment of rates charges and other receipts.

Working agreements.

50. Nothing in this Order or in the Tramways Act 1870 contained shall prevent the Promoters borrowing money on the security of mortgages of the undertaking or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage Provided that every mortgage of the said 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 said undertaking or any part thereof to the local authority under section 43 of the Tramways Act 1870 or under the provisions of this Order and that any mortgage granted by the Promoters shall not be a charge upon the said undertaking or any part thereof in the event of the said undertaking or such part being purchased by the local authority under section 43 of the Tramways Act 1870 or under the provisions of this Order and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Saving as to powers of borrowing on mortgage.

51. All orders regulations and byelaws made and consents and certificates given by the Board of Trade under the authority of this Order shall be signed by a secretary or assistant secretary of the Board and when purporting to be so signed the same shall be deemed to be duly made in accordance with

Orders &c. of the Board of Trade.

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the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly.

Recovery of penalties.

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

Form and delivery of notices.

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

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

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

Provisions as to arbitration.

54.—(1) Where under the provisions of the Tramways Act 1870 or this Order any question is to be referred to or determined by arbitration that question shall unless otherwise agreed be referred to the Board of Trade or if the Board of Trade think fit to an engineer or other fit person appointed as arbiter by the Board.

(2) The Board of Trade Arbitrations &c. Act 1874 shall apply with reference to the determination by the Board of any such question or of any other matter under this Order and to the appointment of an arbiter as if this Order were a special Act within the meaning of section 4 of that Act.

(3) The costs of and incidental to any such arbitration and award shall be paid as directed by the arbiter and shall if either party so require be taxed and settled as between the parties by the auditor of the Court of Session in Scotland.

Saving for general Acts.

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

SCHEDULE.

RATES AND CHARGES FOR ANIMALS GOODS &C.

Animals.		Per Mile. *s.*	*d.*
For every horse mule or other beast of draught or burden	per head	0	4
For every ox cow bull or head of cattle - -	per head	0	3
For every calf pig sheep or other small animal -	per head	0	1½

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

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

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

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

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 sums as the person conveying the same may think fit not exceeding per ton - -	2	0
For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons such sum as the person conveying the same may think fit.		

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Regulations as to Rates.

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

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

For a fraction of a ton rates and charges may be demanded and taken according to the number of 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 Imperial avoirdupois weight.

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

SOUTHAMPTON CORPORATION.

Southampton Corporation.

Order authorising the Mayor Aldermen and Burgesses of the Borough of Southampton to construct additional Tramways in the said Borough.

Short title.

1. This Order may be cited as the Southampton Corporation Tramways Order 1900.

Incorporation of Acts.

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

Provided that the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any alteration of or interference with any telegraphic line belonging to or used by the Postmaster-General The expression "telegraphic line" in this Order has the same meaning as in the Telegraph Act 1878.

Interpretation.

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

The expression "the tramways" means the tramways and works by this Order authorised;

The expression "the tramway undertaking" includes the tramway undertakings respectively authorised by the Southampton Street Tramways Act 1877 and the Southampton Street Tramways (Extensions) Act 1888 vested in the Promoters by the Southampton Corporation Tramways Act 1897 (in this Order referred to as "the Act of 1897") and as enlarged by that Act;

The expression "the borough" means the county borough of Southampton;

The expression "the Corporation" means the mayor aldermen and burgesses of the borough acting by the council;

The expression "mechanical power" includes steam electrical and every other motive power not being animal power;

The expression "engine" includes motor.

The Promoters.

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

Lands by agreement.

5. The Promoters may:—

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

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

Provided that they shall not at any time hold for such purposes more than five acres of land in addition to the lands they are already authorised to hold for those purposes Provided always that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken or appropriated under the powers of this section.

Construction of tramways.

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

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

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Southampton Corporation.

plans" and "the deposited sections") the tramways herein-after described with all proper rails junctions crossing-places turnouts plates tubes channels offices weighbridges turn-tables power-stations engine-sheds stables carriage-houses works mechanical appliances plant and conveniences connected therewith as may be necessary or proper therefor and for connecting and using the same with the existing or authorised tramways of the Promoters;

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

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

The tramways will be wholly situated within the borough and are as follows:—

Tramway No. 1 (a double line) 2 furlongs 7·15 chains in length in substitution of the existing tramway commencing by a junction with the existing tramway in Canute Road at a point 2·30 chains or thereabouts measured in an easterly direction from the intersection of Terminus Terrace and Canute Road passing into and along Terminus Terrace Oxford Street and Bernard Street and terminating in the last-named street by a junction with the existing tramway at a point 0·70 chain or thereabouts measured in a westerly direction from the intersection of Canal Walk and Bernard Street;

