CHAPTER cii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Colchester Tramways, Gravesend, Rosherville, and Northfleet Tramways (Extension), Hartlepools Tramways (Extension), Stockton-on-Tees Tramways (Extension), and Weymouth Tramways. [14th July 1884.]

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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 Tramways Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

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

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

1. This Act may be cited as the Tramways Orders Confirmation (No. 4) Act, 1884. Short title.

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

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SCHEDULE OF ORDERS.

Colchester Tramways.—Order authorising the construction of tramways in connexion with authorised tramways in the borough of Colchester in the county of Essex.

Gravesend Rosherville and Northfleet Tramways (Extension).—Order authorising the Gravesend Rosherville and Northfleet Tramways Company (Limited) to construct additional tramways in the parish of Northfleet in the county of Kent.

Hartlepools Tramways (Extension).—Order authorising the Hartlepools Steam Tramways Company (Limited) to construct additional tramways in West Hartlepool in the county of Durham and amending the Hartlepool Tramways Order 1883 and for other purposes.

Stockton-on-Tees Tramways (Extension).—Order authorising the Stockton and Darlington Steam Tramways Company (Limited) to extend their tramways from Stockton to South Stockton and for other purposes.

Weymouth Tramways.—Order authorising the construction of tramways in the borough of Weymouth in the county of Dorset.

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Order authorising the construction of Tramways in connexion with authorised Tramways in the borough of Colchester in the county of Essex.

Short title.

1. This Order may be cited as "The Colchester Tramways Order 1884."

Incorporation of Acts.

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

Interpretation.

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

The expression "the Order of 1883" shall mean the Colchester Tramways Order 1883:

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

The term "person" shall include a corporation.

Promoters.

The Promoters.

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

Lands by agreement.

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

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (in this Order referred to as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails points junctions plates tubes drains sumpts shafts turntables offices weighbridges stables carriage-houses warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same.

The tramways authorised by this Order are—

Tramway No. 1 commencing in the parish of All Saints by a junction with Tramway No. 2 authorised by the Order of 1883 at a point in the road called High Street opposite to the entrance of Queen Street thirteen yards or thereabouts from the house occupied by Walter Scott passing thence in an easterly direction along the said High Street and East Hill and terminating at the bottom of East Hill in the parish of St. James at a point forty-four

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yards or thereabouts measured in a westerly direction from the lamp-post at the junction of Brook Street with East Hill.

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

For a distance of sixty-six yards or thereabouts along the said tramway from a point one hundred and ninety yards or thereabouts from the commencement of the said tramway.

For a distance of sixty-six yards or thereabouts along the said tramway from a point five hundred and thirty yards or thereabouts from the commencing point of the said tramway.

Provided that no stopping place or station shall be erected at a point 16 yards from the commencement of the said tramway or for a distance of 66 yards from that point.

The total length of Tramway No. 1 will be 2 furlongs and 8·00 chains of which 22 chains will be single line and 6·00 chains will be double line.

Tramway No. 2 commencing in the parish of St. James by a junction with Tramway No. 1 at the termination thereof above described passing thence in an easterly direction along East Hill and in a southerly direction along the road called Brook Street and in an easterly direction along Barrack Street and terminating in the parishes of St. Botolph and St. James one or both of them by a junction with Tramway No. 3 authorised by the Order of 1883 at a point in Barrack Street thirty-three yards or thereabouts measured in a south-easterly direction from the corner of St. Mary Magdalen Church.

Tramway No. 2 shall be laid as a single line where the roadway is or shall be of a width of not less than 22 feet 8 inches but where such width is or shall be less than 22 feet 8 inches Tramway No. 2 shall unless otherwise required by the Board of Trade be so laid as a double line that one only of such lines can be used at one and the same time.

The total length of Tramway No. 2 will be 2 furlongs and 7·60 chains.

The tramways will be made and pass from in through or into the following parishes or some or one of them that is to say All Saints St. James St. Mary Magdalen and St. Botolph in the said borough of Colchester and county of Essex.

Gauge of tramways.

7. The tramways shall be constructed on a gauge of four feet provided always that so much of section thirty-four of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways but no carriage used on the tramways shall exceed five feet 6 inches in width.

Provisions as to construction of tramways.

8. In addition to the requirements of section twenty-six of the Tramways Act 1870 the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of

Trade and, after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section twenty-six of the said Act.

Mode of formation of tramways.

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

Penalty for maintaining rails and road in good condition.

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 to the satisfaction of the road authority the rails of which any of the tramways for the time being consist and the substructure upon which the same rest and if the Promoters at any time make default in complying with this provision or with any of the requirements of section twenty-eight of the Tramways Act 1870 they shall for every such offence be subject on information laid or complaint made to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues and such penalty may be recovered as by section fifty-six of the said Act is provided and further the road authority may if they think fit and without prejudice to any other remedy themselves at any time after three days notice to the Promoters open and break up the road and do the works necessary for the proper repair of the said rails and substructure and the expense incurred by the road authority in so doing shall be repaid to them by the Promoters and any expense so incurred as aforesaid may be recovered by the road authority in like manner as a penalty.

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

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

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

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place or passing-places the traffic shall when necessary be diverted from one tramway to the other.

Local authority to have access to sewers.

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

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

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

Additional crossings &c. may be made where necessary.

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

Temporary tramways may be made when necessary.

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

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

Application of road materials excavated in construction of works.

16. Any paving metalling or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters so far as may be necessary in or towards the reinstating of such road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain and the Promoters shall if so

required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority or to such person or persons as he may appoint to receive the same or shall if so required by such road authority deposit the same at such spot as may be appointed by such road authority not being more than thirty yards from the place where such surplus may have arisen provided that if within seven days after notice in writing to such road authority that the surplus of such paving metalling or material is ready for removal such surplus is not removed by the said surveyor or by some other person named by him for that purpose or such road authority do not require the Promoters to deposit such surplus at such spot as aforesaid such surplus paving metalling or material shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to all differences between the Promoters and any road authority.

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

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

Motive Power.

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

18. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power and with the consent in writing of the Board of Trade during a period of five years after the opening of the same for public traffic and with the like consent during such further periods of five years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board by steam power or by any mechanical power including haulage by means of wire ropes placed under ground and worked by stationary engine power upon the system known as "The Hallidie system of Cable Tramways."

Provided always that no steam or mechanical power shall be used on so much of Tramway No. 2 as will be situate in Brook Street unless and until the roadway of the said street has been widened in accordance with a plan to be approved of by the Board of Trade.

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

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

19. The Promoters or any person using steam or any mechanical power on any of the tramways contrary to the provisions of this Order or to any of the regulations set forth in the Schedule A to this Order annexed or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order shall for every such offence be subject to a penalty

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

Byelaws.

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

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

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

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

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

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

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

As to recovery of penalties.

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

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

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

Orders and byelaws to be signed &c.

