



CHAPTER clxvi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Blyth and Cowpen Tramways Oldham Ashton-under-Lyne Hyde and District Electric Tramways Potteries Extension Tramways and Swansea (Constitution Hill) Tramway. A.D. 1896.

[7th August 1896.]

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

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

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

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

1. This Act may be cited as the Tramways Orders Confirmation (No. 2) Act 1896. Short title.

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

3. The promoters mentioned in the said Orders shall not in the exercise of the powers of this Act or of the said Orders purchase or Protection of houses of labouring class.

A.D. 1896. acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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

SCHEDULE.

LIST OF ORDERS.

BLYTH AND COWPEN TRAMWAYS.—Order authorising George Washington Smiley to construct tramways in the Township of Cowpen in the Parish of Woodhorn in the County of Northumberland and for other purposes.

OLDHAM ASHTON UNDER LYNE HYDE AND DISTRICT ELECTRIC TRAMWAYS.—Order authorising the Construction of Tramways in the Borough of Ashton-under-Lyne in the County of Lancaster and of Hyde in the County of Chester and the Urban Districts of Denton and Audenshaw and the Rural District of Limehurst and the Districts of the Parish Councils of Waterloo and Bardsley all in the County of Lancaster.

POTTERIES EXTENSION TRAMWAYS.—Order authorising the Construction of Street Tramways in the Potteries District.

SWANSEA (CONSTITUTION HILL) TRAMWAY.—Order authorising the Construction of a Tramway on Constitution Hill in the Borough of Swansea.

BLYTH AND COWPEN.

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Order authorising George Washington Smiley to construct Tramways in the Township of Cowpen in the Parish of Woodhorn in the County of Northumberland and for other purposes.

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Cowpen.*

1. This Order may be cited as the Blyth and Cowpen Tramways Order 1896. Short title.

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

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

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

Promoter.

4. George Washington Smiley of No. 26 Coventry Street Piccadilly in the county of London mining engineer and his executors administrators and assigns shall be the Promoters for the purposes of this Order and is in this Order referred to as "the Promoters." The Promoters.

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 he may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes and may erect or construct on any such lands any offices stables sheds workshops stores or other buildings yards works and conveniences for the purposes of the undertaking Provided that he shall not at any time hold for such purposes more than two acres of land But nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by him upon lands taken under the powers of this section Lands by
agreement.

Construction of Tramways.

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

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this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways hereinafter described with all proper rails plates curves junctions points offices weighbridges carriage-houses sheds warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same.

The tramways authorised by this Order will be made wholly in the township of Cowpen in the parish of Woodhorn in the county of Northumberland and are :—

Tramway No. 1 1 furlong 5.15 chains in length of which 1 furlong 3.20 chains are single line and 1.95 chains are double line commencing at the boundary line between Blyth and Cowpen at the junction between Bridge Street Blyth and Waterloo Road Cowpen and passing thence in a westerly direction along Waterloo Road and in a north-westerly direction along Turner Street and a portion of Regent Street Cowpen Quay and terminating in Regent Street at a point opposite the north side of Croft Street.

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

(a) In Waterloo Road and Turner Street between points respectively a point 0.50 chains east of Havelock Street and a point 1.70 chains south-east from Market Street ; and

Tramway No. 2 4 furlongs 8.35 chains in length of which 4 furlongs 0.35 chains are single line and 8 chains double line commencing by a junction with Tramway No. 1 at the termination thereof as above described passing thence in a north-westerly direction along Regent Street Cowpen Quay into Hodgson's Lane and in a south-westerly direction along Hodgson's Lane and terminating in Hodgson's Lane 0.40 chains north-east of its junction with the county main road from Waterloo to Bebside.

Tramway No. 2 will be laid as a single line except in the following places where it will be laid as a double line viz. :—

(a) In Regent Street between points respectively a point 1 chain from the commencement of the said tramway measured along the centre thereof and a point opposite the north side of Maddison Street.

(b) In Regent Street between points respectively a point 0.80 chains south-east of Gladstone Street measured along the centre of the said tramway and a point opposite the south side of Davison Street.

(c) In Regent Street between points respectively a point 1.90 chains north-west of Goschen Street measured along the centre of the said tramway and a point 0.75 chains south-east of the junction of Regent Street and Hodgson's Lane measured along the centre of the said tramway ; and

(d) In Hodgson's Lane between points respectively a point 8.35 chains and a point 10.35 chains measured in a south-westerly direction along Hodgson's Lane from its junction with Regent Street.

Tramway No. 3 5 furlongs 7.55 chains in length of which 4 furlongs 4.45 chains are single line and 1 furlong 3.10 chains double line commencing by a junction with Tramway No. 2 at the termination thereof as above described passing thence into the county main road from Waterloo to Bebside and along the said road in a north-westerly and a westerly direction respectively and terminating in the said road at a point 1.50 chains east of the entrance gate to the Roman Catholic Chapel at Cowpen New Town measured along the centre of the said road.

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

- (a) In the county main road from Waterloo to Bebside between points respectively 0.60 chains and 7.70 chains north-westerly from the commencement of the said tramway measured along the centre line thereof.
- (b) In the county main road from Waterloo to Bebside between points respectively 16.15 chains and 18.15 chains north-westerly and westerly from the commencement of the said tramway.
- (c) In the county main road from Waterloo to Bebside between points respectively 1.65 chains and 3.65 chains westerly from the Cowpen Cemetery gates.
- (d) In the county main road from Waterloo to Bebside between points respectively 1.80 chains and 3.80 chains easterly from the termination of the said tramway.

Provided that notwithstanding anything herein contained or shown on the deposited plans and sections it shall be lawful for the Promoter if and when the street or road known as Hodgson's Lane in the township of Cowpen in the parish of Woodhorn shall have been widened to construct Tramway No. 2 in the centre of that street or road as widened.

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

For protection
of North
Eastern Rail-
way Company.

- (1) The Promoters shall so construct and maintain Tramway No. 1 as not to injuriously affect the bridge which carries the railway company's railway and works over the road along which such tramway is authorised to be laid or the approaches to such bridge or the works of the railway thereon or thereunder and in the event of any injury being occasioned to such bridge approaches or works or any part or parts thereof respectively by the construction of such tramway under the same whether such injury occur either during or after the construction of or in maintaining such tramway the railway company may at the expense of the Promoters restore such bridge approaches and works or the part or parts which may be injured to as good a state and condition as they were in before such injury was occasioned and the Promoters shall recoup to and indemnify the railway company against all sums costs and expenses which they may

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pay or be put to in restoring such bridge approaches and works in manner aforesaid or by reason of any impediment or obstruction to the traffic on the railway occasioned by such injury and the railway company may recover from the Promoters all such sums costs and expenses together with full costs and charges in like manner as any simple contract debt.

(2) Any difference which may arise between the Promoters and the railway company touching anything to be done or the reasonableness of any charges or in any manner in connexion with this section shall (unless otherwise provided by this section) be settled by a referee to be nominated by the Board of Trade under section 33 of the Tramways Act 1870.

For the protection of the County Council of Northumberland and the Cowpen Urban District Council.

8. For the benefit and protection of the County Council of Northumberland (in this section called "the county council") and of the urban district council (in this section called "the district council") the following provisions shall have effect (that is to say):—

(1) The width between the lines of rails wherever any tramway is constructed or laid as a double line or with cross overs shall not exceed 3 feet 6 inches.

(2) Before commencing the construction of Tramway No. 3 over the stream which passes under the main road from Waterloo to Bebside near the gates into Cowpen Cemetery the Promoters shall widen the bridge carrying the road over the stream so that the bridge shall be of the width of 30 feet between its parapets and shall also widen and raise the approaches to the bridge at each end thereof so that between points respectively 2·20 chains to the eastward and 3·90 chains to the westward of the said bridge the gradients of the road shall not be steeper than 1 in 50.

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The district council shall (free of charge to the Promoters) provide the necessary land for the bridge and road widening described in this sub-section and on the demolition of the old toll-gate house near the gates into Cowpen Cemetery for such widening the Promoters shall (free of charge to the district council) on request made by them in writing provide and deliver to the district council such number of good sound stock bricks to be approved by the district surveyor as may be necessary to build a cottage of like dimensions to the old toll-gate house and shall erect a post and rail boundary fence between the new road and the land of the district council to the satisfaction of the district surveyor.

(3) Before commencing the construction of the tramways or portions of tramways to which this sub-section applies the Promoters shall widen the roads in which such tramways will respectively be situated so that on either side of such roads a distance of 9 feet 6 inches shall intervene between the nearest rail of the tramway and the outside of the footpath on either side of the road and may for that purpose (so far as the road

authority lawfully can or may give permission) put in pipes fill ditches and use such waste ground on either side of the road as may be necessary.

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The provisions of this sub-section shall apply to:—

(a) All places on Tramway No. 3 other than those specifically mentioned and described in sub-section 2 of this section where for a distance of 30 feet or upwards a less space than 9 feet 6 inches would intervene between the outside of the footpath on either side and the nearest rail of the tramway.

(b) Tramway No. 2 so far as it will be situated in Hodgson's Lane unless that lane shall have been previously widened.

(4) If in the opinion of the surveyor of the road authority it shall be necessary for the better laying down and construction of the tramways to alter the width level or formation of the roadway or footpath in any road or street and in consequence thereof or of the construction of the tramways to alter the remainder of the roadway or footpath adjoining such alteration including the repairing channelling (where the road was previously channelled) and raising or lowering of the roadway or footpath the shifting of sewer entrances gullies and lamp columns and all other works in connexion with such alteration may be effected by the road authority and the expense thereof shall be paid by the Promoters to the road authority Whenever any road authority alters the level of any road along or across which any part of the tramway is laid or authorised to be laid the Promoters may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

(5) All works under this Order affecting any road shall be executed by the Promoters in manner in this Order directed under the superintendence and to the satisfaction of the surveyor of the road authority by which subject to the provisions of this Order such road is maintainable and every portion of such road paved by the Promoters shall be deemed to be the road which is to be at all times afterwards maintained and kept in good condition and repair by the Promoters within the intent and meaning of the Tramways Act 1870 and this Order and all reasonable expense in respect of such superintendence shall be paid by the Promoters.

(6) So much of section 26 of the Tramways Act 1870 as provides that the Promoters shall not do certain things therein mentioned except under the superintendence and to the reasonable satisfaction of the road authority unless that authority refuses or neglects to give such superintendence at the time specified in the notice or discontinues the same during the works and that the Promoters shall pay all reasonable expenses in respect of such superintendence shall extend and apply also to the works referred to in sections 27 and 28 of the said Act and to any works to be executed by the Promoters under this section.

(7) The Promoters shall not without the consent of the road authority and upon such terms as that authority may impose open for traffic any portion

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of the tramways until the whole of the tramways are completed and ready for opening.

(8) ~~No bell or other similar thing shall be used by the Promoters or attached to their carriages horses or harness without the consent of the district council nor shall such bells or similar things be continued to be used by them if after such consent has been so given it shall at any time be revoked by resolution of the District Council.~~

(9) Any difference which arises between the Promoters and the county or district council or any surveyor or other person under any of the provisions of this section (except as by this section otherwise specially provided) shall be deemed a matter in difference within section 33 of the Tramways Act 1870 and the provisions as to arbitration of the said section and of this Order shall apply accordingly.

Gauge and
width of
engines and
carriages.

9. The tramways shall be constructed on a gauge of three feet six inches and may be constructed with such grooves plates or tubes as may be necessary to work the same Provided that so much of section thirty-four of the Tramways Act 1870 as limits the extent of the carriages used on any tramway beyond the outer edge of the wheels of such carriages shall not apply to 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.

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

As to rails of
tramways.

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

12. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of 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.

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Penalty for not maintaining rails and road in good condition.

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

13. 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.

Local authority to have access to sewers.

14. Any of the tramways by this Order authorised to be laid as a single line may at the option and with the consent in writing of the local authority and of the road authority and of the Board of Trade be laid as a double line Provided nevertheless that in substituting such double line for such single line as aforesaid no rail shall be so laid that a less space than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road if any owner or occupier of any house shop or warehouse abutting upon the place where such rail is proposed to be laid by notice under his hand addressed to the Promoters express his objection thereto.

Single lines may be laid as double with consent of the local and road authorities and Board of Trade.

15. Where according to the deposited plans it is proposed to lay down in any road a single line of tramway and a less space than nine feet six inches intervenes between the outside of the footpath on either side of such road and the nearest rail of the tramway the Promoters shall unless otherwise authorised by the Board of Trade and the local and road authorities respec-

Double lines to be laid in certain places.

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Additional
crossings &c.
may be made
where neces-
sary.

tively lay down in lieu of such single line a double line of tramway with proper cross-overs and every such double line shall be so laid that only one of such lines can be used at one and the same time.

16. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove all such crossings passing places cross-overs sidings junctions turnouts and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient for the efficient working of the tramways or any of them or for facilitating the traffic of the roads in which the same are laid or for providing access to any stables carriage-houses sheds or works or buildings of the Promoters subject in each case to the approval of the local authority and 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 any house shop or warehouse abutting on the place where such rail is proposed to be laid by notice in writing under his hand addressed to the Promoters express his objection thereto.

Temporary
tramways
may be made
where
necessary.

17. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways 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 deemed a matter in difference within section thirty-three of the Tramways Act 1870 and the provisions as to arbitration of that section and of this Order shall apply accordingly.

Application
of road
materials
excavated in
construction
of works.

18. Any paving metalling or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters so far as may be necessary in or towards such works or in or towards the reinstating of such road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Promoters are by section twenty-eight of the Tramways Act 1870 or 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 the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice thereof duly given to the road authority, such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material or so much thereof as may not have been removed by such surveyor or person 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 differences between the Promoters and any road authority.

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

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

Traffic upon Tramways.

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

Traffic upon tramways.

21. The Promoters shall not be bound to carry unless they think fit any parcel or any passengers' luggage exceeding twenty-eight pounds in weight.

Promoters not bound to carry parcels &c.

22. In case the Promoters shall carry 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.

Provision as to carriage of parcels in separate carriages.

23. The Promoters shall not carry on the tramways any goods animals or things other than passengers and passengers' luggage and parcels.

Promoters not to carry animals and goods.

Tolls.

24. The Promoters may demand and take for every passenger travelling upon the tramways or any part or parts thereof including every 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.

Tolls for passengers.

25. It shall not be lawful for the Promoters or any company or person working or using the tramways of the Promoters to take or demand on Sunday or on any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

As to fares on Sundays or holidays.

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

Passengers' luggage.

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Cheap fares
for labouring
classes.

27. The Promoters at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run at least one carriage each way every morning in the week and every evening in the week except Saturday (Sunday Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning nor earlier than six in the evening respectively as the Promoters may think most convenient for artisans mechanics and daily labourers at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny) Provided that the Board of Trade may from time to time for good cause shown either authorise the Promoters to discontinue the running of such carriage or may order the Promoters to run an extra carriage at such hours as aforesaid and may from time to time revoke alter or modify such order and in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Tolls for
parcels.

28. The Promoters may demand and take in respect of any parcels conveyed by him 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 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 to this Order annexed subject to the regulations in that behalf therein contained.

Payment of
tolls.

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

Periodical
revision of
tolls.

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

the tolls and charges by this Order authorised Provided also that a copy of this section shall be annexed to every table or list of tolls published or exhibited by the Promoters.

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Miscellaneous.

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

Power to hold patents.

32. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Provisions as to arbitration.

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

Form and delivery of notices.

(1) Every notice shall be in writing or print or partly in writing and partly in print and if given by the Promoters shall be signed by them and if given 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 the Promoters or as the case may be to the clerk or secretary of such local authority or road authority at their principal office.

34. The Promoters and any road authority may subject to the provisions of this Order from time to time enter into agreements with respect to the alteration of the widths or levels of any road along which any of the tramways are made and with respect to the constructing maintaining removing renewing repairing working 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 the passage of the traffic over and along the same and over and along the roads in which such tramways are laid.

Agreements between Promoters and road authority.

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

Approval of Board of Trade to sale.

A.D. 1896.

*Blyth and
 Cowpen.*

Saving as to
 powers of
 borrowing on
 mortgage.

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

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

SCHEDULE.

TOLLS AND CHARGES FOR PARCELS.

	Any Distance.
	s. d.
For any parcel not exceeding seven pounds in weight	0 3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight.	0 5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight.	0 7
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight.	0 9
For any parcel exceeding fifty-six pounds in weight such sum as the Promoter 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 parcels but that term shall apply only to single parcels in separate packages.	

OLDHAM ASHTON-UNDER-LYNE HYDE AND
DISTRICT.

A.D. 1896.

Order authorising the construction of tramways in the Borough of Ashton-under-Lyne in the County of Lancaster and of Hyde in the County of Chester and the Urban Districts of Denton and Audenshaw and the Rural District of Limehurst and the Districts of the Parish Councils of Waterloo and Bardsley all in the County of Lancaster.

Oldham,
Ashton-
under-Lyne,
&c.

1. This Order may be cited as the Oldham Ashton-under-Lyne Hyde and District Electric Tramways Order 1896. Short title.

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

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

Provided that in this Order—

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

Promoters.

4. The British Electric Traction (Pioneer) Company Limited of 1 and 2 Great Winchester Street in the City of London their successors or assigns shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters." The Promoters.

5. The Promoters may by agreement from time to time purchase 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. Provided always that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken under the powers of this section. Lands by
agreement.

A.D. 1896.

Construction of Tramways.

Oldham,
Ashton-
under-Lyne,
&c.
Construction
of tramways.

6. The Promoters may and so far as regards so much of the tramways as are to be laid within the borough of Hyde shall within two years from the date of this Order or within such extended time as the Board of Trade shall approve construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order as the same have been amended previous to the passing of the Act confirming this Order (which plans and sections so amended as aforesaid are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways hereinafter described with all proper rails plates curves points offices weighbridges carriage-houses engine sheds warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same.

The tramways authorised by this Order are—

Tramway No. 1 wholly in the main road leading from Oldham to Ashton-under-Lyne known as the Oldham Road commencing at the southern boundary of the borough of Oldham and terminating at the northern boundary of the borough of Ashton-under-Lyne 34 yards or thereabouts northward from Rose Villa.