Tramway No. 1A (a single line) 3·45 chains in length commencing by a junction with Tramway No. 1 in Canute Road at a point 1·15 chains or thereabouts measured in a westerly direction from the commencement thereof passing into and along Terminus Terrace and terminating therein by a junction with Tramway No. 1 at a point 0·70 chain or thereabouts measured in a northerly direction from the intersection of Queen's Terrace and Terminus Terrace;

Tramway No. 2 (a double line) 1 furlong 5·80 chains in length in substitution of the existing tramway commencing by a junction with the existing tramway in High Street at a point 0·85 chain or thereabouts measured in a northerly direction from the intersection of the said street and Bridge Street and terminating therein by a junction with the existing tramway at a point 4·35 chains or thereabouts measured in a northerly direction from the intersection of the said street and East Street;

Tramway No. 3 (a double line) 1 mile 0 furlong 8·30 chains in length in substitution of the existing tramway commencing by a junction with the existing tramway in Above Bar Street at a point 4·30 chains or thereabouts measured in a northerly direction from the intersection of the said street and Bargate Street passing into and along London Road

The Avenue and Lodge Road and terminating in the last-named road by a junction with the existing tramway at a point 0·50 chain or thereabouts measured in an easterly direction from the centre of the Stag Gates;

Tramway No. 4 (a single line) 1 furlong 4·40 chains in length commencing by a junction with the existing tramway in Lodge Road at a point 0·40 chain or thereabouts measured in a westerly direction from the intersection of the said road and Spear Road passing into and along Bevois Hill and Portswood Road and terminating in the last-named road at a point 0·70 chain or thereabouts measured in a northerly direction from the intersection of Avenue Road with Portswood Road;

Tramway No. 5 (a double line) 3 furlongs 5·80 chains in length in substitution of the existing tramway commencing by a junction with Tramway No. 4 at the termination thereof passing along Portswood Road and terminating therein by a junction with the existing tramway at a point 2·50 chains or thereabouts measured in a north-easterly direction from the intersection of the said road and Saint Deny's Road;

Tramway No. 6 (a double line) 1 furlong 5·35 chains in length in substitution of the existing tramway commencing by a junction with Tramway No. 3 in Above Bar Street at a point 1·20 chains or thereabouts measured in a southerly direction from the intersection of the said street and Commercial Road passing into and along Commercial Road and terminating therein by a junction with the existing tramway at a point 0·30 chain or thereabouts measured in a westerly direction from the intersection of the said road and Cumberland Place;

Tramway No. 6A (a double line) 2·35 chains in length in substitution of the existing tramway commencing by a junction with tramway No. 3 in London Road at a point 1·55 chains or thereabouts measured in a northerly direction from the intersection of the said road and Commercial Road passing into Commercial Road and terminating therein by a junction with Tramway No. 6 at a point 2·35 chains or thereabouts from the commencement thereof;

Tramway No. 7 (a double line) 4 chains in length in substitution of the existing tramway commencing by a junction with the existing tramway in Fourposts Hill at a point 2·10 chains or thereabouts measured in an easterly direction from the intersection of Sidford Street and Fourposts Hill and terminating therein by a junction with the existing tramway at a point 1·90 chains or thereabouts measured in a westerly direction from the aforesaid intersection;

Tramway No. 8 (a double line) 7·15 chains in length in substitution of the existing tramway commencing by a junction with the existing tramway in Fourposts Hill at a point 2·00 chains or thereabouts measured in an easterly direction from the intersection of Shirley Road and Fourposts Hill passing into and along Shirley Road and terminating therein by a junction with the existing tramway at a point 5·40 chains or thereabouts from the aforesaid intersection;

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Tramway No. 9 (a double line) 5 · 80 chains in length in substitution of the existing tramway commencing by a junction with the existing tramway in Shirley Road at a point 2 · 80 chains or thereabouts measured in a south-easterly direction from the intersection of the said road and Albert Road and terminating therein by a junction with the existing tramway at a point 2 · 90 chains or thereabouts measured in a north-westerly direction from the aforesaid intersection;

Tramway No. 10 (a double line) 2 · 70 chains in length in substitution of the existing tramway commencing by a junction with the existing tramway in Shirley Road at a point 2 · 00 chains or thereabouts measured in a south-easterly direction from the intersection of the said road and Andover Road and terminating therein by a junction with the existing tramway at a point 0 · 60 chain or thereabouts measured in a north-westerly direction from the aforesaid intersection;

Tramway No. 11 (a double line) 6 furlongs 3 chains in length in substitution of the existing tramway commencing by a junction with the existing tramway in Shirley Road at a point 1 · 40 chains or thereabouts measured in a south-easterly direction from the intersection of the said road and Naseby Road and terminating therein at a point 1 · 70 chains or thereabouts measured in a north-westerly direction from the intersection of the said road and Park Street;