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

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

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

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

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

In case any difference arise between any such road authority and the Promoters or such person as to the determination of any such contract agreement or arrangement or in case any such road authority after request in writing by the Promoters or such person or the Promoters or such person after request in writing by any such road authority during a period of one month after such request refuse or fail to enter into any such contract agreement or arrangement or to renew the same with or without modification or to make a new contract instead thereof or in case of any difference as to the terms of any such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof then and in every such case the difference with respect to such determination or the reasonableness of such refusal or failure or the terms of such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof shall from time to time on the appeal of either of the parties to the Board of Trade be determined

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in manner provided by the Tramways Act 1870 with respect to all differences between the Promoters and any road authority and thereupon the parties shall in all respects conform to such determination and make and observe any contract agreement or arrangement thereby prescribed Provided always that while any such appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the tramways to which such appeal relates.

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

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

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

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

Traffic and Tolls.

Traffic upon tramways.

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

Promoters not bound to carry animals goods &c.

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

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

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

Tramways for purposes of through traffic to form part of tramways authorised by Order of 1883.

29. When the traffic carried over the tramways authorised by this Order is also carried over any part of the tramways authorised by the Order of 1883 as through traffic then and in such case the tramways by this Order authorised shall for the purposes of such traffic and of tolls and charges be deemed to form part of the tramways authorised by the Order of 1883 and sections twenty-six to thirty-four (both inclusive) and Schedule B to the said Order annexed shall

as far as the same are applicable apply to the tramways by this Order authorised in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Order of 1883 and the same shall be in substitution for the provisions of this Order with respect to traffic and tolls.

Tolls for passengers.

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

Passengers luggage.

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

Cheap fares for labouring classes.

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

Tolls for animals goods &c.

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

Payment tolls.

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

Periodical revision of tolls.

35. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any Order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate or by twenty inhabitant ratepayers of any such district or by the Promoters that under the circumstances then

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existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

Miscellaneous.

Authentication of byelaws.

36. The Board of Trade may and they are hereby authorised to approve of byelaws and regulations made under the authority of section forty-six of the Tramways Act 1870 and of this Order with respect to the undertaking and no such byelaw or regulation made after the passing of the Act confirming this Order shall have any force or effect unless the same shall have been so approved and the production of a written or printed copy of any such byelaw or regulation purporting to be signed by a secretary or an assistant secretary of the Board of Trade shall be primâ facie evidence of such byelaw or regulation in all courts of justice and in all legal proceedings whatsoever.

Provisions as to arbitration.

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

Form and delivery of notices.

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

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

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

Agreements between Promoters and road authorities.

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

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

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

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

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

Saving as to powers of borrowing on mortgage.

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

Saving for general Acts.

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

Company to carry mails.

43*a*. The Promoters if required by the Postmaster-General shall perform with respect to any of the tramways of the Promoters all such reasonable services in regard to the conveyance of mails (including parcels as defined in the Post Office (Parcels) Act, 1882) as the Postmaster-General may from time to time require by notice under the hand of one of the Secretaries or Assistant Secretaries of the Post Office or the Inspector-General of Mails for the time

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being the remuneration for such services being determined by agreement or failing agreement by a referee to be appointed by the Board of Trade at the request of either party. Provided that—

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

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

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

SCHEDULES.

SCHEDULE A.

Break power of engines.

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

As to fittings of engines &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

As to carriages.

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

Inspection of engines and carriages.

The Board of Trade shall on the application of the local authority of any district in which steam or any mechanical power is used on the tramways and

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

As to speed.

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

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

SCHEDULE B.

Tolls and Charges for Animals Goods &c.

Animals.

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

Goods and Minerals.

	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	3
For all iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slags and stone stones for building pitching and paving tiles slates and clay (except fire-clay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs - - per ton	0	4
For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - - - per ton	0	6
For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things - - per ton	0	6
For every carriage of whatever description having two wheels - -	1	0
For every carriage of whatever description having four wheels - -	1	6

Parcels.

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

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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 sum as the Promoters may think fit not exceeding - - - - - - - - - per ton	2 0

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

Regulations as to Tolls.

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

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

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

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

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GRAVESEND ROSHERVILLE AND NORTHFLEET TRAMWAYS (EXTENSION).

Order authorising the Gravesend Rosherville and Northfleet Tramways Company (Limited) to construct additional Tramways in the parish of Northfleet in the county of Kent.

Short title.

1. This Order may be cited as "The Gravesend Rosherville and Northfleet Tramways (Extension) Order 1884."

Incorporation of Acts.

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

Interpretation.

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

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

The expression "the Order of 1881" means the Gravesend Rosherville and Northfleet Tramways Order 1881 and

The term "person" includes a corporation.

Promoters.

4. The Gravesend Rosherville and Northfleet Tramways Company (Limited) shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Construction of tramways.

5. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order as the same have been amended previous to the passing of the Act confirming this Order (which amended 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 plates chairs sleepers offices weighbridges weighing-machines hydrants stables carriage-sheds engine-sheds warehouses buildings works and conveniences connected therewith or for the purposes thereof and may work and use the same.

The tramways authorised by this Order will be situate wholly in the parish of Northfleet in the county of Kent and are:—

Tramway No. 1.—A tramway (single line) twenty-five links in length in High Street Northfleet commencing in a line with the eastern side of College Road and terminating at a point twenty-five links eastward of that line.

Tramway No. 2.—A tramway (double line) one chain and seventy-five links in length in High Street aforesaid commencing at the termination of Tramway No. 1 by this Order authorised and terminating at a point two chains eastward of the eastern side of College Road.

Tramway No. 3.—A tramway (single line) one furlong three chains and ninety links in length in High Street aforesaid commencing at the termination of Tramway No. 2 by this Order authorised and terminating at a point eight chains eastward of the eastern side of Samaritan Grove.

Tramway No. 4.—A tramway (single line) two and a half chains in length in High Street aforesaid commencing at the termination of Tramway No. 3 by this Order authorised and terminating at a point two and a half chains eastward of that point.

Tramway No. 5.—A tramway one furlong six chains and forty links in length in High Street aforesaid consisting of about eleven chains and fifty links of double line and four chains and ninety links of single line commencing at the termination of Tramway No. 4 by this Order authorised and terminating at a point about eighty links eastward of the eastern fence of the Northfleet Vicarage grounds.

Tramway No. 5 shall be laid as a single line except at the parts next herein-after specified where it shall be laid as a double line that is to say—

(*a.*) For a length of nine chains and twenty links from its commencement for which length the tramway shall be so laid that a space of three feet and six inches shall intervene between the centre lines of the double

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portions of tramway and so that one only of such lines can be used at one and the same time.

(*b.*) For a length of two chains and thirty links from its termination.

Tramway No. 6.—A tramway (double line) two and a half chains in length in High Street aforesaid and Northfleet Hill commencing at the termination of Tramway No. 5 by this Order authorised and terminating at a point two and a half chains south-eastward therefrom.