Tramway No. 1 shall be laid as a single line throughout except between the points hereinafter specified where it shall be laid as a double line—

- (a) Between 11 yards and 88 yards or thereabouts from the commencement of the tramway.
- (b) Between 12 yards and 89 yards or thereabouts southwards from Park Lane Terrace.
- (c) For 77 yards or thereabouts northward from the Waterloo Tavern.
- (d) Between 126 yards and 49 yards or thereabouts northward from the Dog and Partridge Inn.
- (e) Between 2 yards or thereabouts northward and 75 yards or thereabouts southward from the northern end of Walker Terrace.

The total length of Tramway No. 1 is 1 mile 5 furlongs 9.90 chains of which 1 mile 4 furlongs 2.40 chains is single line and 1 furlong 7.50 chains is double line.

Provided that notwithstanding anything shown on the deposited plans and sections no junction shall be constructed with the tramways of the mayor aldermen and burgesses of the borough of Oldham.

Tramway No. 2 wholly in the Oldham Road commencing at the point of termination of Tramway No. 1 and terminating 27 yards or thereabouts northward from the southern side of Robinson Lane.

Tramway No. 2 shall be laid as a single line throughout except between the points hereinafter specified where it shall be laid as a double line:—

- (a) For 77 yards or thereabouts northward from Daisy Bank.
- (b) From opposite the "Hop Pole" Hotel for 3.50 chains in length measured in a southerly direction.

The total length of Tramway No. 2 is 3 furlongs 3.80 chains of which 2 furlongs 6.80 chains is single line and 7.00 chains is double line.

Tramway No. 3 commencing in the Oldham Road at the point of termination of Tramway No. 2 passing thence along the Oldham Road and Katherine Street and terminating therein six yards or thereabouts westward from the Oldham Road.

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Ashton-
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Tramway No. 3 shall be laid as a single line throughout except between the points hereinafter specified where it shall be laid as a double line.

In Oldham Road commencing opposite the northern side of Short Street for a distance of 77 yards measured in a northerly direction.

The total length of Tramway No. 3 is 1 furlong 3.10 chains of which 9.60 chains is single line and 3.50 chains is double line.

Tramway No. 4 commencing in the Oldham Road at the point of termination of Tramway No. 2 passing thence into and along Wellington Road and the open space on the north-eastern side of the Market House Ashton and terminating therein in line with the western side of Market Street.

Tramway No. 4 shall be laid as a single line throughout except between the points in Wellington Road hereinafter specified where it shall be laid as a double line:—

(a) Between 11 yards and 88 yards or thereabouts eastward from Kent Street.

(b) From a point 1.70 chains from the commencement of the tramway and extending 3.50 chains in an easterly direction.

The total length of Tramway No. 4 is 2 furlongs 5.80 chains of which 1 furlong 8.80 chains is single line and 7.00 chains is double line.

Tramway No. 5 commencing in Katherine Street at the point of termination of Tramway No. 3 passing thence along Katherine Street and the open space on the north-eastern side of the Market House and terminating therein by a junction with Tramway No. 4 at a point 28 yards or thereabouts from the termination of that tramway.

Tramway No. 5 shall be laid as a single line throughout except between the points in Katherine Street hereinafter specified where it shall be laid as a double line:—

(a) From 1.60 chains from the commencement of the tramway and extending for a distance of 77 yards in an easterly direction.

(b) For 77 yards or thereabouts eastward from the eastern side of Warrington Street.

The total length of Tramway No. 5 is 2 furlongs 1.70 chains of which 1 furlong 4.70 chains is single line and 7.00 chains is double line.

Tramway No. 6 commencing in Katherine Street by a junction with Tramway No. 5 18 yards or thereabouts eastward from the Town Hall and passing thence into and terminating in Wellington Road by a junction with Tramway No. 4 44 yards or thereabouts eastward from Tatton Street.

Tramway No. 6 shall be laid as a single line throughout its entire length which is 1.20 chains.

Tramway No. 7 commencing in Katherine Street at the point of termination of Tramway No. 3 passing thence along Katherine Street Margaret Street Chester Square Stockport Road (crossing Trafalgar Square) and Guide Lane

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Oldham,
Ashton-
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and terminating therein at the southern boundary of the Borough of Ashton-under-Lyne 62 yards or thereabouts northward from Martin Street.

Tramway No. 7 shall be laid as a single line throughout except between the points hereinafter specified where it shall be laid as a double line:—

In Katherine Street—

(a) From 40 links from the western corner of Cavendish Street and extending 77 yards in a westerly direction.

In Katherine Street and Margaret Street—

(b) From 40 links from the eastern side of Welbeck Street and terminating at a point opposite the southern corner of St. Peter Street.

Provided that for a distance of 1 furlong 1.10 chains in Margaret Street the double line shall be so laid that only one of such lines can be used at one and the same time.

In Chester Square and Stockport Road—

(c) Between 37 yards and 114 yards from St. Peter's Street.

In Stockport Road—

(d) For 77 yards southward from William Street.

In Trafalgar Square and Stockport Road—

(e) Between 110 and 22 yards northward from the Oxford Inn.

In Stockport Road—

(f) For 77 yards northwards from Birch Street.

In Stockport Road and Guide Lane—

(g) Between 13 yards north-eastward from the Corporation Arms public house and 86 yards from the termination of the tramway.

The total length of Tramway No. 7 is 1 mile 2 furlongs 8.65 chains of which 6 furlongs 6.95 chains is single line and 4 furlongs 1.70 chains is double line subject to what is hereinbefore provided as to the laying of the double line in Margaret Street.

Tramway No. 8 commencing in Guide Lane at the point of termination of Tramway No. 7 passing thence along Guide Lane and Denton Road and terminating therein at or near the junction of Denton Road with Ashton Road at the boundary between the urban district council districts of Audenshaw and Denton 7 yards or thereabouts southwards from the constabulary police station.

Tramway No. 8 shall be laid as a single line throughout except between the points hereinafter specified where it shall be laid as a double line:—

In Guide Lane—

(a) Between 20 yards and 95 yards or thereabouts southward from Providence Street.

In Guide Lane and Denton Road—

(b) From opposite the eastern corner of the "Red Lion Inn" Guide Lane and extending three chains in a westerly direction.

In Denton Road—

(c) Between 88 yards and 11 yards or thereabouts from the termination of the tramway.

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The total length of Tramway No. 8 is 6 furlongs 4.00 chains of which 5 furlongs 5.20 chains is single line and 8.80 chains is double line.

Provided that the Promoters shall not construct Tramway No. 8 until they have shown to the satisfaction of the Board of Trade either that—

- (i) The portions of the road along which it is proposed the said tramway should be laid at which for a distance of thirty feet or upwards a less space than nine feet six inches intervenes between the outside of the foot-path on either side of the road and the nearest rail of the tramway and in respect of which notices of dissent have been given by occupiers and not withdrawn (hereinafter referred to as narrow places) have been widened so as no longer to be narrow places or that
- (ii) A sufficient number of the notices of dissent given by occupiers of premises abutting on such narrow places have been withdrawn to reduce the dissents to less than one-third of such occupiers.

Tramway No. 9 commencing at or near the junction of Denton Road with Ashton Road at the point of termination of Tramway No. 8 passing thence along Ashton Road and Hyde Road and terminating therein at a point 25 yards or thereabouts westward from Wylde Street.

Tramway No. 9 shall be laid as a single line throughout except between the points hereinafter specified where it shall be laid as a double line:—

In Ashton Road—

Between 9 yards or thereabouts and 86 yards or thereabouts southward from Wilton Street.

The total length of Tramway No. 9 is 4 furlongs 1.40 chains of which 3 furlongs 7.90 chains is single line and 3.50 chains is double line.

Tramway No. 11 wholly in Hyde Road commencing at the point of termination of Tramways Nos. 9 and 10 and terminating at the county and borough boundary at or near the centre of Broomstairs Bridge.

Tramway No. 11 shall be laid as a single line throughout except between the points hereinafter specified where it shall be laid as a double line:—

In Hyde Road—

- (a) For 77 yards or thereabouts eastward from the western side of Bond Street.
- (b) For 77 yards or thereabouts westward from Peter Street.
- (c) For 77 yards or thereabouts eastward from St. Anne's Road.
- (d) Between 129 yards and 52 yards or thereabouts from the termination of the tramway.
- (e) For a distance of 1.50 chains from the termination of the tramway to such termination to be so laid that only one of such lines can be used at one and the same time.

The total length of Tramway No. 11 is 6 furlongs 0.25 chains of which 4 furlongs 4.75 chains is single line and 1 furlong 5.50 chains is double line.

Tramway No. 12 commencing in Manchester Road at its junction with Hyde Road at the termination of Tramway No. 11 passing thence along

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A.D. 1896. Manchester Road Market Street Market Place Hyde (western side) Hyde Lane and Stockport Road and terminating therein 100 yards or thereabouts southward from Lilly Street.

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under-Lyne,
&c.

Tramway No. 12 shall be laid as a single line throughout except between the points hereinafter specified where it shall be laid as a double line:—

In Manchester Road—

(a) From the commencement of the tramway for a distance of 3 chains measured in an easterly direction to be so laid that only one of such lines can be used at one and the same time.

(b) Between 47 yards or thereabouts westward and 30 yards or thereabouts eastward from the centre of the bridge over Wilson Brook.

(c) Between 34 yards or thereabouts eastward from Wellington Street and 11 yards or thereabouts eastward from Ann Street.

(d) For 77 yards or thereabouts eastward from the Navigation Hotel.

In Manchester Road and Market Street—

(e) Between 7 yards or thereabouts westward from Newton Street and 33 yards or thereabouts south-eastward from Charles Street.

In Hyde Lane—

(f) For 77 yards or thereabouts north-westward from the south-eastward side of Reynolds Street.

(g) Between 14 yards and 102 yards or thereabouts south-eastward from Church Street.

In Hyde Lane and Stockport Road—

(h) From 4.50 chains from the east corner of Haughton Street and terminating opposite the south-east side of Osborne Road provided that that portion of the double line which extends from the commencement of the same to opposite the south-east corner of Meadow Street shall be so laid that only one of such lines can be used at one and the same time.

In Stockport Road—

(k) Between 88 yards and 11 yards or thereabouts from the termination of the tramway.

The total length of Tramway No. 12 is 1 mile 5 furlongs 3.10 chains of which 1 mile 1 furlong 3.50 chains is single line and 3 furlongs 9.60 chains is double line.

The tramways will be situate in the borough of Hyde in the county of Chester and in the borough of Ashton-under-Lyne the urban districts of Denton and Audenshaw the rural district of Limehurst and the parishes of Bardsley and Waterloo all in the county of Lancaster.

Provided always that the tramways shall be laid throughout along the centre of the road in such a manner that a line drawn midway between the external lines of the tramways which are next the kerb may coincide as nearly as may be with the centre line of the carriage way. Provided further that any portion or portions of the tramways may be laid otherwise than along the centre of the road if the Board of Trade and the local authority of the district wherein the

same is or are laid or proposed to be laid at any time sanction their being so laid.

Provided further that where according to the deposited plans it is proposed to lay down in any road a single line of tramway and a less space than 9 feet 6 inches intervenes between the outside of the footpath on either side of the road and the nearest rail of the tramway the Promoters shall if required by the Board of Trade in lieu of such single line lay down a double line of tramway with proper passing places and every such double line shall be so laid that only one of such lines can be used at one and the same time.

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

8. For the protection of the Cheshire Lines Committee the Lancashire and Yorkshire Railway Company the London and North Western Railway Company and the Manchester Sheffield and Lincolnshire Railway Company the following provisions shall apply and have effect:--

(1) In this section the expression "the company" shall save where otherwise expressly provided mean the Cheshire Lines Committee the Lancashire and Yorkshire Railway Company the London and North Western Railway Company or the Manchester Sheffield and Lincolnshire Railway Company as the case may be.

(2) The Promoters shall not in any way vary alter or interfere with the structure of any bridge carrying any road over any railway of the company or of the approaches thereto and they shall so construct and maintain the tramways over such bridge and the approaches thereto as not injuriously to affect the same. Provided that in the case of the Manchester Sheffield and Lincolnshire Railway Company the provisions of this sub-section shall apply to any bridge carrying any road over their canal. Provided further that in the case of the Manchester Sheffield and Lincolnshire Railway Company and of the London and North Western Railway Company the provisions of this sub-section shall apply to any bridge carrying any road over any railway leased to them and that whenever any of the said tramways on either side of any bridge to which this sub-section applies is a single line there shall only be a single line over such bridge and no turn-outs or passing places shall be constructed thereon.

(3) In the event of any injury being caused to any such bridge or approaches by the construction maintenance repairing user or removal of any of the said tramways the company may at the expense of the Promoters restore such bridge and approaches or the part or parts thereof which may be

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Oldham,
Ashton-
under-Lyne,
&c.

Gauge and
width of
engines and
carriages.

For protection
of the Cheshire
Lines Com-
mittee the
Lancashire and
Yorkshire the
London and
North Western
and the
Manchester
Sheffield and
Lincolnshire
Railway
Companies.

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injured to as good a state and condition as they were in before such injury was occasioned and the Promoters shall indemnify the company against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge and approaches as the Promoters are liable to maintain and repair under section 28 of the Tramways Act 1870 and the company may recover from the Promoters all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered.

(4) Whenever and so often as the company shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or approaches or to widen or alter their railways (or in the case of the Manchester Sheffield and Lincolnshire Railway Company their canal) or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and they shall find it necessary for effecting any of such purposes that the working and user of any of the said tramways over such bridge or approaches shall be wholly or partly stopped or delayed or that such tramways shall be temporarily diverted or be wholly or in part taken up or removed and shall except in cases of emergency give to the Promoters seven clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramways shall be stopped or delayed or such tramways shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer (if such engineer shall give such superintendence) but only for so long as the company may find it to be absolutely necessary for effecting such purpose and the company shall not be liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto.

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

(6) All works which may be necessary in constructing and maintaining any of the said tramways over any bridge works or property of the company or over or connected with any railway leased (or in the case of the Manchester Sheffield and Lincolnshire Railway Company any railway

worked) by them shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the principal engineer of the company or in case of difference of an engineer to be appointed by the Board of Trade on the application of the company or the Promoters.

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Ashton-
under-Lyne
&c.

- (7) The foregoing provisions of this section shall in the case of the Lancashire and Yorkshire Railway Company in this sub-section called the company only apply to Tramway No. 2 in Oldham Road where that road is carried by means of a bridge over the railway of the company immediately on the east side of the junction therewith of the Oldham Ashton and Guide Bridge Railway near the company's Ashton station and the provisions of sub-section (2) of this section shall not in that case apply if any variance or alteration of or interference with the structure of the said bridge is absolutely necessary for the purpose of constructing the said tramway.

Provided that in the event of any such alteration or interference as is last referred to the Promoters shall together with the notice required in such cases by section 26 of the Tramways Act 1870 submit to the company detailed drawings and specifications showing the proposed work as affecting the said bridge and the Promoters shall so construct and maintain the tramway as not to injuriously affect the stability of the said bridge and the approaches thereto.

Provided always that the sleepers and other materials forming the substructure of the said tramway where the same crosses the said bridge shall subject to the provisions of this section be such as shall be reasonably approved of by the company.

- (8) In this sub-section the expression "the company" means the London and North Western Railway Company No additional crossing passing place siding junction turn-out or other work shall be made for or in connexion with so much of Tramways Nos. 2 and 3 as will extend over the distance in front of the entrance to the Ashton goods station of the company at Oldham Road and no additional crossing passing place siding junction turn-out or other work shall be made for or in connexion with so much of the Tramway No. 7 as will extend over the distance in front of the entrance to the Guide Bridge goods station of the company at Guide Lane and as will extend for a length of 10 yards at each end of such respective distances and no tramcar or other carriage or vehicle used on the said Tramways Nos. 2 3 and 7 shall without the consent of the company under their common seal be stopped or permitted to be stopped within such respective distances or lengths except for and only for so long as may be absolutely necessary for the purposes of setting down and taking up passengers.
- (9) Nothing in this Order contained shall prejudice lessen take away or interfere with the lands properties rights powers and privileges of the company otherwise than as by this Order expressly provided

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Oldham,
Ashton-
under-Lyne,
&c.

For protection
of Bury Roch-
dale and
Oldham Tram-
way Company
Limited.

(10) If any difference shall under this Order arise between the Promoters and the company the matter in difference shall unless otherwise agreed be determined (save where by this section otherwise provided) by the Board of Trade whose decision shall be final.

9. Whereas under and by virtue of an indenture of lease dated the 1st day of August 1885 and made between the mayor aldermen and burgesses of the Borough of Oldham (hereinafter called "the Oldham Corporation") of the one part and the Manchester Bury Rochdale and Oldham Steam Tramways Company of the other part (and duly approved by the Board of Trade) which lease is now vested in the Bury Rochdale and Oldham Tramway Company Limited (hereinafter called "the Bury Company") the Corporation granted and demised the sole and exclusive right of user of the tramways therein referred to or described being the tramways which by the Oldham Borough Tramways (Extensions) Order 1882 the Corporation were empowered to make construct and lease upon the terms and subject to the obligations restrictions and conditions therein expressed and contained (which tramways are herein referred to as "the leased tramways").

Therefore the following provisions for the protection of the Bury Company shall (unless otherwise agreed on between the Bury Company and the Oldham Corporation and the Promoters) be observed and complied with by the Promoters and any company body or person leasing working or using the tramways by this Order authorised (in this section referred to as "the new tramways").

(1) Wherever any of the new tramways join any of the leased tramways the Promoters shall so lay down construct and maintain such new tramways as to cause no damage or injury to the leased tramways and shall from time to time and at all times keep every such junction in good order and condition and notwithstanding anything contained in the said indenture the Bury Company shall not be answerable for or in respect of any accident damage injury disrepair or defect done or occasioned to the leased tramways by reason or in consequence of the construction maintenance working or using of the new tramways. If the Promoters make default in keeping any such junction in good order and condition the Bury Company shall be at liberty to make good the same and may recover the reasonable expense of so doing from the Promoters by all and the same means as any simple contract debt of the like amount may be recovered.