Tramway No. 12 6 · 15 chains in length whereof 1 chain is single and 5 · 15 chains is double commencing in High Street at a point 5 · 30 chains or thereabouts measured in a southerly direction from the intersection of Bridge Street and High Street passing along High Street and terminating therein at a point 0 · 85 chains or thereabouts measured in a northerly direction from the said intersection of High Street and Bridge Street;

Tramway No. 12 will be a double line except from its commencement for a length of one chain where it will be a single line;

Tramway No. 12A (a double line) 1 · 40 chains in length commencing by a junction with Tramway No. 12 in High Street at a point 1 · 85 chains or thereabouts from the termination thereof passing into Bridge Street and terminating therein by a junction with the existing tramway at a point 0 · 90 chain or thereabouts measured in an easterly direction from the intersection of High Street and Bridge Street;

Provided that the inner rail of the said Tramway No. 12A shall be constructed of such practicable radius not exceeding 35 feet nor less than 32 feet as shall be agreed between the engineer of the Corporation and the engineer of R. S. Smith and Company Limited or as failing agreement shall be settled by arbitration by an engineer to be appointed by the Board of Trade;

Tramway No. 13 1 mile 2 furlongs 0 · 90 chain in length whereof 3 furlongs 2 · 35 chains is single and 6 furlongs 8 · 55 chains is double commencing in the open space at or about the intersection of the centre lines of Itchen Bridge Road and Queen's Road Canute Road and Crosshouse Road passing into and along Central Bridge Marsh Lane Saint Mary's

Street and Saint Mary's Road and terminating in the last-named road at or about the intersection of the said road and Bellevue Road;

Tramway No. 13 will be a double line except at the following places where it will be a single line:—

In Marsh Lane between points respectively 3 · 10 chains south-east and 3 · 20 chains north-west of the intersection of Charles Street and Marsh Lane;

In Saint Mary's Street between points respectively 4 · 50 chains south and 6 · 20 chains north of the intersection of the said street and Coleman Street and 2 · 90 chains south and 4 · 60 chains north of the intersection of the said street and Winton Street;

In Saint Mary's Road between points respectively 2 · 50 chains south and 5 · 40 chains north of the intersection of the said road and Bellevue Street;

The Corporation shall lay as a double single line should the Board of Trade at any time so require that portion of the said tramway in Saint Mary's Street shown on the deposited plans to be laid as a single line;

Tramway No. 14 1 furlong 5 · 35 chains in length whereof 6 · 95 chains is single and 8 · 40 chains is double commencing in Saint Mary's Road by a junction with Tramway No. 13 at the termination thereof passing into and along Bellevue Terrace Rockstone Lane and The Avenue and terminating in the last-named road by a junction with Tramway No. 3 at a point 2 · 50 chains or thereabouts measured in a northerly direction from the intersection of Rockstone Lane and The Avenue;

Tramway No. 14 will be a double line except at the following place where it will be a single line:—

In Bellevue Terrace between points respectively 1 · 75 chains south and 5 · 20 chains north of the intersection of Ordnance Road and Bellevue Terrace;

Tramway No. 14 shall not be constructed unless and until Rockstone Lane between Bellevue Terrace and The Avenue is widened so as to give a minimum width of carriageway of 32 feet 3 inches;

Tramway No. 15 3 furlongs 1 · 50 chains in length whereof 9 · 50 chains is single and 2 furlongs 2 chains is double commencing in Saint Deny's Road at a point 0 · 50 chain or thereabouts measured in an easterly direction from the intersection of the said road and Adelaide Road by a junction with Tramway No. 16 at its termination passing along Saint Deny's Road Cobden Bridge and Cobden Avenue and terminating in the last-named road at a point 4 · 20 chains or thereabouts measured in an easterly direction from the east end of Cobden Bridge;

Tramway No. 15 will be a double line except at the following place where it will be a single line:—

In Saint Deny's Road between points respectively 5 · 20 chains west and 4 · 30 chains east of the intersection of the said road and Stanley Road;

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Tramway No. 16 2 furlongs 5 · 95 chains in length whereof 7 · 90 chains is single and 1 furlong 8 · 05 chains is double commencing by a junction with Tramway No. 5 in Portswood Road at a point 0 · 80 chain or thereabouts measured in a north-easterly direction from the intersection of the said road and Saint Deny's Road passing into and along Saint Deny's Road and terminating therein by a junction with Tramway No. 15 at its commencement;

Tramway No. 16 will be a double line except at the following place where it will be a single line:—

In Saint Deny's Road between points respectively 0 · 90 chain and 8 · 80 chains north-west of the intersection of the said road and Belmont Road;