Tramway No. 7.—A tramway (single line) eight and a half chains in length in Northfleet Hill commencing at the termination of Tramway No. 6 by this Order authorised and terminating at a point two and a half chains northward of the north corner of the "Leather Bottle Inn."

Tramway No. 8.—A tramway (double line) two and a half chains in length in Northfleet Hill and London Road commencing at the termination of Tramway No. 7 by this Order authorised and terminating by a junction with the existing tramway opposite the "Leather Bottle Inn."

Promoters may lay part of Tramway No. 5 as a single line if roadway be widened.

6. Provided always that if the roadway of High Street between the commencement of Tramway No. 5 and a point nine chains and twenty links eastward therefrom measured along that street be at any time widened to a width of not less than twenty-two feet and six inches the Promoters may and shall lay or (as the case may be) take up and relay and maintain this portion of the tramway as a single line only in the middle of the widened roadway instead of as a double line as herein-before provided and section twenty-seven of the Tramways Act 1870 shall apply to any opening or breaking up of the road for either of the purposes aforesaid.

Distance between double lines.

7. Notwithstanding anything in this Order contained the double lines of tramway by this Order authorised shall be laid so that the centre lines of each such double line of tramway shall except as herein-before provided in relation to Tramway No. 5 be three feet four and a half inches from the imaginary centre line of the road.

As to construction of works in Northfleet.

8. Previous to breaking ground between the said Leather Bottle Inn and Huggen's College the Promoters shall have in store on the spot sufficient material of all descriptions (cements excepted) to enable them to complete the whole of the tramways unless the local board for the district of Northfleet shall otherwise agree and in constructing the tramways in High Street Northfleet the Promoters shall leave not less than eight feet in width of the carriage way and the whole of the south footpath clear for the public traffic unless the said local board agree to dispense with this requirement.

Promoters to pave part of road with granite.

9. The Promoters shall and they are hereby required to pave throughout the whole length of the tramways with granite setts of a depth of at least five inches or with such other material as the Board of Trade and the road authority may approve of and well grouted both that part of the road which is between the rails of the tramways and also that part of the road which is next the outer side of each of the rails for a width of eighteen inches at least and where in any part of a street or road there is a space of less width between the outside edge of the footpath on either side of the road and the nearest rail of the tramway than five feet the Promoters shall and they are hereby required to pave the whole of such space throughout the whole of that part of the road from footpath to footpath with granite setts of a thickness of not less than five inches or with such other material as the Board of Trade and the road authority may approve of and well grouted.

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Carriages may be moved by animal steam or mechanical power.

10. The carriages used on the tramways may be moved by animal power and the carriages used on the tramways and on the tramways authorised by the Order of 1881 (both of which are in the subsequent provisions of this Order comprised in the expression "the tramways of the Promoters") may subject to the provisions of this Order and with the consent in writing of the Board of Trade during a period of seven years after the opening of the same for public traffic and with the like consent during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board be moved by steam power or any mechanical power.

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

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

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

Byelaws.

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

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

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

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

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

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

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

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

As to recovery of penalties.

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

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

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

Orders and byelaws to be signed &c.

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

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

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

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

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

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

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

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

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

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

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such road shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or any mechanical power as aforesaid or the making of such contract agreement or arrangement Provided always that any such contract agreement or arrangement may from time to time be renewed with or without modification or a new contract agreement or arrangement may be made instead thereof.

Cheap fares for labouring classes.

18. Section twenty-eight of the Order of 1881 is hereby repealed and instead thereof the following provisions shall have effect with respect to the tramways of the Promoters (that is to say)—

The Promoters at all times after the opening of the tramways of the Promoters or any part or parts thereof for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours as the Promoters think most convenient for artisans mechanics and daily labourers at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny) and the Promoters shall be liable to a penalty not exceeding one pound for every day except as aforesaid on which they do not run such number of carriages 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 carriages as aforesaid arise from circumstances over which the Promoters have no control Provided also that in case of any complaint made to the Board of Trade as to the hours appointed by the Promoters for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

For purpose of traffic and tolls tramways to form part of tramways authorised by Order of 1881.

19. The tramways authorised by this Order shall for the purposes of traffic upon the same and of tolls and charges be deemed to form part of the tramways authorised by the Order of 1881 and sections twenty-one to twenty-seven both inclusive and sections twenty-nine to thirty-one both inclusive of the Order of 1881 and the schedule to the said Order annexed shall so far as the same are applicable apply to the tramways authorised by this Order in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Order of 1881.

Sections 8 9 11 to 18 20 32 34 to 36 and 38 of Order of 1881 to apply to tramways and undertaking authorised by Order.

20. The following provisions of the Order of 1881 that is to say sections eight and nine sections eleven to eighteen both inclusive section twenty section thirty-two sections thirty-four to thirty-six both inclusive and section thirty-eight shall apply to the tramways and undertaking by this Order authorised in like manner in every respect as if the tramways and undertaking by this Order authorised were the tramways and undertaking authorised by the Order of 1881 and for the purposes of such application the expressions "the tramways" "the undertaking" and "this Order" in the said provisions shall be construed to mean respectively the tramways and undertaking as defined by this Order and this Order.

Sanctioning construction of sidings into car-sheds and depôt.

21. The Promoters may maintain as part of their authorised undertaking the branch or siding into their car-sheds in London Road Northfleet and may also construct and maintain as part of their authorised undertaking the branch or siding into their car-sheds and depôt adjoining the Northfleet Vicarage as shown on the deposited plans and the said branches or sidings with the rails substructure and paving thereof shall subject to the approval of the Board of Trade be laid and also maintained with the like materials and in the same manner as the other

tramways of the Promoters but so nevertheless that the paving of granite setts in which such branches or sidings are or are to be constructed shall be extended so that it be at right angles to and not sloping towards the main line of the tramways.

For release of portion of the deposit under the Order of 1881.

22. And whereas the tramways by this Order authorised are identical or nearly so with a portion of the tramways authorised by the Order of 1881 which have not been constructed by the Promoters therefore be it enacted that on the application by the depositors of the deposit fund paid into the Chancery Division of the High Court of Justice upon the application for the Order of 1881 or the survivors or survivor of them and the executors or administrators of such survivor their or his assigns by summons in a summary way the said court may and shall order that the sum of one hundred and sixty-three pounds the proportion of the said deposit fund applicable in respect of the portion of tramways authorised by the Order of 1881 and not constructed as aforesaid and any interest and accumulations of interest credited in respect thereof shall be paid to the applicants or applicant or any other persons or person whom they or he may appoint to receive the same.

Provisions as to arbitration.

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

Saving as to powers of borrowing on mortgage.

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

Company to carry mails.