(2) The new tramways shall not be so worked or used as to occasion any interruption or impediment to the traffic on the leased tramways or the use thereof.

(3) Nothing in this Order shall alter prejudice or affect the rights powers or privileges of the Bury Company under the said indenture but the same shall be and continue in all respects in full force and effect as if this Order had not been made and the Act confirming the same had not been passed.

10. For the protection of the County Council for the County Palatine of Lancaster (in this section referred to as "the Lancashire County Council") and of the County Council for the County Palatine of Chester (in this section referred to as "the Cheshire County Council") the following provisions shall apply and have effect (that is to say):—

(1) In this section the expression "the County Council" means in respect of a bridge in the County of Lancaster the Lancashire County Council and in respect of a bridge in the County of Chester the Cheshire County Council and in respect of a bridge partly in the County of Lancaster and partly in the County of Chester means and includes the Lancashire County Council and the Cheshire County Council.

(2) The Promoters shall at their own expense pave so much of any road whereon any of the tramways is laid upon over or adjoining any bridge or length of roadway adjacent thereto which or any part of which is repairable by the inhabitants of either of the said counties or of any hundred therein as lies between the rails and as extends eighteen inches beyond the rails of and on each side of such tramway with granite cubes or setts to the satisfaction of the County Council or with such other paving as the County Council may approve.

(3) In constructing any of the tramways upon or over any such bridge or any parts of the road at either end of any such bridge as aforesaid the Promoters shall not alter or interfere with the structure of such bridge or of the approaches thereto unless such alteration or interference with the construction of such bridge be absolutely necessary for the purpose of constructing such tramway and in the event of any such alteration or interference the Promoters shall together with the notice required in such cases by section 26 of the Tramways Act 1870 submit to the County Council detailed drawings and specifications showing the proposed work as affecting such bridge or approaches and if any difference arise between the Promoters and the County Council as to such alteration or interference or the necessity therefor the same shall be left for the decision of the Board of Trade and the Promoters shall so construct and maintain such tramway in the road over such bridge and the approaches thereto as not to injuriously affect such bridge or approaches and in the event of any injury being occasioned to such bridge or approaches or any part or parts thereof respectively by the construction of any of the tramways on or over the same (whether such injury shall occur either during or after construction or in affecting the maintenance of the tramways) the County Council may restore such bridge and approaches or the part or parts which may be injured to as good a state as they were in before such injury was occasioned at the expense of the Promoters and the Promoters shall recoup to and indemnify the County Council against all sums costs and expenses which they may pay or be put to in restoring such bridge and in maintaining and repairing so much of the road over such bridge and approaches as the Promoters are liable to maintain and keep in good condition and repair under the 28th section of the Tramways Act 1870

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*Oldham,
Ashton-
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&c.*

For protection
of the County
Councils of
Lancaster and
Chester.

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Oldham,
Ashton-
under-Lyne,
&c.

and the County Council may recover from the Promoters all such sums costs and expenses together with full costs and charges in the manner as any simple contract debt of the like amount may be recovered.

(4) In case steam electrical or any mechanical power is used on any of the tramways laid on any such bridge or length of roadway as aforesaid the County Council may execute such works as may in the opinion of their engineer and of the engineer of the Promoters (or in case of difference between them of an engineer to be appointed by the Board of Trade) be necessary for strengthening the fabric of such bridge and the County Council may execute all such works in all things at the expense of the Promoters and the County Council may recover from the Promoters in manner aforesaid all moneys expended by them in the execution of such works as aforesaid together with full costs and charges in like manner as any simple contract debt of like amount may be recovered. If it becomes necessary for effecting such strengthening that the working and use of any such tramways be wholly or in part stopped or delayed and the County Council give the Promoters three clear days' notice in writing requiring such stoppage or delay the working and user of such tramways shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the County Council shall not be liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage or delay.

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

(6) If any such bridge as aforesaid upon or along which any of the tramways are laid be altered widened or rebuilt by the County Council the County Council may require the Promoters to alter any such tramways in such manner as the circumstances of the case may reasonably require provided that in case of any difference between the County Council and the Promoters as to such alteration widening or rebuilding the same shall be

settled in manner hereinafter mentioned And provided also that it shall and may be lawful for the Promoters to contribute such sum as may be mutually agreed upon between the Promoters and the County Council towards the expense of altering widening or rebuilding any of such bridges as in this section mentioned.

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Ashton-
under-Lyne,
&c.

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

(8) Any difference which arises between the Promoters and the County Council or any other person under any of the provisions of this section (except as by this section otherwise specially provided) shall be deemed a matter in difference within section 33 of the Tramways Act 1870 and the provisions as to arbitration of the said section and of this Order shall apply accordingly.

11. The following provisions for the protection of the mayor aldermen and citizens of the city of Manchester in the county of Lancaster (hereinafter referred to as "the Corporation") shall apply and have effect:—

For protection
of the Corpora-
tion of Man-
chester.

- (1) During the construction of the tramways the Promoters may deviate in such places to such extent and in such manner as the engineer for the time being of the Manchester Corporation Waterworks may certify in writing to be necessary for avoiding interference with any mains pipes valves or apparatus belonging to the Corporation but no such deviation shall be so made as to leave a less space than 9 feet 6 inches between the nearest rail of the tramway to be deviated and the outside of the footpath.
- (2) Sections 30 32 and 33 of the Tramways Act 1870 shall apply to the Corporation with reference to the water mains pipes and apparatus belonging to the Corporation in like manner as the same apply to a company or person being the owner of water mains or pipes Provided that all works or interference with or in connexion with the water mains pipes or apparatus of the Corporation under the thirtieth section of the Tramways Act 1870 or otherwise shall be made and executed by the Corporation and not otherwise upon the request and at the cost of the Promoters.
- (3) The cost of constructing providing and laying any new water mains pipes valves fire cocks hydrants or other apparatus in substitution for any which may be rendered useless by the construction of the tramways and the value of any water mains pipes valves fire cocks hydrants or other apparatus belonging to or under the control of the Corporation rendered useless or unproductive to the Corporation by the works authorised by this Order shall on demand and subject to credit being given for the value of the aforesaid matters so rendered useless to the Corporation be repaid to the Corporation by the Promoters Provided always that whenever any new main pipe or apparatus of larger dimensions shall be substituted

[Ch. clxvi.] *Tramways Orders Confirmation* [59 & 60 VICT.]
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&c.*

for any existing main pipe or apparatus the Promoters shall only be required to pay the cost which would have been incurred by the substitution of a main pipe or apparatus of equal dimensions with the existing main pipe or apparatus.

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

(5) All and singular sum and sums of money herein-before provided to be paid by the Promoters to the Corporation may be recovered by the Corporation by all and the same means as any simple contract debt.

For protection
of the Corpora-
tion of Ashton-
under-Lyne.

12. For the protection of the mayor aldermen and burgesses of the borough of Ashton-under-Lyne (in this section referred to as "the Corporation") the following provisions shall unless otherwise agreed between the Corporation and the Promoters apply and have effect with respect to such of the tramways as are authorised to be constructed within the borough of Ashton-under-Lyne (in this section referred to as "the Ashton Tramways").

(1) Subject to the provisions of this Order the size and construction of all carriages to be used on the Ashton Tramways and the wheels and the brakes attached thereto shall be in accordance with designs and specifications to be previously submitted to and approved by the Corporation or in case of difference between the Corporation and the Promoters they shall be such as the Board of Trade shall determine.

(2) The portions of the roads within the said borough which the Promoters are by section 28 of the Tramways Act 1870 or by this Order required to maintain and keep in good condition and repair shall be paved and the foundation of the Ashton Tramways shall be laid to the reasonable satisfaction of the Corporation and such paving and foundation shall consist of such materials as may be reasonably required by the Corporation and such foundation shall if the Corporation so require consist of a bed of Portland cement concrete not less than six inches in depth and shall be of a width of not less than eight feet in the case of a single line and sixteen feet in the case of a double line.

(3) The exercise of the powers by this Order conferred upon the Promoters in relation to the placing and maintaining of posts and electric wires on or in any street or road within the borough of Ashton-under-Lyne shall

be subject to the provisions of section 26 of the Tramways Act 1870 and of the section of this Order whereof the marginal note is "Provisions as to construction of tramways" as if the placing and maintaining of the posts and electric wires were the constructing laying down and maintaining of tramways Every post and bracket and every overhead wire shall be of such pattern material and strength and shall be securely fixed in such manner as the Corporation or their surveyor shall approve Every post and bracket shall be painted at least once in every year with good oil paint of a colour or colours to be approved by the Corporation No post or bracket shall be used for the display of advertisements The Corporation shall upon giving fourteen days' previous notice to the Promoters of their desire to do so have the right to use any posts and brackets erected under the provisions of this Order for the support of any electric wires or lamps or any gas lamp that may be the property of the Corporation or of any company with whom the Corporation shall contract for the lighting of street lamps such rights to be exercised upon and subject to such terms and conditions as may be agreed between the Corporation and the Promoters or in default of agreement as shall be determined by the Board of Trade.

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—
Oldham,
Ashton-
under-Lyne,
&c.

(4) No portion of any road within the said borough which the Promoters are by section 28 of the Tramways Act 1870 or by this Order required to maintain and keep in good condition and repair shall be deemed to be so maintained and kept in good condition and repair unless such portion of such road is paved by the Promoters with granite setts or other approved material approved by the Corporation (not less than six inches deep nor more than four inches wide) both inside and outside the rails of the Ashton Tramways and asphalted and such setts paving and asphaltting and the quality of the material used shall be such as may be approved of by and be reasonably satisfactory to the Corporation or their surveyor and the Promoters shall hand over to the Corporation free of cost all cubes and setts taken up by the Promoters in the course of constructing the Ashton Tramways in so much of Katherine Street as extends from Oldham Road to Margaret Street The Promoters shall also repair and re-instate all paving or metalling damaged or disturbed by them outside the limits specified in this sub-section and shall make good to the reasonable satisfaction of the Corporation or their surveyor for the time being all irregularities thereto which may be caused by the Promoters during the progress of their works.

(5) During the construction of the Ashton Tramways or any works by this Order authorised in any street or road within the said borough the Promoters shall make such arrangements in relation to the construction of such tramways or execution of such works as may from time to time be reasonably required by the Corporation or their surveyor for preventing the traffic along such street or road from being unnecessarily impeded.

[Ch. clxvi.] *Tramways Orders Confirmation* [59 & 60 Vict.]
(No. 2) Act, 1896.

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- (6) The Promoters shall not at any time before during or after the construction of the Ashton Tramways deposit in any street or road within the said borough any rails sleepers paving metalling or other materials except so far as the same may be necessary for the carrying on of the work for the time being actually in progress unless and until they have obtained the consent of the Corporation or their surveyor to the place where such deposit is proposed to be made which consent shall not be unreasonably withheld.
- (7) The provisions of section 30 of the Tramways Act 1870 shall apply for the benefit of the Corporation as if the Corporation were a company or person as in the said section referred unto and the Promoters shall in executing any work by this Order authorised take such precautions and do such acts as the Corporation may reasonably require for preventing injury to or interference with any main pipes electric wire lamp post or other property or apparatus belonging to the Corporation or with the supply of electricity through any such pipe or wire.
- (8) 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 subject to the provisions of this section 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 Ashton Tramways within the district of such road authority of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain and the Promoters shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority or to such person or persons as he may appoint to receive the same Provided that if within seven days after notice in writing to the road authority that the surplus of such paving metalling or material is ready for removal such surplus is not removed by the said surveyor or by some other person or persons named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to all differences between the Promoters and any road authority.
- (9) The Promoters shall so far as possible lay down all double lines of tramway within the said borough so that the space within the inner rails of the two lines shall be at least three feet.
- (10) The Promoters shall not use steam power for moving the carriages used on any of the Ashton Tramways except with the consent in writing of the Corporation.

- (11) The Corporation may cleanse the roadway in which any of the Ashton Tramways are laid without reference to the tramways but whatever cleansing owing to snow or other matters impeding the traffic is requisite for the proper working of the tramways shall be executed by and at the expense of the Promoters. A.D. 1896.
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under-Lyne,
&c.*
- (12) If at any time after the opening of the tramways or any of them for public traffic the Promoters discontinue working the traffic upon any of the Ashton Tramways within the said borough for the space of an entire day (except Sundays Christmas Day or Good Friday) they shall be liable to pay the Ashton Corporation a penalty of five pounds a day for every day (save and except any day on which they may be required by the Corporation to stop delay or suspend the working of such traffic) on which they discontinue working such traffic Provided always that the Promoters shall not be liable to any such penalty if the discontinuance to work the Ashton Tramways arises from any act of the Corporation or their officers or from accident or strike of employees or any other circumstance over which the Promoters have no control Provided that for the purposes of this sub-section the want of funds shall not be held to be a circumstance over which they have no control.
- (13) The Corporation may between the hours twelve o'clock midnight and five in the morning and in such manner as they think fit subject to the reasonable bye-laws and regulations for the time being in force with respect to the tramways and taking due precaution not to damage the tramways use the Ashton Tramways free of toll for the conveyance of road and sewer material coals pipes and other materials required for the works of the Corporation and shall have power to form connexions between any yards or works belonging to the Corporation and the Ashton Tramways provided that in the construction of any such connexion no damage shall be done to the tramways and no rail shall be laid by the Corporation so that a space of less than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road if one-third of the owners and occupiers of the houses shops or warehouses abutting on the place where such rail is proposed to be laid by notice in writing under their hands addressed to the town clerk of the borough of Ashton express their objection thereto Provided that the Corporation shall not be entitled to use or employ for such purposes or any of them any carriage trucks horses or other motive power or officers or servants of the Promoters Provided also that the Corporation shall make full compensation to the Promoters for all damage done by such user to the tramways.
- (14) The Promoters shall if required by the Corporation provide and maintain at least two waiting rooms for passengers in a situation on the route of the Ashton Tramways and of such form and construction as shall be reasonably approved by the Corporation.
- (15) In case the Promoters between sunset and sunrise use on the Ashton Tramways any carriage they shall be bound to fix and maintain one light at least in the front of such carriage and one light at least in the rear of

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such carriage of such distinctive colours and of such illuminating powers as may be prescribed by the Corporation or in case of difference between the Corporation and the Promoters by the Board of Trade and unless such lights shall be so placed as to light up the inside of the carriages as well as the outside a sufficient light shall be placed inside each carriage.

- (16) No undue preference shall be given by the Promoters to any person or persons in respect of the carriage of any animals goods minerals or parcels on the Ashton Tramways.
- (17) The Promoters shall use their best endeavours to obtain within two years from the passing of the Act confirming this Order powers for the construction of a loop line of tramway leading out of Katherine Street in a westerly and northerly direction into Oldham Road in order to provide a circular route to and from Oldham and shall on obtaining such powers construct the said loop line within the period limited by the authority conferring the powers.
- (18) If and when in the opinion of the Corporation the traffic reasonably requires it the Promoters shall endeavour to obtain powers to make and maintain an additional line of tramway in Stockport Road aforesaid and shall on obtaining such powers subject to the conditions on which such powers may have been obtained lay and maintain the same in the manner hereinbefore in this section specified with regard to the Ashton Tramways.
- (19) The Promoters shall with the consent of the Board of Trade within six months after the passing of the Act confirming this Order purchase or take on lease from the Corporation at such a price or upon such terms as shall be agreed upon between them a certain length of tramway at present constructed in Oldham Road in Ashton-under-Lyne aforesaid extending for a distance of about 16.60 chains from the centre of Latchford Street to a point where the borough boundary crosses Oldham Road aforesaid.
- (20) After any of the Ashton Tramway has been laid the portions of the roads which by section 28 of the Tramways Act 1870 the Promoters are required to maintain and keep in good condition and repair shall if the Corporation so desire and of such desire give notice to the Promoters be maintained and kept in good condition and repair by the Corporation and the Promoters shall repay to the Corporation on each quarter day the expenses reasonably incurred by the Corporation during the previous quarter in pursuance of this sub-section (including a reasonable sum for the remuneration of their surveyor) and any losses damages and expenses which the Corporation may have suffered or incurred in connexion with such maintenance during the like period.
- (21) Before commencing the construction of any of the Ashton Tramways the Promoters shall enter into a bond with sureties to be approved by the Corporation conditioned in the sum of 100*l* in respect of every mile or fraction of a mile of tramway authorised in the borough of Ashton-under-Lyne to secure the repayment to the Corporation of any sums due from the Promoters under the preceding sub-section.

(22) The Promoters shall forthwith after the passing of the Act confirming this Order execute a bond to the Corporation conditioned in a penalty of one thousand pounds to pay and forfeit to the Corporation a sum of five hundred pounds in case any substantial or material part of the Ashton Tramways shall remain incompleted after the expiration of the period limited by section 18 of the Tramways Act 1870 for the completion and opening for public traffic of the tramways or in case the Promoters fail to substantially observe and perform the conditions and stipulations on their part as set out in this section Provided always that the Promoters shall not be liable to any such forfeit if the failure to construct any such tramways arises from a strike of workmen or any other circumstances over which the Promoters have no control including therein any valid objection by one-third of the owners or occupiers of any house shop or warehouse of any narrow space within the meaning of section 9 of the Tramways Act 1870 on any portion of the tramways by this Order authorised Provided that for the purposes of this sub-section the want of funds shall not be held to be a circumstance over which they have no control.

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(23) The Promoters shall pay all reasonable costs charges and expenses incurred by the Corporation in relation to this Order.

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

(25) Any difference which arises between the Promoters and the Corporation or any surveyor or other person under any of the provisions of this section (except as by this section otherwise specially provided) shall be deemed a matter in difference within section 33 of the Tramways Act 1870 and the provisions as to arbitration of the said section and of this Order shall apply accordingly.

(26) The provisions of this section shall be deemed to be in addition to and not in substitution for the provisions of the Tramways Act 1870 Provided always that where any of the provisions of this section are inconsistent with any of the provisions of the said Act the provisions of this section shall be read and construed and have effect as controlling or superseding such inconsistent provisions of the said Act.

13. For the protection and benefit of the mayor aldermen and burgesses of the borough of Hyde (in this section called "the Corporation") the following provisions shall apply and have effect and such provisions shall be in addition to and not in derogation of any other provisions of this Order or of any public Act or Acts of Parliament which may exist for the protection or benefit of the Corporation The expression "the tramways" in this section means so much of the tramways by this Order authorised as are or may hereafter be situate within the borough of Hyde.