Tramway No. 17 (a double line) 1 furlong 6 · 75 chains in length commencing by a junction with Tramway No. 1 in Terminus Terrace at a point 0 · 90 chain or thereabouts measured in a southerly direction from the intersection of Oxford Street and Terminus Terrace passing into Marsh Lane and terminating therein by a junction with Tramway No. 13 at a point 0 · 90 chain or thereabouts measured in a north-westerly direction from the intersection of Terminus Terrace and Marsh Lane;

Tramway No. 18 2 furlongs 8 · 05 chains in length whereof 1 furlong 2 · 95 chains is single and 1 furlong 5 · 10 chains is double commencing by a junction with Tramway No. 3 in Above Bar Street at a point 1 · 30 chains or thereabouts measured in a northerly direction from the intersection of the said street and New Road passing into and along New Road and Saint Mary's Street and terminating in the last-named street by a junction with Tramway No. 13 at a point 0 · 80 chain or thereabouts measured in a southerly direction from the intersection of the said street and New Road;

Tramway No. 18 will be a double line except at the following place where it will be a single line:—

In New Road between points respectively 1 · 10 chains and 14 · 05 chains east of the intersection of the said road and Palmerston Road.

For the protection of the London and South Western Railway Company.

7. For the protection of the London and South Western Railway Company (in this section referred to as "the South Western Company") the following provisions shall apply and have effect viz.:—

(A) The Promoters shall not construct any works in connexion with any tramways crossing the railways of the South Western Company or within ten yards thereof until plans drawings and specifications (in this section referred to as "the said plans") describing the manner of and materials to be used in the construction of the said tramways shall have been delivered to the engineer of the South Western Company (hereinafter referred to as "the railway engineer") for his reasonable approval and he shall be deemed to have approved thereof unless within twenty-one days after the delivery thereof he shall disapprove thereof in writing stating also in what respect he requires modification thereof;

(B) In the event of the railway engineer so signifying his disapproval the said plans sections and specifications shall (failing agreement as to

modification thereof) be referred to arbitration and the works shall be executed in accordance with the plans sections and specifications so approved and shall be subsequently maintained by the Promoters at their sole expense and under the superintendence and to the satisfaction of the railway engineer and forty-eight hours' notice shall be given to the railway engineer before the construction of any works;

(C) The Promoters shall not in any way alter or interfere with the structure of any bridge or other work belonging to or maintained by the South Western Company nor affix any bracket or wire upon the property of the South Western Company or the structure of such bridge without the consent in writing of that company under their common seal and any additional expense caused to the South Western Company in reference to the maintenance of the structure of the bridges works or roads occasioned by or any alterations rendered necessary by the construction working or maintenance of the said works shall be borne and paid by the Promoters;

(D) The Promoters shall indemnify the South Western Company against all claims and compensate them for any injury which may happen to the property or works of the South Western Company or to any person or persons using their railway in consequence of or during the construction and maintenance of the said works or the working of the said tramways and the appointment by the South Western Company of any inspector or watchmen shall not relieve the Promoters from any liability in connexion therewith;

(E) The South Western Company shall be at liberty to divert or stop any of the tramways temporarily if required for the purpose of executing repairs alterations extensions or widenings of any of the bridges carrying roads over the railway and the Promoters shall indemnify the South Western Company against any and all claims in respect thereof;

(F) Any difference which may arise between the South Western Company and the Promoters touching any of the matters referred to in this section shall be decided by a single arbitrator to be appointed on the application of either party by the Board of Trade.

Cheap fares for labouring classes.

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

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

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

Tramways to form part of tramway undertaking for all purposes.

9. Subject to the provisions of this Order the tramways shall for all purposes form part of the tramway undertaking and the Promoters and their lessees and their licencees may in respect of the tramways exercise and enjoy all and the like powers rights privileges and authorities which they now may or are empowered to exercise and enjoy and shall be subject and liable to the like penalties conditions restrictions and stipulations as they are subject and liable to with respect to the tramway undertaking or any part thereof and may demand take and recover in respect of the tramways or any part or parts thereof the like tolls rates and charges for the use thereof and for the conveyance thereon of traffic of all kinds and for the use of carriages placed and run thereon by them as they are authorised to demand and take in respect of the tramways authorised by the Southampton Street Tramways Act 1877.

Application of tramway revenue.

10. Before applying the tramway revenue in making any payment to the reserve fund as authorised by the Act of 1897 the Corporation shall pay the interest on moneys borrowed by them under and provide the requisite instalments and sinking fund prescribed by the Act of 1897 and required in relation to any moneys borrowed under the provisions of this Order and section 38 (Application of tramway revenue) of the Act of 1897 shall be construed accordingly.

Saving for general Acts.

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

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