25. The Promoters if required by the Postmaster-General shall perform with respect to any of the tramways of the Promoters all such reasonable services in regard to the conveyance of mails (including parcels as defined in the Post Office (Parcels) Act 1882 as the Postmaster-General may from time to time require by notice under the hand of one of the Secretaries or Assistant Secretaries of the Post Office or the Inspector-General of Mails for the time being the remuneration for such services being determined by agreement or

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failing agreement by a referee to be appointed by the Board of Trade at the request of either party. Provided that—

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

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

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

SCHEDULE.

Break-power of engines.

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

As to fittings of engines &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

As to carriages.

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

Inspection of engines and carriages.

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

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

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

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As to speed.

HARTLEPOOLS TRAMWAYS (EXTENSION).

Hartlepools.

Order authorising the Hartlepools Steam Tramways Company (Limited) to construct additional Tramways in West Hartlepool in the county of Durham and amending the Hartlepool Tramways Order 1883 *and for other purposes.*

Short title.

1. This Order may be cited as "The Hartlepools Tramways Order 1884."

Incorporation of Acts.

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

Interpretation.

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

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

The expression "the commissioners" means the West Hartlepool Improvement Commissioners;

The expression "the district" means the district of the commissioners;

The expression "the Order of 1883" means the Hartlepool Tramways Order 1883; and

The term "person" includes a corporation.

The Promoters.

4. The Hartlepools Steam Tramways Company (Limited) shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Lands by agreement.

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

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order as the same have been amended previous to the passing of the Act confirming this Order (which amended 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 plates chairs sleepers offices weigh-bridges weighing machines hydrants stables car-sheds engine-sheds warehouses buildings works and

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conveniences connected therewith or for the purposes thereof and may work and use the same.

The tramways authorised by this Order are :—

A portion of Tramway No. 1 shown upon the said plans four furlongs four chains and fifty links or thereabouts in length consisting of about three furlongs two chains and fifty links of single line and about one furlong and two chains of double line commencing in Church Street West Hartlepool at a point two chains and fifteen links east of the junction of Lynn Street being the termination of Tramway No. 1 authorised by the Order of 1883 thence passing in an easterly direction along Church Street and into and along Mainsforth Terrace and terminating in Mainsforth Terrace at the junction of Nelson Street.

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

In Mainsforth Terrace—

Between points respectively about one chain and thirty links north and one chain and seventy links south of the junction of Edward Street ;

Between the junction of Reed Street and a point three chains south of the same ;

Between the junction of Hilda Street and a point three chains south of the same and

Between points respectively one chain and fifty links and four chains and fifty links from the termination of the tramway.

Tramway No. 4.—A tramway six furlongs two chains and ten links or thereabouts in length consisting of about four furlongs seven chains and ten links of single line and one furlong and five chains of double line commencing in Victoria Road on the east side of Murray Street by a junction with Tramway No. 4 authorised by the Order of 1883 thence passing in a westerly direction along Grange Road and the intended continuation of Grange Road to the park and terminating there at the western end of the proposed extension of that road Provided always that the Promoters shall not lay down Tramway No. 4 in the new road shown on the deposited plans to be made in continuation of Grange Road unless the roadway of the said new road have a clear width of twenty-three feet at least between the outside edges of the footpath on each side of the road.

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

In Grange Road—

Between points respectively eight chains and fifty links and one furlong one chain and fifty links from the commencement of the tramway ;

Between points respectively two furlongs one chain and two furlongs four chains from the commencement of the tramway ;

Between points respectively three furlongs three chains and fifty links and three furlongs six chains and fifty links from the commencement of the tramway ;

Between points respectively four furlongs six chains and four furlongs nine chains from the commencement of the tramway ; and

Between points respectively five furlongs eight chains and fifty links and six furlongs one chain and fifty links from the commencement of the tramway.

The tramways will be laid in the parish of Stranton in the county of Durham.

Gauge of tramways.

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

For protection of the commissioners.

8. The following provisions for the protection of the commissioners shall apply and have effect with respect to the tramways situate in the district.

(Mode of formation of tramways.)

(1.) Subject to the provisions of this Order the rails and permanent way of such tramways together with the substructure upon which the same rest shall be constructed by the Promoters in all respects upon the most approved system and to the satisfaction of the commissioners with all recent improvements therein and with such additions thereto as the Board of Trade with the approval of the commissioners may direct and the lowest substructure shall consist of concrete not less than seven inches in depth ;

(Paving.)

(2.) Subject to the provisions of this Order the Promoters shall in constructing such tramways pave throughout the whole length of such tramways with granite setts of a depth of at least five inches with concrete foundation of a depth of not less than seven inches and well grouted both so much of the roads in which such tramways are to be laid down as lies between the rails of such tramways also so much of such roads as extends eighteen inches beyond the rails of and on each side of such tramways;

(If alteration in level of road or footways necessary in consequence of tramways expense to be borne by the Promoters.)

(3.) If by reason of the construction of any of such tramways any alteration is rendered necessary in the level of any road the reasonable expense of making such alteration shall be borne and paid by the Promoters Provided that any difference arising between the commissioners and the Promoters with respect to the necessity for such alteration shall be determined in manner provided by the Tramways Act 1870 with respect to all differences between the Promoters and any road authority ;

(Materials of roads to belong to commissioners.)

(4.) Notwithstanding anything in this Order contained all road materials excavated by the Promoters in the construction of such tramways and not used in constructing such tramways shall belong to the commissioners and shall be carted away by the Promoters to such place within the district as the commissioners may direct ;

(As to entrance to sewers.)

(5.) When any tramway or passing place is constructed or required to be constructed within the district over any manhole or any entrance to any sewer belonging to the commissioners or so close to any such manhole or entrance so as to make the use thereof dangerous or inconvenient in the opinion of the commissioners or of their surveyor for the time being the Promoters shall if required by the commissioners construct another manhole or entrance in lieu thereof in such a position and according to such plans as may be approved of by the commissioners ;

(Promoters to supply plans and to comply

(6.) Subject to the provisions of this Order the Promoters shall from time to time supply the commissioners with detailed plans and sections showing

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with reasonable requirements of commissioners.)

the mode of construction and materials of such tramways and furnish such information as may be required by the commissioners and shall comply with all the reasonable requirements of the commissioners;

(Further provisions as to maintenance of tramways.)

(7.) If the Promoters as to any portion of such tramways at any time fail to comply with any of the requirements of section twenty-eight of the Tramways Act 1870 or to maintain and keep in good condition and repair to the satisfaction of the road authority and so as not to be a danger or annoyance to the ordinary traffic the rails of which any of such tramways for the time being consist or the substructure on which the same rest the commissioners may (if they think fit) after giving to the Promoters forty-eight hours notice in that behalf (and without prejudice to any other remedy) execute and do all works necessary for such maintenance and repair and for such restoration of the road as in the said section twenty-eight of the Tramways Act 1870 or in this Order mentioned and may recover the costs charges and expenses of so doing from the Promoters with full costs of suit by all and the same means as a simple contract debt of like amount is recoverable;

(Powers to commissioners to suspend traffic on tramways.)