For protection
of the Corpora-
tion of Hyde.

(1) Subject to the provisions of this Order the size and construction of all carriages to be used on the tramways and the wheels and the brakes

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attached thereto and the mode of laying down the tramways and the form of the rails sleepers fastenings and grooves (if any) and the poles with their several attachments shall be such as the Corporation and the Promoters may agree upon and as the Board of Trade may approve and shall be in accordance with designs plans sections and specifications to be previously submitted to and approved of by the Corporation but so that the form of rails sleepers and fastenings and grooves shall be the same throughout the whole length of tramways and in case of difference between the Corporation and the Promoters they shall be such as the Board of Trade shall determine.

- (2) Section 28 of the Tramways Act 1870 and the provisions of this Order with respect to the paving and maintaining certain portions of the roadways of any road whereon any of the tramways are laid shall extend and apply to the whole width of any road where it is proposed that a less space than nine feet six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway.
- (3) So much of any road upon which any of the tramways are laid as the Promoters are under the provisions of the Tramways Act 1870 and this Order required to repair shall be paved and maintained by the Promoters with such paving materials and foundation as the Corporation shall reasonably require and the Corporation may prescribe a particular material for paving any specified street and a different material for paving any other street.
- (4) If by reason of the construction of any 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.
- (5) The Promoters shall on demand pay to the Corporation the costs of the repair and reinstatement of so much of the roads along which the tramways are laid as may be injured or damaged by reason of the traffic being concentrated thereon during the construction alteration or repair of the tramways or any part or parts thereof And in case of any dispute as to the amount of such cost the same shall be assessed by an independent surveyor to be agreed upon by the parties or to be appointed on the application of either party by the Board of Trade Provided nevertheless that such repairs and re-instatement may at the request of the Promoters and with the consent of the Corporation be executed by the Promoters.
- (6) The Promoters shall at their own risk in all respects if and when required by the Corporation during the construction of the tramways forthwith remove so much of all drains sewers water mains and pipes belonging to such Corporation as shall be situate under that part of any road which they by section 28 of the Tramways Act 1870 or by this Order are required to maintain and keep in good condition and repair and which would in the opinion of the Corporation or their surveyor be injuriously affected by the tramways or the works connected there-

with of the Promoters and shall re-construct and re-lay with all needful alterations so much as aforesaid of any such drains sewers water mains and pipes in such parts of such road as may be prescribed by and to the satisfaction of the Corporation.

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(7) If in the opinion of the Corporation any of the tramways require alteration in consequence of any improvement or alteration having taken place in any road along which such tramway is laid the Promoters shall at their own cost make such alterations as the Corporation may deem necessary and if the Promoters fail to make such alterations within three months after being required so to do the Corporation may themselves make such alterations and execute the works connected therewith and recover the cost thereof from the Promoters.

(8) The Corporation shall not be responsible to the Promoters for any damage the Promoters may sustain by reason of their having to repair or re-lay their lines from time to time in consequence of the road subsiding after the construction or re-laying of any sewer gas water or other pipes and apparatus has been completed and the ground above the same filled in.

(9) Before the Promoters open or break up any road within the borough of Hyde for the purpose of constructing any tramway they shall enter into a bond with sureties (one of which shall be a guarantee society) to be approved by the Corporation conditioned in the sum of 750*l.* in respect of every mile or fraction of a mile of tramway authorised in the borough of Hyde to secure any sums due from the Promoters under this subsection.

On the completion of the tramways to the satisfaction of the surveyor of the Corporation the said bond shall be cancelled and returned to the Promoters.

If the tramways having been commenced are not completed within two years from the date of this Order or such extended time as the Board of Trade may approve the Promoters shall pay the expenses incurred by the Corporation in the removal of so much of the tramways as shall have been laid by the Promoters and in restoring the road to the satisfaction of their surveyor and for the purpose of such restoration the Corporation shall be at liberty to break up or use any part of the materials of such tramways.

(10) Any paving metalling or material excavated by the Promoters in the construction of the tramways from any road under the jurisdiction or control of the Corporation may be applied by the Promoters so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways of so much of the roadway on either side of such tramways as the Promoters are by section 28 of the Tramways Act 1870 and this Order required to maintain and the Promoters shall if so required by the Corporation 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

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of the Corporation or to such person or persons as he may appoint to receive the same at such place or places to be appointed by such surveyor not being further distant than one mile from the place where such surplus paving metalling or material may at the time of the making of such requirements by the Corporation be lying. Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they think fit.

- (11) Nothing in this Order contained shall obstruct hinder prejudice or prevent the Corporation from breaking up any road within the borough for any purpose for which they are authorised to break up any road therein and for such purpose they may if absolutely necessary stop the traffic along the tramways and any extra cost occasioned by reason of such tramways being there and incurred by the Corporation in the exercise of their powers and in restoring the surface of any of the tramways laid by the Promoters shall be borne by the Promoters and be paid by them to the Corporation and may be recovered by the Corporation from the Promoters by all and the same means as any simple contract debt of like amount may be recovered.
- (12) When any of the tramways are constructed or intended to be constructed over any man-hole or entrance into any sewer of the Corporation or so close to such man-hole or entrance as to make the use thereof dangerous or inconvenient in the opinion of the Corporation the Promoters shall if required by the Corporation construct a side entrance in such positions and according to such plan as may be approved by the Corporation or the Corporation may at their option construct such side entrance and the Promoters shall repay to the Corporation the costs thereof.
- (13) The Corporation may cleanse any road without reference to the tramways but whatever cleansing owing to snow or other matter impeding the traffic is requisite for the proper working of the tramways shall be executed by the Promoters who shall in performing the same remove the snow or other matter from off the centre of the road so as to allow the proper working of the tramways 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.
- (14) Except as by this Order or by the Tramways Act 1870 expressly provided after the opening of any of the tramways for public traffic such tramways shall not nor shall any of the materials of which the same are constructed be removed except for the ordinary repairs of such tramways without the consent in writing of the Corporation and such consent shall not be unreasonably withheld.

(15) The Corporation may at such times and in such manner as they think fit between the hours of twelve at night and five in the morning (but subject to the bye-laws for the time being in force with respect to the tramways) use the tramways for sanitary purposes and for the conveyance of scavenging stuff road metal and other materials required by the works of the Corporation free of all tolls and charges in respect of such use Provided that the Corporation shall not be entitled to use or employ for such purposes or any of them without the consent of the Promoters any carriage trucks horses or other motive power or officers and servants of the Promoters Provided also that the Corporation shall make full compensation to the Promoters for all damage done by such user to the tramways.

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(16) The Promoters shall if required by the Corporation provide and maintain at least one waiting room for passengers in a situation on the route of the tramways to be approved by the Corporation.

(17) In case the Promoters between sunset and sunrise use on the tramways any carriage they shall be bound to fix and maintain one light at least in the front of such carriage and one light at least in the rear of such carriage of such distinctive colours and of such illuminating powers as may be prescribed by the Corporation or in case of difference between the Corporation and the Promoters by the Board of Trade and unless such lights shall be so placed as to light up the inside of the carriages as well as the outside a sufficient light shall be placed inside each carriage.

(18) The Corporation may from time to time make under and according to the provisions of section 46 of the Tramways Act 1870 regulations and byelaws for all or any of the following purposes in addition to the purposes in the said section mentioned (that is to say):—

(a) For prohibiting the passengers from entering or leaving any carriage at any place which the Corporation having regard to the protection safety or convenience of the public may prescribe.

(b) For empowering the Corporation to cause to be removed from the tramways any engine carriage fittings or other things which are unfit for use on tramways.

(c) For prohibiting overcrowding on the carriages.

(d) For regulating the placing and fixing on the carriages of advertisements boards and placards and notices and the removal thereof if the same are unsafe unsightly or inconvenient.

(19) Notwithstanding anything in this Order the Promoters and their lessees shall not without the consent of the Corporation work the tramways by steam or any mechanical power other than electricity and such consent may be given subject to such terms and conditions as the Corporation think fit.

(20) In case the Promoters carry animals goods minerals or parcels they may and when required by the Corporation shall carry the same in separate carriages or separate parts of carriages set apart for that purpose

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provided that this provision shall not apply to the conveyance of passengers luggage or small parcels.

(21) The Promoters shall forthwith after the passing of the Act confirming this Order enter into a bond with sureties (one of which shall be a guarantee society) to be approved by the Corporation conditional on a penalty of 1,000*l.* to pay and forfeit to the Corporation a sum of 500*l.* in case the Tramways Nos. 11 and 12 are not completed and open for public traffic within the period of two years from the date of this Order or within such extended time as the Board of Trade shall approve.

Provided always that the Promoters shall not be liable to any such forfeit if the failure to construct any such tramways arises from the act of the Corporation or their officers or from a strike of workmen. If the Tramways Nos. 11 and 12 are not completed and opened for public traffic within the said period of two years or within such extended time as the Board of Trade shall approve the powers conferred on the Promoters by this Order with reference to such tramways shall absolutely cease and determine.

(22) The Promoters shall on demand pay to the Corporation all costs charges and expenses incurred by them in relation to the negotiations between the Corporation and the Promoters or otherwise relating to the application for or obtaining of this Order and shall also pay to the Corporation all charges and expenses incurred by them for the supervision and inspection of any work done or to be done by the Promoters in connexion with the tramways and the Corporation are hereby authorised to order such supervision and inspection of the works as they may deem proper.

(23) All money costs charges and expenses payable by the Promoters to the Corporation under this Order or the Tramways Act 1870 may be recovered by all and the same means as any simple contract debt of like amount may be recovered.

(24) Any difference which arises between the Promoters and the Corporation or any surveyor or other person under any of the provisions of this section (except as by this section otherwise specially provided) shall be deemed a matter in difference within section 33 of the Tramways Act 1870 and the provisions as to arbitration of the said section and of this Order shall apply accordingly.

For protection
of the Denton
Council.

14. For the protection of the Denton Urban District Council (herein-after referred to as "the Council") the following provisions in addition to all other provisions of this Order applicable to the Council as the local or road authority shall unless otherwise agreed between the Council and the Promoters apply and have effect with respect to the construction maintenance and working of such of the tramways as are authorised to be constructed within the district of Denton (in this section referred to as "the Denton tramways").

(1) Subject to the provisions of this Order the size and construction of all carriages to be used on the Denton tramways and the wheels and the

brakes attached thereto shall be in accordance with designs plans sections and specifications to be previously submitted to and approved by the Council or in case of difference between the Council and the Promoters they shall be such as the Board of Trade shall determine.

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- (2) The portions of the roads within the said district which the Promoters are by section 28 of the Tramways Act 1870 or by this Order required to maintain and keep in good condition and repair shall be paved and the foundation thereof shall be laid by the Promoters to the reasonable satisfaction of the Council and such paving and foundation shall consist of such materials as may be reasonably required by the Council and in case of difference shall be such as the Board of Trade shall determine.

The foundations shall if the Council so require consist of a bed of Portland cement concrete not less than six inches in depth and shall be of a width of not less than eight feet in the case of a single line and sixteen feet in the case of a double line.

The Promoters shall also repair and reinstate all paving or metalling damaged or disturbed by them outside the limits specified in this section and shall make good to the reasonable satisfaction of the Council or their surveyor for the time being all irregularities thereto which may be caused by the Promoters during the progress of the works.

- (3) Section 15 of this Order shall be read so as to include any post or bracket to be erected in the streets or roads of the council under the provisions of this Order.

Every such post and bracket shall be painted at least once in every year with good oil paint of a colour or colours to be approved by the council. No post or bracket shall be used for the display of advertisements.

- (4) During the construction of the Denton tramways or any works by this Order authorised in any street or road within the Denton district the Promoters shall make such arrangements in relation to the construction of such tramways or execution of such works as may from time to time be reasonably required by the Council or their surveyor for preventing the traffic along such street or road from being unnecessarily impeded.

- (5) The Promoters shall not at any time before during or after the construction of the Denton tramways deposit in any street or road within the district any rails sleepers paving metalling or other materials except so far as the same may be necessary for the carrying on of the work for the time being actually in progress unless and until they have obtained the consent of the Council or their surveyor to the place where such deposit is proposed to be made. Provided that such consent shall not be unreasonably withheld.

- (6) If by reason of the construction of any 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.

- (7) The provisions of section 30 of the Tramways Act 1870 shall apply for the benefit of the Council as if the Council were a company or person

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as in the said section referred unto and the Promoters shall in executing any work by this Order authorised take such precautions and do such acts as the Council may reasonably require for preventing injury to or interference with any gas main sewer pipe electric wire lamp post or other property or apparatus belonging to the Council or with the supply of electricity through any such pipe or wire.

- (8) The Promoters shall so far as possible lay down all double lines of tramway within the said district so that the space within the inner rails of the two lines shall be at least three feet.
- (9) The Promoters shall not use steam power upon any of the Denton tramways except with the consent in writing of the Council.
- (10) When any of the Denton tramways are constructed or intended to be constructed over any man-hole or entrance into any sewer of the Council or so close to such man-hole or entrance as to make the use thereof dangerous or inconvenient in the opinion of the Council the Promoters shall if required by the Council construct a side entrance in such positions and according to such plan as may be reasonably approved by the Council or the Council may at their option construct such side entrance and the Promoters shall repay to the Council the reasonable cost thereof.
- (11) The Promoters shall on demand pay to the Council the reasonable costs of the repair and reinstatement of so much of the roads along which the tramways are laid as may be injured or damaged by reason of the traffic being concentrated thereon during the construction alteration or repair of the tramways or any part or parts thereof And in case of any dispute as to the amount of such cost the same shall be assessed by an independent surveyor to be agreed upon by the parties or to be appointed on the application of either party by the Board of Trade Provided nevertheless that such repairs and reinstatement may at the request of the Promoters and with the consent of the Council be executed by the Promoters.
- (12) In case the Promoters between sunset and sunrise use on the tramways any carriage they shall be bound to fix and maintain one light at least in the front of such carriage and one light at least at the rear of such carriage of such distinctive colours and of such illuminating power as may be prescribed by the Council or in case of difference between the Council and the Promoters by the Board of Trade and unless such lights shall be so placed as to light up the inside of the carriages as well as the outside a sufficient light shall be placed inside each carriage.
- (13) The Council may cleanse any road without reference to the tramways but whatever cleansing owing to snow or other matter impeding the traffic is requisite for the proper working of the tramways shall be executed by the Promoters who shall in performing the same remove the snow or other matter from off the centre of the road on to side thereof.

(14) The Council shall not be responsible to the Promoters for any damage the Promoters may sustain by reason of their having to repair or relay their lines from time to time in consequence of the road subsiding after the construction or relaying of any sewer gas water or other pipes and apparatus have been completed and the ground above the same filled in.

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(15) If at any time after the opening of the Denton tramways or any of them for public traffic the Promoters discontinue working the traffic upon any of the Denton tramways within the said district for the space of an entire day (except Sundays Christmas Day or Good Friday) they shall be liable to pay the Council a penalty of five pounds a day for every day (save and except any day on which they may be required by the Council to stop delay or suspend the working of such traffic) on which they discontinue working such traffic Provided always that the Promoters shall not be liable to any such penalty if the discontinuance to work the Denton tramways arises from any act of the Council or their officers or from accident or strike of employees or any other circumstance over which the Promoters have no control Provided that for the purposes of this section the want of funds shall not be held to be a circumstance over which they have no control.

(16) Any reasonable suggestions of the Council in regard to the construction of the Denton tramways in consequence of alterations or improvements made in the roads in Denton after the Order shall have been confirmed by Parliament shall be made and carried out by and at the expense of the Promoters and the cost of any alterations which the Council may deem necessary to make in the roads shall also be paid by the Promoters.

(17) The Promoters shall deposit a sum of 200*l.* with the Treasurer of the Council and such sum shall be repaid to the Promoters if the Denton tramways are completed and open for public traffic within the period of two years from the date of the passing of the Act confirming this Order but otherwise the same shall be forfeited and belong to the Council.

Provided always that the Promoters shall not be liable to any such forfeiture if the failure to construct any such tramways arises from the act of the Corporation or their officers or from a strike of workmen or any other circumstances over which the Promoters have no control including therein any objection by one-third of the owners or occupiers of any house shop or warehouse of any narrow space within the meaning of section 9 of the Tramways Act 1870 on any portion of the tramways by this Order authorised Provided that for the purposes of this subsection the want of funds shall not be held to be a circumstance over which they have no control.

(18) The Promoters shall pay all costs and expenses of the Council in relation to and of and incidental to this Order and the Act of Parliament confirming same.

(19) All sums of money by or under the provisions of this Order to be paid by the Promoters to the Council and the recovery of which is not

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expressly provided for may be recovered by the Council in any manner in which any simple contract debt of like amount is recoverable.

(20) Any difference which arises between the Promoters and the Council under any of the provisions of this section (except as by this section otherwise specially provided) shall be deemed to be a matter in difference within section 33 of the Tramways Act 1870 and the provisions as to arbitration of the said section and of this Order shall apply accordingly.

(21) The provisions of this section shall be in addition to and not in substitution for the provisions of the Tramways Act 1870. Provided always that where any of the provisions of this section are inconsistent with any of the provisions of the said Act the provisions of this section shall be read and construed and have effect as controlling provisions of the said Act.

For protection
of Manchester
Carriage and
Tramways
Company.

15. For the protection of the Manchester Carriage and Tramways Company (in this section called "the Manchester Company") the following provisions shall have effect (that is to say):—

(1) The Promoters shall not commence the construction of any part of Tramway No. 7 where the same will be within eighteen inches of or between the rails of the tramways of the Manchester Company at the point of crossing until one month after they shall have given to the Manchester Company notice in writing of their intention to commence the same such notice to be accompanied by plans sections and specifications of the proposed works and particulars of the mode of crossing the tramways of the Manchester Company and of any proposed interference with or alteration of those tramways and the Promoters shall not (except in cases of emergency) commence any works of maintenance or repair within the limits aforesaid until forty-eight hours after they shall have given notice to the Manchester Company of their intention to commence the same with full particulars of the proposed works of maintenance or repair.