(8.) The commissioners shall have power at any time by giving twenty-four hours previous notice in writing to the Promoters to absolutely stop delay or suspend the working of any such tramways for regulating and facilitating traffic on any market day public occasion procession or demonstration or for the execution of any works by the commissioners or for any purpose which in the exercise of their powers respectively for the good government of the district or for the safety of the public they deem necessary; such stoppage delay or suspension to continue only as long as may be reasonably necessary for the purposes aforesaid or any of them and the Promoters shall not be entitled to claim nor shall the commissioners be liable to pay any compensation or damages in respect thereof;

(Future purchase of tramways within the district by the commissioners.)

(9.) For the purposes of this Order section forty-three of the Tramways Act 1870 shall with respect to such tramways be read as though the words "fourteen years" were inserted therein instead of the words "twenty-one years" provided that the commissioners in case they purchase such tramways shall give to the Promoters the option of taking a lease of such tramways for the term of at least seven years from the expiration of the said period of fourteen years making up the aggregate term of twenty-one years from the passing of the Act confirming this Order at a rental calculated at such rate of interest per centum per annum on the amount of the purchase money to be paid by the commissioners as may be agreed upon by and between the commissioners and the Promoters or as failing such agreement may be determined by the Board of Trade or by some person appointed for the purpose by the said Board In case of such lease as aforesaid being granted the lessees under such lease shall maintain such tramways so purchased and leased by the commissioners and all matters and things connected therewith in good repair at their own cost and shall at the termination of the lease render up the same in as good condition as the same respectively were in at the commencement thereof reasonable wear and tear excepted;

(Promoters not to sell under section forty-

(10.) In the event of the Promoters desiring to exercise the power of sale conferred by section forty-four of the Tramways Act 1870 they shall if such

sale is intended to be made to any person persons or company other than a company incorporated within two years after the passing of the Act confirming this Order for the purpose of constructing and working the tramways give two calendar months previous notice in writing to the commissioners of their intention to exercise such power and of the terms and conditions of such proposed sale ; and the commissioners may thereupon if by resolution passed at a special meeting of the members constituting the commissioners in accordance with the provisions of section forty-three of the Tramways Act 1870 they so decide within the said period of two months by notice in writing require the Promoters to sell to them the tramways within the district upon the same terms and conditions as those specified in the said first-mentioned notice and the Promoters shall thereupon forthwith sell the same to the commissioners accordingly and all the provisions of section forty-three 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 the commissioners under this section.

four of the Tramways Act 1870 without first giving commissioners option of purchase.)

Provisions as to construction of tramways.

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

As to rails of tramways.

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

Penalty for not maintaining rails and road in good condition.

11. The Promoters shall at all times to the satisfaction of the road authority maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of which any of the tramways for the time being consist and the substructure upon which the same rest and so much of the paving of any roads upon which the same rest as is required to be maintained by the Promoters and if the Promoters at any time make default in complying with this provision or with any of the requirements of section twenty-eight of the Tramways Act 1870 they shall for every such offence be subject on

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information laid or complaint made to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues and such penalty may be recovered as by section fifty-six of the said Act is provided.

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

Local authority to have access to sewers.

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

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

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

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

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

Additional crossings &c. may be made where necessary.

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

Temporary tramways may be made where 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

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

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

Application of road materials excavated in construction of Promoters works.

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

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

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

Motive Power.

Carriages may be moved by animal steam or mechanical power.

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

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

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

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

Byelaws.

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

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

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

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

For regulating the entrance to exit from and accommodation in the carriages used on 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 regulations and byelaws 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.

As to recovery of penalties.

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

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

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 tramway shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Order or by any regulation made by the Board of Trade under the authority of this Order at which engines or carriages are to be driven or propelled on the tramways under the authority of this Order but the local authority may if they think fit make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders and byelaws.

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

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

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

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

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

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

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

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

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

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

Traffic upon Tramways.

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

Promoters not bound to carry goods.

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.

Carriage of animals goods &c. in separate carriages.

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

Traffic on Sundays &c.

30. No car shall be driven on any Sunday Good Friday or Christmas Day past any church or place of public worship during the hours of divine service beyond a walking pace In case any car is driven within the district of any local authority in contravention of this section the Promoters shall be liable to a penalty not exceeding forty shillings for every such offence to be recovered summarily by such local authority.

Penalty for not working tramways.

31. If the Promoters having opened the tramways in any district for public traffic fail as and when required by the local authority of such district to run carriages sufficient for passenger traffic from one extremity thereof to the other at least once every hour each way every day (Sundays Good Friday and Christmas Day excepted) between eight in the morning and six in the evening they shall be liable to pay to such local authority a penalty for every day on which they fail so to do not exceeding five pounds per day for the first three days and not exceeding ten pounds for every subsequent day Provided always that the Promoters shall not be liable to any such penalty if the failure so to work the tramways arises from any act or circumstances beyond their control.

In case any difference arises between the Promoters and any local authority as to the sufficiency for passenger traffic of the carriages which the Promoters run or are required to run by such local authority the same shall be settled in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

Local and road authorities may use tramways at night for sanitary purposes.

32. The local authority and road authority of any district in which any of the tramways are situate may at such times and in such manner as they may respectively think fit between the hours of eleven at night and five in the morning (but subject to the byelaws for the time being in force with respect to the tramways within such district) use such tramways for sanitary purposes and for the conveyance of scavenging stuff road metal and other materials required by the works of such local or road authority free of all tolls and charges in respect of such use Provided that no such local or road authority shall be entitled to use or employ for such purposes any carriages trucks horses or other motive power or officers and servants of the Promoters.

No bell &c. to be used without consent of local authority.

33. The Promoters shall not use or permit to be used in any road within the district of any local authority any bell or other continuous sounding instrument in or upon the carriages running on the tramways or upon the horses attached thereto except with the approval of such authority.

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Tolls.

Tolls for passengers.

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

Passengers luggage.

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

Cheap fares for labouring classes.

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

Tolls for animals goods &c.

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

Payment of tolls.

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

Periodical revision of of tolls.

39. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate or by twenty inhabitant ratepayers of such district or by the Promoters that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should

be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

Miscellaneous.

Promoters to remove snow and other matter impeding the traffic on the tramways.

40. The road authority of any district within which any of the tramways are situate may cleanse any road under their control without reference to the tramways but whatever cleansing owing to snow or other matter impeding the traffic is requisite for the proper working of the tramways shall be executed by the Promoters who shall in performing the same remove the snow or other matter from off the centre of the road into the channel at the side thereof and any dirt or other material or thing removed by the Promoters their officers or servants from the grooves of the rails of the tramways shall not be allowed to remain on the road but shall be at once taken away by the Promoters.

Sale of the tramways authorised by Order of 1883 confirmed.

41. At any time after the passing of the Act confirming this Order the Promoters of the Order of 1883 may with the approval of the Board of Trade transfer the tramways and undertaking authorised by the Order of 1883 when the tramways authorised by the said Order of 1883 have been certified by the Board of Trade as being fit for public traffic to the Promoters of this Order and from and after the said transfer all the rights powers authorities obligations and liabilities of the Promoters of the Order of 1883 in respect of the tramways and undertaking authorised by that Order shall be transferred to vested in and may be exercised by and shall attach to the Promoters of this Order in like manner as if such tramways had been authorised to be constructed by the Promoters of this Order and in reference to the same they shall be deemed to be the Promoters.

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

42. From and after the said transfer the tramways authorised by this Order shall for the purposes of traffic upon the same and of tolls and charges be deemed to form part of the tramways authorised by the Order of 1883 and sections twenty-nine to forty-one both inclusive of the Order of 1883 and the Schedule B. to the said Order annexed shall as far as the same are applicable apply to the tramways by this Order authorised in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Order of 1883.

Power to abandon portions of tramways authorised by the Order of 1883.

43. From and after the said transfer the Promoters shall abandon the construction of the following portions of tramway authorised by the Order of 1883 (that is to say):—

So much of Tramway No. 1 in Lynn Street West Hartlepool as is by the said Order authorised to be laid between the junctions of Musgrave Street and Nelson Street with Lynn Street aforesaid.

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So much of Tramway No. 5 in Musgrave Street aforesaid as is by the said Order authorised to be laid between the junctions of Stockton Road and Lynn Street with Musgrave Street.

Release of part of deposit in respect of tramways abandoned.

44. On the production of a certificate signed by a secretary or an assistant secretary of the Board of Trade specifying the length of the said portions of tramway so required to be abandoned as aforesaid and the portion of the deposit made in pursuance of section twelve of the Tramways Act 1870 and of the rules made by the Board of Trade under the powers of the said Act in respect of the application of the Promoters for the Order of 1883 which bears to the whole of such deposit the same proportion as the length of the said portions of tramway so required to be abandoned bears to the entire length of the tramways authorised by the Order of 1883 the Chancery Division of the High Court of Justice shall on the application of the Promoters in a summary way order such portion of the deposit so specified in such certificate as aforesaid to be paid out or transferred to the Promoters or to be applied as they may direct and thereupon such portion of such deposit shall be so paid out transferred or applied as aforesaid.

Provisions as to arbitration.

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

Form and delivery of notices.

46. 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 (including lithograph) or print or partly in writing and partly in print and if given by the Promoters or by any local authority or any road authority shall be signed by their secretary or clerk;

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

Agreements between Promoters and road authorities.

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

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

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

Saving rights of county authority as to main roads.

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

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

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

Saving as to powers of borrowing on mortgage.

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

Saving for general Acts.

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

Company to carry mails.

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

(1.) So long as the Promoters carry on their own account no animals goods minerals or parcels other than passengers luggage no mails shall be

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tendered for conveyance to the Promoters unless such mails are in charge of an officer of the Post Office.

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

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

SCHEDULE A.

Break power of engines.

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

As to fittings of engines &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

As to carriages.

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

Inspection of engines and carriages.

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

As to speed.

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

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

SCHEDULE B.

Tolls and Charges for Animals Goods &c.

Animals.

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

Goods and Minerals.

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

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 but not exceeding fifty-six pounds in weight - - - - - - -	0	9

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

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

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For the Carriage of Single Articles of Great Weight.

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

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

Regulations as to Tolls.

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

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

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

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

Stockton-on-Tees.

STOCKTON-ON-TEES TRAMWAYS (EXTENSION).

Order authorising the Stockton and Darlington Steam Tramways Company (Limited) to extend their Tramways from Stockton to South Stockton and for other purposes.

Short title.

1. This Order may be cited as "The Stockton-on-Tees and District Tramways (Extension) Order 1884."

Incorporation of Acts.

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

Interpretation.

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

Provided that in this Order—

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

The expression "the Order of 1880" means the Stockton-on-Tees and District Tramways Order 1880;

The term "person" includes a corporation.

The Promoters.

4. The Stockton and Darlington Steam Tramways Company (Limited) shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Amendment of Order of 1880 and Darlington Tramways Order 1880.

5. The Order of 1880 and the Darlington Tramways Order 1880 shall from and after the passing of the Act confirming this Order respectively be read and construed as though in section 4 of each of the said Orders the Promoters of this Order were substituted for the Promoters in such section mentioned and from and after the passing of the Act confirming this Order all the rights powers authorities obligations and liabilities of the Promoters of the said Orders respectively in respect of the tramways and undertakings authorised by the said Orders respectively shall be transferred to vested in and may be exercised by and shall attach to the Promoters of this Order in like manner as if such tramways respectively had been authorised to be constructed by the Promoters of this Order.

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited 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 amended 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 plates chairs sleepers offices weigh-bridges weighing-machines hydrants stables car-sheds engine-sheds warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same (that is to say):—

The tramways authorised by this Order are:—

Tramway No. 1 4 furlongs 6 chains and 10 links or thereabouts in length consisting of about 2 furlongs 9 chains and 10 links of single line and about 1 furlong and 7 chains of double line commencing in Bridge Road Stockton-on-Tees at the termination of the existing tramway therein passing thence in an easterly direction along the said road the intended roadway of the new bridge now in course of construction over the River Tees the roadway leading thence to and along the viaduct over the North-eastern Railway Mandale Road (South Stockton) and the main road leading from South Stockton to Middlesbrough and terminating therein at a point 22 yards or thereabouts eastward from the westernmost angle of the Harewood Arms Tavern.

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

In the roadway leading from the eastern end of the said new bridge over the River Tees to and along the viaduct over the North-eastern Railway and in Mandale Road—

(*a.*) For a distance of 220 yards or thereabouts westward from Frederick Street.

In Mandale Road—

(*b.*) For a distance of 66 yards or thereabouts south-eastward from Prospect Place.

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Stockton-on-Tees.

In Mandale Road and the main road leading from South Stockton to Middlesbrough—

(*c.*) Between points respectively 99 yards or thereabouts and 11 yards or thereabouts westward from the termination of the tramway.

The tramway will be situate in the parish of Stockton-on-Tees in the county of Durham and in the parish of Thornaby (or Stainton) in the North Riding of the county of York or in one of those parishes.

For protection of North-eastern Railway Company.