(2) If before the expiration of such period of one month or forty-eight hours (as the case may be) the Manchester Company shall give notice in writing to the Promoters that they desire themselves to execute the said works of construction maintenance or repair or any part thereof it shall be lawful for the Manchester Company to execute and carry out the same accordingly but at the costs and charges in all respects of the Promoters the amount of such costs and charges if not paid on demand to be recoverable by the Manchester Company from the Promoters in any court of competent jurisdiction:

Provided that if the Manchester Company fail to execute such works within a reasonable time after being requested by the Promoters so to do the Promoters may proceed to carry out the same subject to the superintendence and to the reasonable approval of the Manchester Company.

(3) The Promoters shall from time to time and at all times keep all their works within the limits aforesaid and all posts wires and apparatus erected or used in connection therewith within twenty yards of the tramways of the Manchester Company in good order and condition to the satisfaction

of the Manchester Company and if the Promoters make default in keeping such works posts wires and apparatus in good order and condition the Manchester Company shall be at liberty to make good the same and may recover the reasonable expense of so doing from the Promoters in any court of competent jurisdiction.

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(4) The Promoters shall so work the traffic on Tramway No. 7 where the same crosses the tramways of the Manchester Company as not to interfere with or impede the traffic upon the tramways of the Manchester Company or cause any inconvenience or injury to their passengers or servants and such last-mentioned traffic shall take precedence of the traffic on Tramway No. 7 and no vehicle upon Tramway No. 7 shall be permitted to approach within ten yards of the crossing at any time when any vehicle upon the tramways of the Manchester Company is approaching the crossing and is within thirty yards thereof and no vehicle shall be allowed to stand upon Tramway No. 7 on or within ten yards of the crossing and notice of the approach to the said crossing of engines or vehicles on Tramway No. 7 shall be given by sounding a bell whistle or other apparatus. If the Promoters commit cause or permit any breach of the provisions of this sub-section they shall for each such breach be subject to a penalty not exceeding five pounds.

(5) The Promoters shall so construct and maintain their electric mains wires and other works posts and apparatus as not to interfere with or impede the tramways of the Manchester Company and the traffic thereon and so as not to interfere with prejudice or affect the adoption and use by the Manchester Company of electricity or other mechanical power as a motive power upon their tramways and the construction of any works necessary for that purpose and any overhead wires erected or used by the Promoters under the powers of this Order shall be at least twenty feet above the level of the rails of the tramways of the Manchester Company at the said point of crossing.

(6) The Promoters shall be responsible for and make good to the Manchester Company all costs losses damages and expenses from time to time occasioned to that company or to any of their works and property or to the traffic of their tramways by reason of any act or default or omission of the Promoters their contractors or agents or any persons in their or any of their employ and shall effectually indemnify and hold harmless the Manchester Company from all claims and demands upon or against them in respect of such costs losses damages and expenses.

(7) If any difference shall arise between the Promoters and the Manchester Company under this section or anything to be done or not to be done thereunder the matter in difference shall unless otherwise agreed be determined by the Board of Trade whose decision shall be final.

16. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the tramways lay before the Board of Trade and the road authority a plan showing the proposed

Provisions as
to construction
of tramways.

[Ch. clxvi.] *Tramways Orders Confirmation* [59 & 60 VICT.]
(No. 2) Act, 1896.

A.D. 1896. mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and by the road authority and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act.

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As to rails of
tramways.

17. 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 main-
taining rails
and roads in
good condition.

18. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and 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 fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act.

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

Local authority to have
access to
sewers.

19. Every local authority shall at all times have free access to and communication with all their sewers and drains and power to lay additional sewers and drains without the consent or concurrence of the Promoters and the provisions contained in the 32nd and 33rd sections of the Tramways Act

1870 shall be applicable in the case of any sewer or drain of or under the control of the local authority as if the same were a pipe for the supply of gas or water.

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20. 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.

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

21. The Promoters may from time to time hereafter make alter or amend all such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient for the efficient working of the tramways or any of them or for providing access to any stables engine-houses carriage houses sheds or works of the Promoters subject to the approval of the road authority Provided also that the number and situation of such crossings passing places sidings junctions and other works shall be determined by the road authority and if any difference arise between the Promoters and the road authority with respect to the number and situation of any such crossings passing places sidings junctions or works the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

Additional crossings &c. may be made where necessary.

22. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways 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 tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Temporary tramways may be made where necessary.

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 tramways under the authority of this section the same shall be deemed a matter in difference within section 33 of the Tramways Act 1870 and the provisions as to arbitration of the said section and of this Order shall apply accordingly.

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

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

Motive Power.

24. The carriages used on the tramways may subject to the provisions of this Order be moved by any animal power and with the consent in writing of the Board of Trade by means of electrical or other mechanical power applied

Carriages on tramways may be moved by mechanical or electric power.

[Ch. clxvi.] *Tramways Orders Confirmation* [59 & 60 Vict.]
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according to a system approved by the Board of Trade. Provided that the carriages on any of the tramways or on any part thereof shall not be moved by any mechanical power other than electrical power except with the consent of the Board of Trade which consent may be given for such period and subject to such terms and conditions as such Board may think fit.

Provided always that the exercise of the powers hereby conferred with respect to the use of any mechanical or electrical 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 any mechanical or electrical power on the tramways.

Power to place
posts wires &c.

25. Subject to the provisions of this Order the Promoters may place and maintain on any street or road in which any of the tramways may be laid such posts and overhead electric wires as may be necessary and proper for working such tramways by electrical power.

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

26. The Promoters or any person using any 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 regulation added thereto or substituted therefor by any Order made by the Board of Trade under the authority of this Order shall for every such offence be subject to a penalty not exceeding 10*l.* and also in the case of a continuing offence to a further penalty not exceeding 5*l.* for every day after the first during which such offence continues after conviction thereof. 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 any 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 regulations which may have been added thereto or substituted therefor as aforesaid or in case the said Board is satisfied that the use of such power is a danger to the passengers or to the public may by order direct the Promoters or such person to cease to exercise the powers aforesaid and thereupon the Promoters or such person 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:

27. 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 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 prohibiting or regulating the emission of smoke or steam from engines used on the tramways :

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

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For regulating the entrance to and 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.

28. 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.

As to recovery of penalties.

29. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Order or by any regulation made by the Board of Trade under the authority of this Order at which 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.

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

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

Orders and byelaws to be signed &c.

31. The Promoters may from time to time enter into and carry into effect agreements with any company body or person for the supply by such company body or person of electrical energy for the purposes of this Order.

Power to agree for a supply of electrical energy by other companies &c.

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

Restrictions on use of electrical power.

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

[Ch. clxvi.] *Tramways Orders Confirmation* [59 & 60 VICT.]
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&c.*

- (2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances.
- (3) The powers by this Order conferred with respect to the use of electrical power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations") 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 or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return.
- (4) If the Promoters use electrical power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulation added thereto or substituted therefor by any Order made by the Board of Trade under the authority of this Order they 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 during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Promoters in the use of electrical power under the authority of this Order have made default in complying with the provisions of this Order or with any of the prescribed regulations or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electrical power and thereupon the Promoters shall cease to use electrical power and shall not again use 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.
- (5) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they

adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking. Provided also that at the expiration of a period of two years from the passing of the Act confirming this Order nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents. If any difference arises between the Promoters and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.

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(6) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes.

(7) In this section the expression "the Promoters" shall include their lessees and the licencees and any company or person owning or using any tramway of the Promoters.

33. In the event of any tramways of the Promoters being worked by electricity the following provisions shall have effect:—

For protection
of the
Postmaster
General.

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

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- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection.
- (3) (a) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work.
- (b) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration.
- (4) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.
- (5) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.
- (6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.
- (7) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were Undertakers

within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section.

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- (8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.
- (9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.
- (10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid.
- (11) In this section the expression "the Promoters" shall include their lessees and the licencees and any person owning working or running carriages by electrical power over the said tramways and the expressions "tramways" and "undertaking" include any tramways worked or used by the Promoters under the provisions of this Order.

Traffic upon Tramways.

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

Traffic upon tramways.

35. The Promoters shall at all times after the opening of the tramways or any part or parts thereof for public traffic provide such service of cars as may be reasonably required in the public interests and the Promoters shall be liable to a penalty of not exceeding five pounds for every day on which they shall fail to comply with the provisions of this section Provided 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 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.

Service of cars.

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

Promoters not bound to carry animals goods &c.

37. 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

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

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Oldham,
Ashton-
under-Lyne,
&c.As to use of
bells.Railway car-
riages not to
be used on
tramways.Tolls for
passengers.As to fares on
Sundays and
holidays.Passengers'
luggage.Cheap fares
for labouring
classes.Tolls for
animals goods
&c.

carriages or separate parts of carriages set apart for that purpose provided that this provision shall not apply to the carriage of passengers' luggage.

38. 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 or by the direction of the Board of Trade.

39. No carriages or trucks adapted for use upon railways shall be used upon the tramways.

Tolls.

40. 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 for 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 two pence.

41. It shall not be lawful for the Promoters or any company or person working or using the tramways to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

42. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding 28 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.

43. The Promoters at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening (except Saturday evening) in the week (Sundays 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 as the Promoters think most convenient for artisans mechanics and daily labourers at fares 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 two pounds 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 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 running such carriages the said Board shall have power to fix and regulate the same from time to time.

44. The Promoters may demand and take in respect of any animals goods minerals or parcels conveyed by them on the tramways or any part thereof except as is by this Order specially provided including the tolls and charges

for the use of the tramways and for waggons trucks and motive power and every other expense incidental to such conveyance any tolls or charges not exceeding the tolls and charges specified in the Schedule "B" to this Order annexed subject to the regulations in that behalf therein contained.

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45. The tolls and charges by this Order authorised shall be paid to such persons and at such places upon or near to the tramways and in such manner and under such regulations as the Promoters may by bye-law made under section 46 of the Tramways Act 1870 appoint.

Payment of
 tolls.

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

Periodical
 revision of
 tolls.

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 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.

Agreement
 between
 Promoters
 and road
 authorities.

48. The Promoters or any person using the tramways under the authority of this Order may with the consent of the Board of Trade from time to time but subject to the provisions of this Order enter into agreements with any company or person 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.

Power to enter
 into agree-
 ments with
 respect to
 traffic &c.

[Ch. clxvi.] *Tramways Orders Confirmation* [59 & 60 VICT.]
(No. 2) Act, 1896.

A.D. 1896.

*Oldham,
Ashton-
under-Lyne,*

&c.
Provisions in
case of dis-
continuance
of tramways
or insolvency
of Promoters.

49. The time at which the powers of the Promoters shall cease and determine under section 42 of the Tramways Act 1870 shall be that of the expiration of three months from the making of an Order by the Board of Trade under that section and the said section shall be read and construed accordingly.

Notwithstanding anything in the Tramways Act 1870 or in this Order contained if at any time after the opening of any of the tramways in any district for traffic the Promoters discontinue working such tramways or any part thereof for the space of three calendar months or if at any time after such opening it appears to the local or road authority of such district and to the Board of Trade that the Promoters are insolvent and an Order is made by the Board of Trade under section 41 or section 42 of the Tramways Act 1870 the local authority of such district may (if they think fit) in lieu of exercising the powers conferred upon such local authority by the said sections cause a valuation of such tramways and an estimate of the cost of the removal of the same and of the reinstatement of the roads within such district upon which the same are laid to be made and thereupon and upon payment by such local authority to the Promoters or other the person or persons for the time being entitled to give a legal discharge for the same of such a sum as will represent the excess of the said valuation over the said estimate such tramways and all the rights powers and authorities in respect of such tramways of the Promoters previous to the making of such Order by the Board of Trade shall be transferred to vested in and exercisable by such local authority and in case any difference arises as to the amount of any such valuation or estimate the same shall be referred to and settled by a referee to be appointed by the Board of Trade in manner provided by section 33 of the Tramways Act 1870 provided that if the amount of such estimate in any case exceeds the amount of such valuation such local authority may take possession of such tramways within their district and such tramways and all such rights powers and authorities as aforesaid in respect of such tramways shall be transferred to vested in and exercisable by such local authority Provided that nothing in this section shall authorise the local authority to themselves work the tramways.

Approval of
Board of
Trade to sale
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 moneys on the security of mortgages of the undertaking or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage Provided that every mortgage of the undertaking shall be deemed to comprise all purchase-money which may be paid to the Promoters in the event of a compulsory sale of the undertaking or any part thereof to the local authority under section 43 of the

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

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Miscellaneous.

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

Form and
delivery of
notices.

(1) Every notice shall be in writing type writing or print or partly in writing or type 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 their principal office.

53. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall except where otherwise specially provided apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Provisions as
to arbitration.

54. Notwithstanding anything in this Order contained the Promoters and any person using the tramways shall be subject and liable to and entitled to the benefit of 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 electrical power or any mechanical power by any such general Act as aforesaid.

Saving for
general Acts.

A.D. 1896.

Oldham,
Ashton-
under-Lyne,
&c.

SCHEDULES.

SCHEDULE A.

Brake 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 application of the local authority of any district in which any mechanical or electric 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 without the consent of the Board of Trade 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.

A.D. 1896.

Oldham,
Ashton-
under-Lyne,
&c.

RATES AND CHARGES FOR ANIMALS GOODS &C.

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

Goods and Minerals.

For all coals coke culm charcoal cannel limestone chalk lime salt and fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways	per ton	0	2
For all iron iron ore pig iron bar iron 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 fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs	per ton	0	2½
For all sugar grain corn flour hides dye-woods earthenware timber staves deals and metal (except iron) nails anvils vices and chains and for light iron castings	per ton	0	3
For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things	per ton	0	4

Parcels.

	Any Distance.	
	s.	d.
For any parcel not exceeding in weight 7 lbs.	0	3
For any parcel exceeding 7 lbs. but not exceeding 14 lbs. in weight	0	5
For any parcel exceeding 14 lbs. but not exceeding 28 lbs. in weight	0	7
For any parcel exceeding 28 lbs. but not exceeding 56 lbs. in weight	0	9
For any parcel exceeding 56 lbs. 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 parcels but that term shall apply only to single parcels in separate packages.

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 Ashton-
 under-Lyne,
 &c.

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 0 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 Rates.

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 rates 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 imperial avoirdupois weight.

With respect to stone and timber 14 cubic feet of stone 40 cubic feet of oak mahogany teak beech or ash 50 cubic feet of any other timber shall be deemed one ton weight and so on in proportion for any smaller quantity.

POTTERIES.

A.D. 1896.

Order Authorising the Construction of Street Tramways in the Potteries District.

1. This Order may be cited as the Potteries Extension Tramways Order 1896. Short title.

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

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

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

The expression "mechanical power" means and includes any power (other than animal power or electrical power) which can be used or applied directly or indirectly for the purpose of moving carriages or trucks upon the tramways.

Promoters.

4. Stephen Prescott White d'Alte Sellon of Broadway House in the City of Westminster John Fell of Leamington in the county of Warwick Francis Ashby of Staines in the county of Middlesex and Emile Garcke of 1 and 2 Great Winchester Street in the City of London and the survivors and survivor of them and the executors or administrators of such survivor their or his assigns shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters." The Promoters.

5. The Promoters may by agreement from time to time purchase and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell or dispose of any such lands which may not be necessary for such purposes provided that they shall not at any time hold for such purposes more than five acres of land but nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken under the powers of this section. Lands by agreement.

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Construction of Tramways.

Potteries.
Construction
of tramways

6. The Promoters may and shall (subject to the provisions of this Order as to the transfer of certain of their powers to the corporations of Burslem and Stoke-upon-Trent in certain events) within two years from the passing of the Act confirming this Order construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order as the same have been amended previous to the passing of the Act confirming this Order (which plans and sections so amended as aforesaid are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways hereinafter described with all proper rails plates offices weigh-bridges stables engine-houses carriage-houses warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same.

The tramways authorised by this Order are:—

Tramway No. 1 commencing in Waterloo Road Burslem by a junction with the existing tramway at a point 31 yards from the southern end of Wedgwood Street and passing thence along Waterloo Road the roadway on the southern side of Chapel Bank and Moorland Road and terminating therein at the boundary of the Borough of Burslem at or near the junction of Moorland Road and Leek Road Smallthorne;

Tramway No. 1 shall be laid as a single line throughout except between the points in Moorland Road hereinafter specified where it shall be laid as a double line:—

- (a.) For a distance of 3 chains between points respectively 60 yards westward and 6 yards eastward from the western side of the Vine Inn;
- (b.) For a distance of three chains between points respectively 33 yards westward and 33 yards eastward from the centre of the principal entrance to Burslem Park;
- (c.) For a distance of 3 chains eastward from Park Road;
- (d.) For a distance of 3 chains between points respectively 272 yards and 338 yards eastward from Park Road;
- (e.) For a distance of 3 chains between points respectively 82 yards and 16 yards from the termination of the tramway.

The total length of Tramway No. 1 is 6 furlongs 4.90 chains of which 4 furlongs 9.90 chains is single line and 1 furlong 5 chains is double line;

Tramway No. 2 commencing in Market Place Burslem by a junction with the existing tramway at a point in line or nearly in line with the eastern side of the Market Hall, passing thence along Market Place and the roadway on the southern side of Chapel Bank and terminating therein by a junction with Tramway No. 1 at a point 19 yards eastward from Wedgwood Street;

Tramway No. 2 shall be laid as a single line throughout its entire length which is 2 chains;

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Potteries.