7. For the protection of the railway and works of the North-eastern Railway Company (in this section called "the railway company") the following provisions shall have effect:—

(1.) In constructing Tramway No. 1 over the railway of the railway company the Promoters shall not alter or interfere with the structure of the bridge which carries the Mandale Road over the said railway or of the approaches thereto unless it shall be and then only so far as it shall be necessary to alter or interfere with the same for the purpose of constructing the said tramways over the said bridge and approaches and in that case the Promoters shall together with the notice in such cases required by section twenty-six of the Tramways Act 1870 submit to the railway company detailed drawings and specifications showing the proposed work affecting such bridge and approaches and if any difference arise between the Promoters and the railway company as to the necessity for such alteration or interference or the mode of carrying out the work the same shall be determined in manner provided by section thirty-three of the Tramways Act 1870 and they shall so construct maintain and use the said tramways that they shall not in any way injuriously affect the stability of the said bridge and approaches.

(2.) In the event of any injury being occasioned to the said bridge or the approaches thereto by the construction of the said tramways on or over the same whether such injury shall occur either during or after the construction of or in maintaining the said tramways or in or by the working or user thereof the railway company may at the expense of the Promoters restore such bridge and approaches or the part or parts which may be injured to as good a state and condition as they were in immediately before such injury was occasioned and the Promoters shall on demand repay to the railway company all costs and expenses which they may pay or be put to in restoring such bridge and approaches in manner aforesaid and in maintaining and repairing in case of default by the Promoters so much of the roadway over the said bridge and approaches as the Promoters are liable to maintain and repair and the railway company may recover from the Promoters all such costs and expenses together with full costs in like manner as any simple contract debt of the like amount may be recovered.

Tolls and charges.

8. The tramways authorised by this Order shall for purposes of tolls and charges (except as by this Order expressly provided) be deemed to form part of the tramways authorised by the Order of 1880 and sections twenty-nine to thirty-four both inclusive of the Order of 1880 and the Schedule B. to the said Order annexed shall as far as the same are applicable apply to the tramways by

this Order authorised in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Order of 1880 Provided always that the Promoters shall not demand and take any sum exceeding twopence per journey for any distance travelled by any passenger in either direction between the Market Hall at Stockton and the termination of Tramway No. 1 by this Order authorised or any intermediate points.

Promoters may raise and alter position of portion of existing tramway in Bridge Road Stockton.

9. The Promoters may alter and raise the line and levels of Tramway No. 2 authorised by the Order of 1880 in that part of Bridge Road Stockton which is intended to be raised for the purpose of making the western approach to the new bridge in course of construction over the River Tees at Stockton so as to coincide with the centre and surface of the altered road.

Local authorities may make byelaws for preventing noise on tramways.

10. The local authority of any district in which the tramways authorised by the Order of 1880 and by this Order or any part thereof are or is situate may make byelaws for regulating the use of steam or other whistles bells horns or other instruments and for preventing unnecessary whistling or other noises on or in connexion with the working or user of the engines and carriages on such tramways or such part thereof within their district provided that such byelaws are not inconsistent with and do not infringe any byelaws from time to time made in respect to any such matters by the Board of Trade.

Amendment of section forty-three of Tramways Act 1870 as to limit of time for purchase of tramways.

11. The power of purchase of the tramways authorised by this Order under section forty-three of the Tramways Act 1870 may be exercised by the respective local authorities within six months after the expiration of twenty-one years from the time when the Promoters of the Order of 1880 were empowered to construct the tramways authorised by the Order of 1880 and within six months after the expiration of every subsequent period of seven years instead of within six months after the expiration of a period of twenty-one years from the time when the Promoters were empowered to construct the tramways authorised by this Order and within six months after the expiration of every subsequent period of seven years and the said section shall in relation to the tramways authorised by this Order be read and construed accordingly.

Saving as to powers of borrowing on mortgage.

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

Sections 7 10 to 15 16 to 28 36 to 40 42 and Schedule A. of Order of

13. The following provisions of the Order of 1880 that is to say section seven sections ten to fifteen both inclusive sections sixteen to twenty-eight both inclusive sections thirty-six to forty both inclusive section forty-two and the Schedule A. to the said Order annexed shall apply to the tramways and undertaking by this

Stockton-on-Tees. 1880 to apply to tramways and undertaking authorised by Order.

Order authorised in like manner in every respect as if the tramways and undertaking by this Order authorised were the tramways and undertaking authorised by the Order of 1880 and for the purposes of such application the expressions "the tramways" "the undertaking" and "this Order" in the said provisions shall be construed to mean respectively the tramways and undertaking as defined by this Order and this Order.

Provisions as to arbitration.

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

Company to carry mails.

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

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

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

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

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Weymouth.

WEYMOUTH TRAMWAYS.

Order authorising the construction of Tramways in the borough of Weymouth in the county of Dorset.

Short title.

1. This Order may be cited as "The Weymouth Tramways Order 1884."

Incorporation of Acts.

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

Interpretation.

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

The expression "the borough" means the borough of Weymouth and Melcombe Regis;

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

The term "person" includes a corporation.

Promoters.

The Promoters.

4. David Buck Miller and John Pelton both of Croydon in the county of Surrey and the survivor of them and the executors and administrators of such survivor their or his assigns shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Lands by agreement.

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

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order as the same have been amended previous to the passing of the Act confirming this Order (which amended 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

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rails plates chairs sleepers offices weighbridges stables engine-houses carriage-houses hydrants buildings works and conveniences connected therewith or for the purposes thereof and may work and use the same.

The tramways authorised by this Order are—

A portion of the tramway shown upon the deposited plans seven furlongs six chains and eighty-five links or thereabouts in length consisting of about six furlongs one chain and eighty-five links of single line and about one furlong and five chains of double line commencing on the Esplanade Weymouth near the junction of Saint Mary Street and proceeding thence along the Esplanade and into and along the Dorchester Road and terminating in that road at a point about one chain and forty links measured north-westwards along that road from the centre of Southfield Road otherwise known as Barrack Hill Provided always that notwithstanding anything shown on the deposited plans the tramways shall be laid as a single line only in the centre of the roadway between points respectively one chain south-east and two chains north-west of the centre of Grange Road.

The tramways will be situate in and pass from through and into the parishes of Radipole and Melcombe Regis all in the county of Dorset.

The tramways shall be laid as a single line except at the following parts where they shall be laid as a double line that is to say :—

In the Esplanade—

Between points respectively one chain and fifty links and four chains and fifty links south of the centre of Gloucester Street

Between points respectively forty links and three chains and forty links north of the centre of King Street and

Between points respectively one chain and fifty links north and one chain and fifty links south of the centre of Lennox Street.

In Dorchester Road—

Between points respectively one chain and fifty links south-east and one chain and fifty links north-west of the centre of Carlton Road and

Between points respectively one chain and four chains south-eastwards from the termination of the tramway.

Gauge of tramways.

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

Provisions as to construction of tramways.

8. In addition to the requirements of section twenty-six of the Tramways Act 1870 the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways lay before the Board of Trade and the road authority a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance or renewal of the tramways or any part of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the

Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section twenty-six of the said Act.

As to rails of tramways.