Tramway No. 3 commencing in Market Place Burslem by a junction with the existing tramway at the eastern end of the present double line at a point 29 yards westward from the Town Hall passing thence along Market Place Newcastle Street Station Street and Porthill Road (otherwise Wolstanton New Road) and terminating therein at the boundary of the Borough of Burslem at the centre of Fowlea Brook;

Tramway No. 3 shall be laid as a single line throughout except between the points hereinafter specified where it shall be laid as a double line;

In Market Place:

For a distance of 3 chains between points respectively 33 yards and 99 yards from the commencement of the tramway;

In Newcastle Street:

(a.) For a distance of 8.50 chains between the eastern side of Riley Street South and a point 32 yards eastward from Dale Street;

(b.) For a distance of 3.25 chains between the western side of Reid Street and the south-eastern side of Orme Street;

In Newcastle Street and Station Street:

For a distance of 8 chains between the eastern side of Trubshawe Street and a point 13 yards south-westward from Bridgewater Street;

In Station Street and Porthill Road (otherwise Wolstanton New Road):

For a distance of 4.50 chains between the southern side of Brook Street and the southern side of Lime Kiln Road;

The total length of Tramway No. 3 is 7 furlongs 4.90 chains of which 4 furlongs 7.65 chains is single line and 2 furlongs 7.25 chains is double line;

Provided always that notwithstanding anything contained in this section or shown on the plans and sections deposited in respect of this Order the double line (a) in Newcastle Street hereinbefore described and the double line in Newcastle Street and Station Street hereinbefore described shall not respectively exceed 3 chains in length.

Tramway No. 4 commencing in Porthill Road (otherwise Wolstanton New Road) at the termination of Tramway No. 3 passing thence along such road Porthill High Street and Church Lane Wolstanton and terminating therein at 36 yards southward from Barker's Square;

Tramway No. 4 shall be laid as a single line throughout except between the points hereinafter specified where it shall be laid as a double line;

In Porthill Road (otherwise Wolstanton New Road):

For a distance of 3 chains between points respectively 11 yards and 77 yards from the commencement of the tramway;

In Porthill Road (otherwise Wolstanton New Road) and Porthill:

For a distance of 3 chains between points respectively 5 yards north-eastward and 61 yards south-westward from the junction of

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Porthill Road (otherwise Wolstanton New Road) and the road leading to Longport Station (otherwise Wolstanton Old Road);

In Porthill:

- (a) For a distance of 3 chains between points respectively 226 yards and 160 yards north-eastward from the principal entrance to Porthill House;
- (b) For a distance of 3 chains between points respectively 38 yards north-eastward and 28 yards south-westward from the north-eastern side of the principal entrance to Porthill House;
- (c) For a distance of 3 chains between points respectively 33 yards and 99 yards southward from the south-east angle of Saint Andrew's Church;

In Porthill and High Street Wolstanton:

For a distance of 3 chains between points respectively 78 yards and 12 yards northward from Emberton Street;

In High Street Wolstanton:

- (a) For a distance of 4.75 chains between the north-western side of Peel Street and the north-western side of Palmerston Street;
- (b) For a distance of 3 chains north-westward from Knutton Road;

In Church Lane:

For a distance of 3 chains between points respectively 82 yards and 16 yards from the termination of the tramway;

The total length of Tramway No. 4 is 1 mile 1 furlong 2.85 chains of which 6 furlongs 4.10 chains is single line and 2 furlongs 8.75 chains is double line;

Tramway No. 5 commencing by a junction with the existing tramway at or near the eastern end of the Market Place Burslem at a point 35 yards south-eastward from the south-east corner of the Market Hall passing thence into and along Wedgwood Street and Scotia Road and terminating therein at the boundary of the borough of Burslem at the centre of Scotia Brook;

Tramway No. 5 shall be laid as a single line throughout except between the points hereinafter specified where it shall be laid as a double line:—

In Wedgwood Street:

For a distance of 5.50 chains between points respectively 98 yards southward and 23 yards northward from the northern side of Jenkins Street;

In Scotia Road:

- (a) For a distance of 3 chains northward from Baddeley Street;
- (b) For a distance of 3 chains between points respectively 40 yards and 106 yards northward from Wain Street;
- (c) For a distance of 3 chains between points respectively 88 yards and 154 yards northward from the pier of the railway bridge over Scotia Road;

The total length of Tramway No. 5 is 6 furlongs 0·60 chains of which 4 furlongs 6·10 chains is single line and 1 furlong 4·50 chains is double line;

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Provided always that notwithstanding anything contained in this section or shown on the plans and sections deposited in respect of this Order the double line in Wedgwood Street hereinbefore described shall not exceed 3 chains in length and shall not extend south of the police station in that street and the double line (c) in Scotia Road hereinbefore described shall not exceed 3 chains in length and shall not extend north of the southern end of the pier of the railway bridge over that road.

Tramway No. 6 commencing in Scotia Road at the termination of Tramway No. 5 passing thence along Scotia Road Woodland Street and High Street Tunstall and terminating therein at a point 6 yards northward from Woodland Street;

Tramway No. 6 shall be laid as a single line throughout except in Woodland Street and between the points in Scotia Road hereinafter specified where it shall be laid as a double line:—

For a distance of 3 chains between points respectively 11 yards south-eastward and 55 yards north-westward from the northern side of Williamson Street;

Provided that the portion of double line in Woodland Street shall be so laid that only one of such lines can be used at one and the same time.

The total length of Tramway No. 6 is 2 furlongs 6·10 chains of which 1 furlong 0·60 chains is single line and 1 furlong 5·50 chains is double line;

Tramway No. 7 commencing in Scotia Road at the termination of Tramway No. 5 passing thence along Scotia Road and south-westwardly into and along the intended and partly constructed road between Scotia Road and Pinnox Street Pinnox Street and High Street Tunstall and terminating therein at the point of termination of Tramway No. 6;

Tramway No. 7 shall be laid as a single line throughout except between the points in High Street hereinafter specified where it shall be laid as a double line:—

For a distance of 3 chains northward from the southern side of the Highgate Inn;

The total length of Tramway No. 7 is 3 furlongs 5·25 chains of which 3 furlongs 2·25 chains is single line and 3 chains is double line;

Tramway No. 8 commencing in High Street Tunstall at the termination of Tramways Nos. 6 and 7 passing thence along High Street Tunstall and Sandford Road and terminating therein at the boundary of the Tunstall Urban District at a point 66 yards southward from Temperance Place Goldenhill;

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Tramway No. 8 shall be laid as a single line throughout except between the points in High Street hereinafter specified where it shall be laid as a double line:—

- (a) For a distance of 3 chains between points respectively 7 yards southward and 59 yards northward from the southern side of Amicable Street;
- (b) For a distance of 3 chains between points respectively 2 yards and 68 yards northward from the southern side of Hunt Street;
- (c) For a distance of 8.35 chains between the Wheatsheaf Inn and the northern side of Furlong Road;
- (d) For a distance of 3 chains southward from the centre of Bond Street;

In High Street and Sandyford Road:

For a distance of 3 chains between points respectively 163 yards and 229 yards northward from Newfield Street;

In Sandyford Road:

- (a) For a distance of 3 chains between points respectively 94 yards and 28 yards southward from Cartlidge Street;
- (b) For a distance of 3 chains northward from the Gardeners' Arms Tavern;
- (c) For a distance of 3 chains between points respectively 186 yards and 120 yards from the termination of the tramway;

The total length of Tramway No. 8 is 1 mile 1 furlong 8.60 chains of which 6 furlongs 9.25 chains is single line and 2 furlongs 9.35 chains is double line;

Tramway No. 10 commencing in Sandyford Road at the termination of Tramway No. 8 passing thence along Sandyford Road High Street Goldenhill and Oldcott Road and terminating therein in line with the northern side of the Travellers' Rest Tavern at Oldcott Green;

Tramway No. 10 shall be laid as a single line throughout except between the points hereinafter specified where it shall be laid as a double line;

In High Street:

- (a) For a distance of 3 chains southward from the northern side of School Street;
- (b) For a distance of 3 chains southward from the northern side of Church Street;
- (c) For a distance of 3 chains between points respectively 55 yards and 121 yards northward from Dale Street;

In Oldcott Road:

For a distance of 3 chains between points respectively 110 yards and 44 yards from the termination of the tramway;

The total length of Tramway No. 10 is 4 furlongs 3.40 chains of which 3 furlongs 1.40 chains is single line and 1 furlong 2 chains is double line.

Tramway No. 11 commencing in London Road Stoke-upon-Trent by a junction with the existing tramway at its termination opposite the West End Hotel passing thence along the London Road into and along the main road leading from Newcastle to Stone (otherwise London Road) and terminating therein at a point 40 yards southward from Church Lane ;

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Provided always that the Promoters shall not construct any part of Tramway No. 11 beyond the distance of one mile from the commencement thereof until they shall have proved to the satisfaction of the Board of Trade the consents of such of the frontagers as have dissented to the tramway under section 9 of the Tramways Act 1870 or the roadway shall have been widened so that a space of 9 feet 6 inches at the least shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway.

Tramway No. 11 shall be laid as a single line throughout except between the points hereinafter specified where it shall be laid as a double line ;

In London Road :

- (a) For a distance of 3 chains between points respectively 134 yards and 200 yards from the commencement of the tramway ;
- (b) For a distance of 5·75 chains between points respectively 17 yards and 132 yards south-westward from the Cottage Inn ;
- (c) For a distance of 3 chains north-eastward from the stone indicating 7 miles from Stone ;

In the London Road and the main road leading from Newcastle to Stone :

For a distance of 3 chains northward from the stone indicating 1½ miles to Stoke ;

In the main road leading from Newcastle to Stone :

- (a) For a distance of 3 chains between points respectively 60 yards and 126 yards south-eastward from the centre of the bridge over the Trent and Mersey Canal ;
- (b) For a distance of 3 chains north-westward from the south-east side of Barrett's Factory ;
- (c) For a distance of 3 chains between points respectively 82 yards and 16 yards from the termination of the tramway ;

The total length of Tramway No. 11 is 1 mile 1 furlong 5·55 chains of which 7 furlongs 2·30 chains is single line and 2 furlongs 3·25 chains is double line :

Tramway No. 12 commencing in Stafford Street Hanley by a junction with the existing tramway at a point 8 yards southward from Miles Bank passing thence along Stafford Street Trinity Street Mill Street (otherwise Etruria Road) Etruria Road Lord Street and terminating at the boundary of the Borough of Hanley at Fowlea Brook ;

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Tramway No. 12 shall be laid as a single line throughout except between the points hereinafter specified where it shall be laid as a double line—

In Trinity Street :

For a distance of 3 chains westward from the eastern side of Foundry Street ;

In Mill Street (otherwise Etruria Road) :

(a) For a distance of 3 chains eastward from the centre of the Railway Tavern ;

(b) For a distance of 3 chains between points respectively 35 yards and 101 yards westward from Granville Street ;

In Etruria Road :

For a distance of 3 chains between points respectively 88 yards and 22 yards eastward from the Free Trade Inn ;

In Etruria Road and Lord Street :

For a distance of 3 chains from a point 12 yards westward from Bateman Place measured in a westerly direction ;

In Lord Street :

(a) For a distance of 3 chains eastward from the centre of Etruria Bridge over the Trent and Mersey Canal ;

(b) For a distance of 3 chains south-westward from the centre of the Wesleyan Chapel ;

The total length of Tramway No. 12 is 1 mile 1 furlong 1.40 chains of which 7 furlongs 0.40 chains is single line and 2 furlongs 1.00 chains is double line ;

Tramway No. 13 commencing by a junction with Tramway No. 12 at its termination passing thence along Etruria Road Brick Kiln Lane Shelton New Road George Street Brunswick Street Nelson Place Ironmarket New Street (otherwise Ironmarket) High Street Penkhull Street and London Road and terminating therein at a point 25 yards south-eastward from the south-west corner of Stubbs Street ;

Tramway No. 13 shall be laid as a single line throughout except between the points hereinafter specified where it shall be laid as a double line—

In Brick Kiln Lane :

(a) For a distance of 3 chains between points respectively 71 yards and 5 yards northward from Parker's Terrace ;

(b) For a distance of 3 chains between points respectively 227 yards and 293 yards southward from Parker's Terrace ;

(c) For a distance of 1 furlong 2.55 chains between points respectively 266 yards north-eastward and 10 yards south-westward from the southern face of Halfway House ;

Provided the last-mentioned portion of double line shall be so laid that only one of such lines can be used at one and the same time.

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In Shelton New Road :

(a) For a distance of 3 chains between points respectively 122 yards and 188 yards south-westward from the south-east corner of Brick Kiln Lane ;

(b) For a distance of 3 chains north-eastward from the end of the footpath leading to Basford (known as Stumps) ;

(c) For a distance of 3 chains between points respectively 110 yards and 44 yards eastward from Rope Street ;

In Shelton New Road and George Street :

For a distance of 3 chains eastward from the western side of Albert Street ;

In George Street :

For a distance of 3 chains eastward from Water Street ;

In Nelson Place and Ironmarket :

For a distance of 4 chains between points respectively 60 yards from Brunswick Street Chapel and 17 yards westward from the eastern face of the Compasses Inn ;

In Ironmarket :

For a distance of 3 chains westward from Market Lane ;

In High Street :

For a distance of 3 chains being 1.50 chains on each side of the centre of the Market Cross ;

In Penkhull Street and London Road :

For a distance of 3 chains between points respectively 17 yards northward from the Antelope Inn and 17 yards from the termination of the tramway ;

The total length of Tramway No. 13 is 1 mile 6 furlongs 6.55 chains of which 1 mile 2 furlongs is single line and 4 furlongs 6.55 chains is double line ;

Tramway No. 14 commencing in High Street East Fenton by a junction with the existing tramway at a point 16 yards eastward from the eastern end of the double line opposite Victoria Place passing thence into and along Victoria Place Victoria Road Fenton Road Lichfield Street Albion Square and Tontine Street Hanley and terminating therein at a point 9 yards northwards from the southern side of Parliament Place ;

Tramway No. 14 shall be laid as a single line throughout except between the points herein-after specified where it shall be laid as a double line ;

In Victoria Road :

(a) For a distance of 3 chains between points respectively 84 yards and 150 yards from the commencement of the tramway ;

(b) For a distance of 3 chains southward from the northern side of Frederick Street ;

(c) For a distance of 3 chains northward from the southern side of Maud Street ;

(d) For a distance of 3 chains between points respectively 113 yards and 179 yards northward from the southern side of Albert Road ;

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In Victoria Road and Fenton Road ;

For a distance of 3 chains between points respectively 11 yards southward and 55 yards northward from the southern side of Botteslow Road ;

In Fenton Road :

(a) For a distance of 3 chains between points respectively 284 yards and 350 yards northwards from the southern side of Botteslow Road ;

(b) For a distance of 3 chains between points respectively 118 yards and 52 yards southward from the centre of the bridge over the River Trent ;

(c) For a distance of 3 chains southward from the junction of the northern side of Leek Road with the eastern side of Fenton Road ;

In Fenton Road and Lichfield Street :

For a distance of 3 chains between points respectively 89 yards and 23 yards southward from Clifford Street ;

In Lichfield Street :

For a distance of 3 chains southward from the centre of Vine Street :

In Lichfield Street Albion Square and Tontine Street :

For a distance of 1 furlong and 3·00 chains between the northernmost side of Birch Terrace and the southernmost side of Percy Street ;

Provided the last-mentioned portion of double line shall be so laid that only one of such lines can be used at one and the same time except for a distance of 3 chains in Albion Square which may be used for a passing place.

The total length of Tramway No. 14 is 1 mile 7 furlongs 8·90 chains of which 1 mile 3 furlongs 5·90 chains is single line and 4 furlongs 3 chains is double line :

Tramway No. 17 commencing in Piccadilly Hanley by a junction with the existing tramway at a point 55 yards north-eastward from the junction of the south side of Brunswick Street with Piccadilly passing thence along Piccadilly the south-west side of Fountain Square the roadway on the north-east side of Miles Bank and into Stafford Street and terminating therein by a junction with the existing tramway at a point 15 yards southward from Lamb Street ;

Tramway No. 17 shall be laid as a single line throughout its entire length which is 7·55 chains ;

Tramway No. 18 commencing in Piccadilly by a junction with Tramway No. 17 at a point 28 yards southward from the drinking fountain in Fountain Square passing thence into and along the southern side of Fountain Square the roadway on the south-western side of Tontine Square Tontine Street and terminating therein by a junction with Tramway No. 14 at the termination of that tramway :

Tramway No. 18 shall be laid as a single line throughout its entire length which is 4·15 chains ;

Tramway No. 20 wholly in Fountain Square commencing by a junction with Tramway No. 17 at a point 25 yards westward from the south-western angle of Lloyds' Bank and terminating by a junction with Tramway No. 18 at a point 13 yards westward from the south-eastern angle of Lloyds' Bank;

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Tramway No. 20 shall be laid as a single line throughout its entire length which is 1.55 chains;

Tramway No. 21 commencing in Trinity Street by a junction with Tramway No. 12 at a point in line or nearly in line with the eastern side of Brockley Square passing thence along Trinity Street across Stafford Street and the existing tramway therein, the roadway on the south-eastern side of Miles Bank and terminating at or near the eastern end of Miles Bank by a junction with Tramway No. 17 at a point 24 yards westward from the drinking fountain in Fountain Square;

Tramway No. 21 shall be laid as a single line throughout its entire length which is 2.90 chains.

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

All the before-mentioned tramways will be made and pass from in through or into the following parishes townships or extra-parochial places or some or one of them that is to say Burslem Wolstanton Stoke-upon-Trent Trentham Newcastle-under-Lyme Tunstall Fenton Vivian Penkhull-with-Boothen Hanley Goldenhill and Botteslow all in the County of Stafford.

Provided always that the Promoters shall not construct Tramway No. 6 by this Order authorised if the proposed new road in continuation of Primrose Street along which Tramway No. 7 is proposed to be laid is completed within six months from the date of the passing of the Act confirming this Order or if in any case Tramway No. 7 is constructed.

7. (1) If the tramways by this Order authorised to be constructed in the borough of Burslem or any of them or any part thereof respectively shall not be commenced and proceeded with to the satisfaction of the mayor aldermen and burgesses of the said borough (in this section called "the corporation") within one year from the date of the passing of the Act confirming this Order the corporation may resolve to construct or complete the same. The provisions of Part III. of Schedule A. of the Tramways Act 1870 shall apply to the passing of a resolution by the corporation for the purposes of this section as if they were herein re-enacted and applied. The corporation may serve upon the Promoters or any one of them a copy of the resolution passed as aforesaid and thereupon all the rights powers and authorities duties and obligations of the Promoters previous to the expiration of one year from the date of this Order in relation to the tramways tramway or part of a tramway to which the said resolution so passed as aforesaid applies shall be transferred to shall vest in and may be exercised by and shall be binding upon the corporation in like manner as if they had been named in this Order as the Promoters thereof in respect of such tramways tramway or part of a tramway and the said powers may be exercised notwithstanding that the works shall not have been substantially

Transfer of powers to Corporations of Burslem and Stoke-upon-Trent and Urban District Council of Tunstall in certain events.

¹⁸⁹⁶A.D. 1896. commenced within one year from the date of this Order or having been commenced shall have been suspended without a reason sufficient in the opinion of the Board of Trade to warrant such suspension. In the event of the corporation exercising the powers of this section the works shall be carried out in accordance in all respects with plans sections drawings and specifications to be reasonably approved by the Promoters.

¹⁸⁹⁶Potteries.

(2) The corporation may pay all expenses incurred by them in carrying out the provisions of this section out of the like rate and shall have the like powers to borrow on the same security as if such expenses were expenses incurred in carrying into effect the purposes of a Provisional Order applied for and obtained by them under the Tramways Act 1870 and for the purpose of such borrowing the corporation may include in any mortgages of the local rate any rents reserved under any lease granted by them of any tramways constructed by them under this Order.

(3) The agreement dated the eighteenth day of April one thousand eight hundred and ninety-six made between the corporation of the one part and the Promoters of the other part and set forth in Schedule C to this Order is hereby confirmed and made binding on the parties thereto. During the continuance of any lease granted to the Promoters in pursuance of the agreement mentioned in this subsection the Promoters may exercise and shall be subject to all the powers duties and obligations conferred and imposed upon the Promoters by this Order and the enactments incorporated therewith in relation to the tramways and works demised by the lease other than the powers duties and obligations in relation to the construction of the same in the same manner to the same extent and with the same incidents and consequences for failure to perform such duties and obligations as if such tramways and works had been constructed by the Promoters in pursuance of this Order.

(4) This section shall extend and apply to the tramways in the borough of Stoke-upon-Trent and to the mayor aldermen and burgesses of that borough as if sub-sections (1) (2) and (3) hereof had been re-enacted herein with the names of the corporation and borough of Stoke-upon-Trent substituted for the corporation and borough of Burslem respectively and Schedule D had been referred to therein instead of Schedule C.

(5) The provisions of sub-sections (1) and (2) of this section shall extend and apply to the tramways in the urban district of Tunstall and to the urban district council of Tunstall as if these sub-sections had been re-enacted herein with the names of the said district and council substituted therein for the borough of Burslem and the mayor aldermen and burgesses of the borough of Burslem respectively.

Suspending powers for construction of tramway in Newcastle-under-Lyme borough.

8. Notwithstanding anything in this Order contained the Promoters shall not exercise the powers by this Order conferred upon them with respect to so much of Tramway No. 13 by this Order authorised as will be situated within the borough of Newcastle-under-Lyme unless and until they shall have obtained powers for the construction of tramways from Newcastle-under-Lyme to Silverdale and from Newcastle-under-Lyme to Chesterton and have exercised the same.

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9. If the Promoters exercise the powers conferred upon them by this Order for the construction of Tramway No. 4 they shall apply for and use their best endeavours to obtain powers for the construction of a tramway commencing at the termination of Tramway No. 4 passing thence along the highway through May Bank the Brampton Newcastle-under-Lyme and terminating by a junction in Nelson Place with Tramway No. 13.

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As to application for powers to connect Tramways No. 4 and No. 13.

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

Gauge of tramways.

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

Provisions as to construction of tramways.

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

As to rails of tramways.

13. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of which any of the tramways for the time being consist and the substructure upon which the same rest and if the Promoters at any time make default in complying with this provision or with any of the requirements of section 28 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

Penalty for not maintaining rails and roads in good condition.

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five pounds for every day after the first on which such default continues and such penalty may be recovered as by section 56 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 63 of the Tramways Act 1870 and if the Board of Trade shall certify under the hand of a secretary or an assistant secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said Board the Promoters shall make good such default in the manner and within the time specified in such certificate and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are hereinbefore imposed in respect of offences.

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 may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Additional crossings &c. may be made where necessary.

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 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 one-third of the owners and occupiers of the houses shops or warehouses abutting on the part of the road where such less space shall intervene by notice in writing addressed to the Promoters express their objection thereto.

Provided also that the Promoters shall not without the approval of the North Staffordshire Railway Company signified in writing and signed by their secretary make any such crossings passing places sidings junctions or other works as aforesaid upon any bridge over any railway or canal belonging to the said company or within a distance of twenty yards from such bridge.

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

If any difference arises between the Promoters and any road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway or temporary tramways under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

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17. 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 such delivery if within the district of the road authority to be at the expense of the Promoters who shall deliver the same at such place within the district not being more than one mile from the place of excavation as the said surveyor shall appoint. 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 delivery the said surveyor shall not appoint a place for the delivery thereof 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.

Application of road materials excavated in construction of Promoters' works.

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

Agreements between Promoters and road authorities.

19. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic by the Board of Trade and as regards Tramways Nos. 6 7 8 9 and 10 no part thereof shall be opened for public traffic until the whole length of all such tramways or so much of them as will form a through route between the termination of Tramway No. 5 and Goldenhill shall have been constructed and shall have been certified by the Board of Trade as fit for public traffic.

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

20. The following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Stoke-upon-Trent the mayor aldermen and burgesses of the borough of Burslem and the Fenton urban

For protection of the Corporations of Stoke-upon-Trent and

[Ch. clxvi.] *Tramways Orders Confirmation* [59 & 60 Vict.]
 (No. 2) Act, 1896.

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 Burslem and
 the Fenton
 Urban District
 Council.

district council shall apply and have effect with respect to the tramways by this Order authorised to be constructed within the boroughs of Stoke-upon-Trent and Burslem and the urban district of Fenton (that is to say):—

- (1.) The portions of the roads which by section 28 of the Tramways Act 1870 the Promoters are required to maintain and keep in good condition and repair shall be paved and the foundation of the tramways shall be laid to the reasonable satisfaction of the road authority and such paving and foundation shall consist of such materials as may be reasonably required by the road authority;
- (2.) After any of the tramways has been laid the portions of the roads which by section 28 of the Tramways Act 1870 the Promoters are required to maintain and keep in good condition and repair shall if the road authority so desire and of such desire give notice to the Promoters be maintained and kept in good condition and repair by the road authority and the Promoters shall repay to the road authority on each quarter-day the expenses incurred by the road authority during the previous quarter in pursuance of this sub-section (including a reasonable sum for the remuneration of their surveyor) and any losses damages and expenses which the road authority may have suffered or incurred in connection with such maintenance during the like period ;
- (3.) The local authority shall at all times have free access to and communication with all their sewers and drains and power to lay additional sewers and drains without the consent or concurrence of the Promoters and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall apply to any sewer or drain as if the same were a pipe for the supply of gas or water ;
- (4.) Any difference which may arise between the Promoters and any local or road authority under this section or with regard to anything to be done or not to be done thereunder shall be deemed a matter in difference within section 33 of the Tramways Act 1870 and the provisions as to arbitration of the said section and of this Order shall apply accordingly.

To order the
 election of
 the
 members of
 the
 Council

For protec-
 tion of the
 Urban District
 Council of
 Tunstall.

21. For the protection and benefit of the urban district council of Tunstall (in this section called "the district council") the following provisions shall apply and have effect and such provisions shall be in addition to and not in derogation of any other provisions of this Order or of any public Act or Acts of Parliament which may exist for the protection or benefit of the district council The expression "the tramways" in this section means so much of the tramways by this Order authorised as are or may hereafter be situate within the urban district of Tunstall.

- (1) Subject to the provisions of this Order the size position and construction of all poles with their several attachments shall be such as the surveyor of the district council and the Promoters may agree upon and as the Board of Trade may approve and shall be in accordance with designs and plans to be previously submitted to and approved of by the surveyor of the district council ;

To order the
 Council of
 the
 Urban District
 Council of
 Tunstall

To order the
 Council of
 the
 Urban District
 Council of
 Tunstall

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(2) So much of any road upon which any of the tramways are laid as the Promoters are under the provisions of the Tramways Act 1870 and this Order required to repair shall be paved and maintained by the Promoters with such paving materials and foundation as the district council shall reasonably require ;

(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 and in case of difference as to the reasonableness of such expenses the same shall be determined by the Board of Trade ;

(4) The Promoters shall forthwith pay to the district council the assessed amount of damage done to so much of the roads along which the tramways are laid as may be injured or damaged by reason of the traffic being concentrated thereon during the construction alteration or repair of the tramways or any part or parts thereof Such assessment in case of disagreement between the Promoters and the district council shall be determined by the surveyor for the time being to the corporation of the borough of Hanley ;

(5) The Promoters shall at their own risk and expense in all respects if and when required by the district council during the construction of the tramways forthwith reconstruct and relay so much of all drains sewers mains and pipes belonging to such district council as shall be situate under that part of any road which they by section 28 of the Tramways Act 1870 or by this Order are required to maintain and keep in good condition and repair and which would in the opinion of the district council or their surveyor be injuriously affected by the tramways or the works connected therewith of the Promoters and the same shall be constructed and relaid in such parts of such road as may be prescribed by and to the satisfaction of the district council Provided that in case of difference of opinion between the Promoters and the council or their surveyor as to whether such drains sewers mains or pipes will be injuriously affected the same shall be determined by the Board of Trade ;

(6) The district council shall not be responsible to the Promoters for any damage the Promoters may sustain by reason of their having to repair or relay their lines from time to time in consequence of the road subsiding after the construction or relaying of any sewer gas water or other pipes and apparatus has been completed and the ground above the same filled in Provided such work shall have been executed with all care and in a proper and workmanlike manner ;

(7) When any of the tramways are constructed or intended to be constructed over any manhole or entrance into any sewer of the district council or so close to such manhole or entrance as to make the use thereof dangerous or inconvenient the Promoters shall if reasonably required by the district council construct a side entrance in such positions and according to such plan as may be approved by the district council or the district council may at their option construct such side entrance and the Promoters shall

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repay to the district council the costs thereof Any question as to the reasonableness of any requirement of the district council under this sub-section shall be determined by the Board of Trade ;

- (8) The district council may cleanse any road without reference to the tramways but whatever cleansing owing to snow or other matter impeding the traffic is requisite for the proper working of the tramways shall be executed by the Promoters who shall in performing the same remove the snow or other matter from off the centre of the road on to 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 ;
- (9) Except as by this Order or by the Tramways Act 1870 expressly provided after the opening of any of the tramways for public traffic such tramways shall not nor shall any of the materials of which the same are constructed be removed except for the ordinary repairs of such tramways without the consent in writing of the district council ;
- (10) The district council may at such times and in such manner as they think fit between the hours of twelve at night and five in the morning (but subject to the byelaws for the time being in force with respect to the tramways) use the tramways for sanitary purposes and for the conveyance of scavenging stuff road metal and other materials required by the works of the district council free of all tolls and charges in respect of such use Provided that the district council shall not be entitled to use or employ for such purposes any carriage trucks horses or other motive power or officers and servants of the Promoters and shall indemnify the Promoters from any damage such use shall do to the permanent way ;
- (11) The Promoters shall if required by the district council provide and maintain at least one waiting room for passengers in a situation on the route of the tramways to be approved by the district council ;
- (12) The district council may from time to time make under and according to the provisions of section 46 of the Tramways Act 1870 regulations and byelaws for all or any of the following purposes in addition to the purposes in the said section mentioned (that is to say) :—
- (A) For prohibiting the passengers from entering or leaving any carriage at any place which the district council having regard to the protection safety or convenience of the public may prescribe ;
 - (B) For regulating the placing and fixing on the carriages of advertisements boards and placards and notices and the removal thereof if the same are unsafe unsightly or inconvenient ;
- (13) In case the Promoters carry goods minerals or parcels they may and when required by the district council shall carry the same in separate carriages or separate parts of carriages set apart for that purpose provided that this provision shall not apply to the conveyance of passengers' luggage or small parcels ;

(14) The Promoters will in the next Session of Parliament apply to the Board of Trade for an Order for the construction of a tramway from the Highgate Inn in High Street Tunstall to Trubshaw Cross within the borough of Burslem so as to form a through route from Trubshaw Cross to Goldenhill and the Promoters will use their best endeavours to obtain the granting of such Order and the district council will if requested by the Promoters and at the expense of the Promoters support the said Order and use their best endeavours to secure the granting thereof. On the granting of such Order by the Board of Trade the Promoters will at once proceed with the construction of the line thereby authorised and will use their best endeavours to procure the opening thereof for public traffic simultaneously with the tramways authorised by this Order;

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(15) Any difference which arises between the Promoters and the district council or any surveyor or other person under any of the provisions of this section (except as by this section otherwise specially provided) shall be deemed a matter in difference within section 33 of the Tramways Act 1870 and the provisions as to arbitration of the said section and of this Order shall apply accordingly.

22. The following provisions for the protection and benefit of the North Staffordshire Railway Company (in this section called "the railway company") shall apply and have effect (that is to say):—

For protection
of the North
Staffordshire
Railway Com-
pany.

(1.) Wheresoever any of the tramways shall be constructed upon a bridge carrying a road or street over any railway or canal of the railway company—

(a) The Promoters shall so construct and maintain the tramway as not to injuriously affect the bridge or the approaches thereto and in the event of any injury being occasioned to such bridge and approaches or any part or parts thereof respectively by the construction of a tramway on or over the same whether such injury occur either during or after the construction of or in maintaining the tramway 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 before such injury was occasioned and the Promoters shall recoup to and indemnify the railway company against all sums costs and expenses which they may pay or be put to in restoring such bridge and approaches in manner aforesaid and in maintaining and repairing (in case of default by the Promoters) of so much of the road over the said bridge and approaches as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act 1870 and the railway company may recover from the Promoters all such sums costs and expenses together with full costs and charges in like manner as any simple contract debt;

(b) The Promoters shall give seven days' notice in writing to the railway company of the intention to commence any works which affect or in any wise interfere with the structural works of any such bridge and shall at the same time send sufficient specifications or other

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information to show the nature of such works and such works shall be constructed under the superintendence and to the reasonable satisfaction of the railway company and so as not in any way to interfere with the traffic to from or upon such railway or such canal or the towing paths or towing path thereof;

(c) Any additional expense in the maintenance of the bridge or of the roadway on the same or of the approaches thereto occasioned by the construction of such tramway or by the use of exceptionally heavy engines or cars thereon shall be borne by the Promoters.

(2) Nothing in this Order shall take away or abridge any power vested in the railway company to open or break up any road along or across which any of the tramways are laid or any power vested in the railway company of erecting constructing raising lowering repairing altering rebuilding or removing any bridge over any of their railways or canals or any approach thereto or otherwise and the exercise of such power shall be subject to the following provisions (that is to say):—

(a) The railway company shall cause as little detriment or inconvenience to the Promoters as circumstances admit;

(b) Any alteration of the tramways and the works connected therewith that may be necessary shall be made by and at the expense of the Promoters who shall also at the like expense replace and make good the same;

(c) Before the railway company shall commence any works whereby the traffic on the tramways will be interrupted they shall (except in cases of urgency in which cases no notice shall be necessary) give to the Promoters notice of the intention of the railway company to commence such work specifying the time at which they will begin to do so such notice to be given seven days at least before the commencement of the work;

(d) The railway company shall not be liable to pay to the Promoters any compensation for injury done to the tramways or any works connected therewith by the execution by the railway company of any such work as aforesaid or for loss of traffic occasioned thereby or for the reasonable exercise of the powers so vested in them as aforesaid;

(e) Whenever for the purpose of enabling them to execute any such work as aforesaid the railway company shall so require the Promoters shall either stop the traffic on the tramways to which the notice shall refer where it would otherwise interfere with such work or shore up and secure the same at their own risk and cost during the execution of such work. Provided that such work shall always be completed by the railway company with all reasonable expedition;

(f) The railway company shall not execute such work so far as it immediately affects the tramways except under the superintendence of the Promoters unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement

of the work or discontinue the superintendence during the progress of the work. A.D. 1896.

(3) If any difference shall arise between the Promoters and the railway company under this Order the matter in difference shall (unless otherwise agreed) be determined by arbitration under and in accordance with the provisions of section 33 of the Tramways Act 1870 and of this Order.

(4) Except as is expressly mentioned in this Order nothing in this Order contained shall extend to prejudice diminish alter or take away any of the rights privileges powers or authorities vested in the railway company in and by all or any of the several Acts of Parliament now in force relating to their railways or canals.

Provided always that notwithstanding the special provisions hereinbefore contained for their protection and benefit the railway company shall be entitled to the protection and benefit of every provision for the protection and benefit of railway companies or of canal companies or proprietors of canals contained in the Tramways Act 1870 and in this Order or either of them.

Motive Power.

23. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power or by electrical power applied according to a system approved by the Board of Trade or by any mechanical power Provided that the carriages on any of the tramways or any part thereof shall not be moved by any mechanical power except with the consent of the Board of Trade and of the local authority of the district in which such tramway or part of a tramway is laid and such consents may be given for such period and subject to such terms and conditions as such Board and local authority may respectively think fit.

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

Provided also that the exercise of the powers hereby conferred with respect to the use of electrical 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 electrical or any mechanical power on such tramways.

24.—(1) The Promoters may (subject to the provisions of this Order) on any lands acquired by them under the powers of this Order erect provide and use dynamos engines boilers and other machinery and apparatus and things necessary or proper for the working of tramways by electrical power or other mechanical power and the Promoters may from time to time enter upon and open the surface of and may lay down construct erect and maintain on in under or over the surface of any street road or place such posts conductors wires tubes mains plates boxes and apparatus and may make and maintain such openings posts wires tubes or ways in on under or over any such surface as may be

Works for applying electrical or mechanical power.