9. The rails of the tramways shall be such as the Board of Trade may approve provided that the groove of the rails shall not exceed one inch and one-eighth in width at the upper surface of the rail and the upper side of the rails shall be level with the surface of the road and the Board of Trade may from time to time upon the application of the road authority require the Promoters to adopt and apply such improvements in the tramways including the rails and permanent way thereof together with the substructure upon which the same rest as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Promoters shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Penalty for not maintaining rails and road in good condition.

10. The Promoters shall from the commencement of the tramways to their termination and to the reasonable satisfaction of the road authority pave the tramways and the loops or passing places connected therewith with wood blocks laid on concrete between the rails and shall to the like satisfaction pave as much of the road as extends eighteen inches outside the rails of and on each side of the tramways with granite setts and at the points where there is a less distance than nine feet six inches between the edge of the footpath and the nearest rail of the tramways the whole of the road shall be paved to the like satisfaction with wood blocks on concrete and shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of which the tramways for the time being consist and the substructure upon which the same rest together with the wood and stone pitching laid by them and so much of the paving of any roads upon which the same rest as is required to be maintained by the Promoters and if the Promoters at any time make default in complying with this provision or with any of the requirements of section twenty-eight of the Tramways Act 1870 they shall for every such offence be subject on information laid or complaint made to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues and such penalty may be recovered as by section fifty-six of the said Act is provided.

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

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

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

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

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

Additional crossings &c. may be made where necessary.

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

Local authority to have access to sewers.

14. The local authority or their engineer or surveyor for the time being shall at all times on reasonable notice to that effect or in case of emergency without notice have free access to and communication with all sewers and drains public and private under the control of or maintained or repaired by the local authority and the manholes and other works in connexion therewith and shall have power to construct such additional works sewers and drains public or private communicating therewith as they or he shall think fit 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 authority as though the same were a pipe for the supply of gas or water Provided always that if at any time after the passing of the Act confirming this Order any of such sewers or drains whether public or private or any of the other works of or belonging to or under the control of the local authority shall be or become injured or damaged by reason or in consequence of any act deed matter or thing of or by the Promoters or their servants the Promoters shall within six hours after notice to them by the clerk engineer or surveyor of the local authority immediately repair and reinstate such sewer drain or other work at their own cost and to the satisfaction of the local authority or their engineer or surveyor and if the Promoters fail so to do the local authority are hereby empowered at the cost charges and risk of the Promoters to do what they deem necessary in order to the thorough and efficient repair and reinstatement of such sewer drain or other work as aforesaid and to charge the costs thereof to the Promoters and in default of payment by the Promoters on demand the local authority may recover the

same with full costs against the Promoters by all and the same means as any simple contract debt of the like amount is recoverable.

Temporary tramways may be made when necessary.

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

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

Application of road materials excavated in construction of works.

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

Periods for commencing and completing the tramways.

17. The Promoters shall within twelve months after the passing of the Act confirming this Order commence the construction of the tramways and open the same for public traffic within a further time of twelve months from commencing the works.

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

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

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Motive Power.

Carriages may be moved by animal steam or mechanical power.

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

Provided always that no locomotive generating its own steam shall be used on any part of the tramways.

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

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

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

Byelaws.

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

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

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

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

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

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

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

As to recovery of penalties.

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

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

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

Orders and byelaws to be signed &c.

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

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

25. Where the Promoters or any person intend or intends to use steam or any mechanical power under the authority of this Order on the tramways or any part thereof they or he shall give two months previous notice in writing of such intention to the road authority.

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

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

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

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

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

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

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

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

Traffic upon Tramways.

Traffic upon tramways.

27. The tramways may be used for the purpose of conveying passengers and their luggage and parcels but the Promoters shall not be bound to carry any passengers luggage beyond twenty-eight pounds in weight.

Road authority may suspend traffic on tramways.

28. The road authority may if and when they think fit by notice in writing direct the Promoters at any time after the expiration of twenty-four hours from the service of such notice to stop delay or suspend the working of the tramways in any of the roads and streets within the borough for the purpose of facilitating traffic during the time of any public meeting procession or demonstration Provided always that such stoppage delay or suspension shall continue so long only as may be reasonably necessary for the purposes aforesaid or any of them.

Tramways not to be used on Sunday and other days without consent of road authority.

29. The Promoters shall not between the hours of eleven in the forenoon and half-past twelve in the afternoon of any Sunday or Good Friday run any carriage on the tramways or any part thereof without the consent of the road authority.

Tolls.

Tolls for passengers.

30. The Promoters may demand and take for every passenger travelling upon the tramways or any part thereof including tolls and charges for the use of the tramways and of carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding threepence per journey and for passengers luggage beyond twenty-eight pounds in weight such reasonable tolls or charges as the Promoters think fit.

Passengers luggage.

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

Cheap fares for labouring classes.

32. The Promoters at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run thereon at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as the Promoters think most convenient for artisans mechanics and daily labourers at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any toll or charge less than one penny) and the Promoters shall be liable to a penalty not exceeding one pound for every day except as aforesaid on which they do not run such number of carriages 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 carriages arises from circumstances over which the

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Promoters have no control Provided also that in case of any complaint made to the Board of Trade as to the hours appointed by the Promoters for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Tolls for parcels.

33. The Promoters may demand and take in respect of any parcels conveyed by them on the tramways or any part thereof including tolls and charges for the use of the tramways and of carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding the tolls and charges specified in the Schedule B. to this Order annexed.

Payment of tolls.

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

Periodical revision of tolls.

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

Miscellaneous.

Provisions as to arbitration.

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

Form and delivery of notices.

37. 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 (including lithograph) or print or partly in writing and partly in print and if given by the Promoters or by the local authority or the road authority shall be signed by their secretary or clerk:

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

Agreements between Promoters and road authority.

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

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

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

Saving as to powers of borrowing on mortgage.

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

Saving for general Acts.

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

Company to carry mails.

41*a*. The Promoters if required by the Postmaster-General shall perform with respect to any of the tramways of the Promoters all such reasonable services in regard to the conveyance of mails (including parcels as defined in

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the Post Office (Parcels) Act 1882) as the Postmaster-General may from time to time require by notice under the hand of one of the Secretaries or Assistant Secretaries of the Post Office or the Inspector-General of Mails for the time being the remuneration for such services being determined by agreement or failing agreement by a referee to be appointed by the Board of Trade at the request of either party. Provided that—

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

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

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

SCHEDULE A.

Break power of engines.

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

As to fittings of engines &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

As to carriages.

Every carriage used on the tramways shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommo-

dation in such carriage and their protection from the machinery of any engine used for drawing or propelling such carriage.

Inspection of engines and carriages.

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

As to speed.

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

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

SCHEDULE B.

Tolls and Charges for Parcels.

Parcels.

For every parcel not exceeding seven pounds in weight threepence for any distance ;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence for any distance ;

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence for any distance ;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence for any distance ;

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

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