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for connecting any portions of such tramways ;

Provided also that the powers of this section shall only be exercised elsewhere than on lands acquired by the Promoters under this Order subject to the reasonable approval of the local authority of the district within which the powers are proposed to be exercised and to such reasonable terms and conditions as the authority may think fit ;

(2) All standards brackets and other works erected in the streets for the purpose of this section shall be of such design height and proportion as shall be approved of by the local authority and the local authority shall upon giving fourteen days' previous notice to the Promoters of their desire to do so have the right to use such standards and brackets for the support of any electric wires or lamps or any gas lamp that may be the property of the local authority or of any company with whom such authority shall contract for the lighting of street lamps ;

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

(4) If at any time the local authority shall become entitled under the provisions of section 41 or 42 of the Tramways Act 1870 or of any other enactment to remove the tramways within their district or any part thereof the local authority may without removing such tramways or in addition thereto remove the electrical equipment of such tramways or of such part thereof in like manner and subject to the same provisions as to the payment of the costs in every respect as in cases of removal of tramways under section 41 of the said Act ;

(5) Any difference which may arise under this section between the Promoters and the local authority shall be determined by the Board of Trade.

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

25. The Promoters or any person using electrical or any mechanical power on any of the tramways contrary to the provisions of this Order or to any of the regulations set forth in the Schedule A to this Order annexed or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters or any person using electrical 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 or in case the said Board is satisfied that the use of such power is a

danger to the passengers or the public 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.

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26. Subject to the provisions of this Order the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of the tramways upon which electrical 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):—

Byelaws by
Board of Trade.

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.

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

As to recovery
of penalties.

28. The local authority of any district in which any of the tramways or any part thereof is situate may make repeal and alter byelaws for preventing the overcrowding of the carriages used on such tramway or part thereof and for prohibiting or regulating the use of the windows of such carriages or any part or parts thereof for advertising purposes and the purposes of this section shall be deemed to be matters as to which the local authority is empowered to make regulations by section 46 of the Tramways Act 1870.

Byelaws by
local authority.

29. 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

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

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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.

30. 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.

Restrictions
on use of
electrical
power.

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

- (1) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance ;
- (2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances ;
- (3) The powers by this Order conferred with respect to the use of electrical power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade hereinafter referred to as the prescribed regulations 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 or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return ;
- (4) If the Promoters use electrical power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they 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 during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters in the use of electrical power under the authority of this Order have made default in complying with the provisions of this Order or with any of the prescribed regulations or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electrical power and thereupon the Promoters shall cease to use electrical

power and shall not again use 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 ;

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(5) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such un-insulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of two years from the passing of the Act confirming this Order nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Promoters and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be ;

(6) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes ;

(7) The expression "the Promoters" in this section shall include their lessees and the licencees and any person owning or using any tramways of the Promoters.

32. In the event of any tramways of the Promoters being worked by electricity the following provisions shall have effect :—

For protection
of the Post-
master-
General.

(1) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster General and the currents in such telegraphic lines and shall use every reasonable means in the construction

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of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Promoters have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator ;

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

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

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

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

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

(6) For the purposes of this section a telegraphic line of the Postmaster General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through

induction or otherwise in any manner affected by such act or work or by any use made of such work ;

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- (7) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section ;
- (8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 ;
- (9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act ;
- (10) Nothing in this section contained shall be held to deprive the Postmaster General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid ;
- (11) In this section the expression "the Promoters" includes their lessees and the licensees and any person owning working or running carriages on any of the tramways of the Promoters and the expressions "tramways" and "undertaking" include any tramways owned worked or used by the Promoters.

Traffic upon Tramways.

33. The tramways may be used for the purpose of conveying passengers goods minerals and parcels but not for conveying animals.

Traffic upon tramways.

34. The Promoters shall at all times after the opening of the tramways or any part or parts thereof for public traffic provide such service of cars as may be reasonably required in the public interests and shall commence such service at half-past five in the morning (except on Sundays Christmas Day and Good Friday) and the Promoters shall be liable to a penalty of not exceeding five pounds for every day on which they shall fail to comply with the provisions of this section Any question which may arise as to the service of cars required in the public interests may be determined on the application of the Promoters or of the local authority or other body or person by the Board of Trade whose decision shall be final and conclusive.

Service of cars.

Tolls.

35. The Promoters may demand and take for every passenger travelling upon any of the tramways or any part thereof including tolls or charges for the use of the tramways and carriages and for motive power and every other

Tolls for passengers.

[Ch. clxvi.] *Tramways Orders Confirmation* [59 & 60 Vict.]
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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 and not being less than half a mile any sum not exceeding twopence.

As to fares on
Sundays and
holidays.

36. It shall not be lawful for the Promoters or any company or person working or using the tramways to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary weekdays.

Passengers'
luggage.

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

Cheap fares
for labouring
classes.

38. The Promoters at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run at least 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 half-past five in the evening respectively as the Promoters think most convenient for artizans mechanics daily labourers clerks and shop assistants 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 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
goods &c.

39. The Promoters may demand and take in respect of any goods minerals or parcels conveyed by them on the tramways (except as is by this Order specially provided) including the tolls and charges for the use of the tramways and of wagons 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.

40. The tolls and charges by this Order authorised shall be paid to such persons and at such places upon or near to the tramways and in such manner and under such regulations as the Promoters may by byelaw made under section 46 of the Tramways Act 1870 appoint.

Periodical
revision of
tolls.

41. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of

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

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 —
Potteries.

Miscellaneous.

42.—(1.) The Promoters may by agreement enter upon run over and use with their engines carriages and servants for the purposes of traffic of all kinds the whole or any part of the tramways and works belonging to the North Staffordshire Tramways Company Limited (in this section called "the Company") together with all stables carriages sheds offices warehouses stations sidings junctions machinery works and conveniences of or connected with the said tramways.

Running
 powers and
 working
 agreements.

Provided that the terms and conditions upon which the powers conferred by this subsection are agreed to be exercised and the tolls or other consideration to be paid therefor shall be subject to the approval of the Board of Trade.

(2.) The Promoters on the one hand and the Company on the other hand may from time to time enter into and carry into effect contracts and agreements with respect to all or any of the following matters (that is to say) :—

- (a.) The working use management construction and maintenance by the contracting parties of all or any of their respective tramways and works or any part or parts thereof respectively ;
- (b.) The supply of rolling stock plant machinery and electrical energy or power for the purposes of such tramways and works ;
- (c.) The appointment and removal of officers and servants ;
- (d.) The payments to be made and the conditions to be performed in respect of such working use management construction and maintenance ;
- (e.) The interchange accommodation conveyance transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties ; and
- (f.) The division and apportionment of the revenue arising from such traffic and the payment of any fixed or contingent rent :

[Ch. clxvi.] *Tramways Orders Confirmation* [59 & 60 VICT.]
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A.D. 1896.

Potteries.

Provided that none of the powers of this section shall be exercised within the borough of Longton except with the consent in writing of the mayor aldermen and burgesses of that borough under the hand of their town clerk which consent may be given for such period and upon such terms and conditions as may be agreed upon between the said mayor aldermen and burgesses and the Promoters.

Power to enter into agreements with respect to traffic.

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

Power to hold patents.

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

Power to agree for a supply of electrical energy by other companies &c.

45. The Promoters may from time to time enter into and carry into effect agreements with any company body or person for the supply by such company body or person of electrical energy for the purposes of this Order.

Provisions as to arbitration.

46. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall except where otherwise specially provided apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the Taxing Masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such Masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Form and delivery of notices.

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

- (1) Every notice shall be in writing or print 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 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.

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

48. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has

been signified in writing signed by a secretary or an assistant secretary of the said Board.

A. D. 1896.

Potteries.

Provided that at any time after the passing of the Act confirming this Order the undertaking may with the consent of the Board of Trade and notwithstanding that the tramways may not have been opened for traffic for a period of six months or completed or commenced be transferred by the Promoters to the British Electric Traction (Pioneer) Company Limited and when such transfer has been made all the rights powers authorities obligations and liabilities of the Promoters in respect to the undertaking shall be transferred to vested in and may be exercised by and shall attach to the said Company in like manner as if the powers of this Order had been conferred upon that Company and in reference to the same the said Company shall thereafter be deemed to be the Promoters The provisions of this section shall be in addition to and not in substitution for the provisions contained in section 44 of the Tramways Act 1870.

49. Nothing in this Order or in the Tramways Act 1870 contained shall prevent the Promoters borrowing money on the security of mortgages of the undertaking or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Promoters in the event of a compulsory sale of the undertaking or any part thereof to the local authority under section 43 of the Tramways Act 1870 and that every mortgage deed granted by the Promoters shall be endorsed with notice that such mortgage will not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being purchased by the local authority under section 43 of the Tramways Act 1870.

Saving as to powers of borrowing on mortgage.

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

Saving for general Acts.

SCHEDULES.

SCHEDULE A.

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.

Break power of engines.

[Ch. clxvi.] *Tramways Orders Confirmation* [59 & 60 VICT.]
(No. 2) Act, 1896.

A.D. 1896. Every engine used on the tramways shall have its number shown in some conspicuous part thereof and shall be fitted—

Potteries.
As to fittings
of engines &c.

- With an indicator by means of which the speed shall be shown ;
- With a suitable fender to push aside obstructions ;
- With a special bell whistle or other apparatus to be sounded as a warning when necessary ; and
- With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

As to car-
riages.

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

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

Inspection of
engines and
carriages.

The Board of Trade shall on the application of the local authority of any district in which any mechanical or electric 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 without the consent of the Board of Trade exceed the rate of eight miles an hour.

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

SCHEDULE B.

TOLLS AND CHARGES FOR GOODS &C.

<i>Goods and Minerals.</i>	Per Mile. s. d.
For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways	per ton 0 2
For all iron iron-ore pig-iron bar-iron rod-iron sheet-iron hoop-iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway chairs	per ton 0 2½

[59 & 60 VICT.] *Tramways Orders Confirmation* [Ch. clxvi.]
 (No. 2) Act, 1896.

	Per Mile.	A.D. 1896.
	s. d.	— <i>Potteries.</i>
For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings	per ton 0 3	
For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things	per ton 0 4	
For every carriage of whatever description	- - - 1 0	

Small Parcels.

	Any Distance.
For every 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 sum as the Promoters may think fit.	

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

Single Articles of Great Weight.

For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but do 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 Rates.

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 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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Potteries.

SCHEDULE C.

AGREEMENT made the eighteenth day of April 1896 between the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF BURSLEM (hereinafter called "the Corporation") of the one part and STEPHEN PRESCOTT WHITE D'ALTE SELLON of Staines in the county of Middlesex JOHN FELL of Leamington in the county of Warwick FRANCIS ASHBY of Staines aforesaid and EMILE GARCKE of 1 and 2 Great Winchester Street in the city of London (all of whom are hereinafter called "the Promoters") of the other part.

WHEREAS the Promoters have applied to the Board of Trade under the Tramways Act 1870 for a Provisional Order (hereinafter called "the Order") authorising them to construct street tramways in the Potteries district and amongst others certain tramways and a part of a tramway in the said borough of Burslem which said tramways and part of a tramway to be situate in the said borough of Burslem are hereinafter called "the tramways."

And whereas it is intended that provision shall be made in the Order for transferring to and vesting in the Corporation in certain events to be specified in the Order the powers of the Promoters in relation to the construction and completion of the tramways and the equipment thereof for working the same by electrical power.

Now it is hereby mutually agreed by and between the parties hereto as follows (that is to say):—

- (1) In the event of the Corporation constructing or completing any of the tramways or any part thereof in pursuance of the powers conferred upon them by the Order the Corporation shall grant to the Promoters and the Promoters shall accept a lease of the same and of the works in connexion therewith constructed by the Corporation for a term commencing on the fourteenth day after the same shall have been certified by the Board of Trade to be fit for public traffic and terminating at the expiration of twenty-one years from the 1st day of August 1896 or from the day on which the Bill confirming the Order shall receive the Royal Assent (whichever date shall be the earlier);
- (2) The annual rent to be reserved by the said lease shall be a sum equal to that which the Corporation would be required to provide annually for repaying the moneys borrowed by them for the purposes of the Order by equal annual instalments of principal and interest combined within a period terminating at the expiration of the said lease the interest being calculated at the rate of 3l. 5s. per centum per annum. The said rent shall be payable quarterly on the usual quarter days free of all deductions and the first payment shall be made on the quarter day occurring next after the commencement of the lease;

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Potteries.

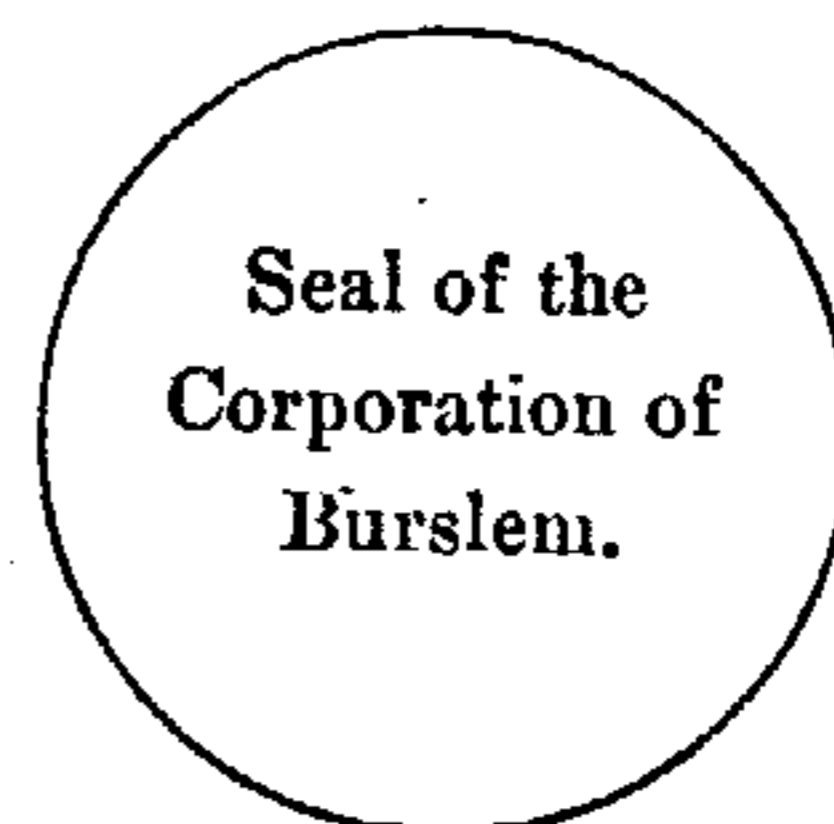
- (3) The said lease shall contain covenants by the Promoters to keep the premises thereby demised in good working order and repair and in such working order and repair to leave the same at the expiration or sooner determination of the lease and to work the tramways thereby demised by electrical power (unless the Corporation shall agree to any other motive power) and a condition of re-entry for non-payment of the rent for twenty-one days after the same shall have become due and for the breach non-observance or non-performance of any of the covenants and conditions in the lease contained and on the part of the Promoters to be observed or performed The said lease shall also contain such further covenants clauses conditions and provisions as are usual or proper in similar leases and if any dispute shall arise as to the contents of the said lease the same shall be referred to and determined by the town clerk for the time being of the city of Liverpool and the Arbitration Act 1889 shall apply accordingly ;
- (4) The Promoters shall pay the costs of the Corporation (including stamp duty) in connexion with this agreement and the said lease ;
- (5) This agreement is made subject to confirmation by Parliament and the Promoters shall use their best endeavours to secure the scheduling of this agreement to and the confirmation of the same by the Order.

In witness whereof the common seal of the Corporation has been hereunto affixed and the Promoters have hereunto set their respective hands the day and year first above written.

The corporate common seal of the said Corporation
was hereunto affixed in the presence of

THOMAS WOOD
Mayor

ARTHUR ELLIS
Town Clerk.



Signed by all the said parties in the presence of
R. HARDING MILWARD
Solicitor
188 Fleet Street E.C.

JOHN FELL
EMILE GARCKE
STEPHEN SELTON
FRANCIS ASHBY
(ppro. S. S.)

A.D. 1896.

Potteries.

SCHEDULE D.

AGREEMENT made the eighteenth day of April 1896 between the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF STOKE-UPON-TRENT (herein-after called "the Corporation") of the one part and STEPHEN PRESCOTT WHITE D'ALTE SELLON of Broadway House in the county of Middlesex JOHN FELL of Leamington in the county of Warwick FRANCIS ASHBY of Staines in the county of Middlesex and EMILE GARCKE of 1 and 2 Great Winchester Street in the city of London (all of whom are herein-after called "the Promoters") of the other part.

WHEREAS the Promoters have applied to the Board of Trade under the Tramways Act 1870 for a Provisional Order (herein-after called "the Order") authorising them to construct street tramways in the Potteries district and amongst other portions of certain tramways in the said borough of Stoke-upon-Trent which said portions of tramways to be situate in the said borough of Stoke-upon-Trent are herein-after called "the tramways":

And whereas it is intended that provision shall be made in the Order for transferring to and vesting in the Corporation in certain events to be specified in the Order the powers of the Promoters in relation to the construction and completion of the tramways and the equipment thereof for working the same by electrical power.

Now it is hereby mutually agreed by and between the parties hereto as follows (that is to say):—

- (1) In the event of the Corporation constructing or completing any of the tramways or any part thereof in pursuance of the powers conferred upon them by the Order the Corporation shall grant to the Promoters and the Promoters shall accept a lease of the same and of the works in connection therewith constructed by the Corporation for a term commencing on the fourteenth day after the same shall have been certified by the Board of Trade to be fit for public traffic and terminating at the expiration of twenty-one years from the first day of August one thousand eight hundred and ninety-six or from the day on which the Bill confirming the Order shall receive the Royal Assent (whichever date shall be the earlier).
- (2) The annual rent to be reserved by the said lease shall be a sum equal to that which the Corporation would be required to provide annually for repaying the moneys borrowed by them for the purposes of the Order by equal annual instalments of principal and interest combined within a period terminating at the expiration of the said lease the interest being calculated at the rate of 3*l.* 5*s.* 0*d.* per centum per annum The said rent shall be payable quarterly on the usual quarter days free of all deductions and the first payment shall be made on the quarter day occurring next after the commencement of the lease.
- (3) The said lease shall contain covenants by the Promoters to keep the premises thereby demised in good working order and repair and in such

working order and repair to leave the same at the expiration or sooner determination of the lease and to work the tramways thereby demised by electrical power (unless the Corporation shall agree to any other motive power) and a condition of re-entry for non-payment of the rent for twenty-one days after the same shall have become due and for the breach non-observance or non-performance of any of the covenants and conditions in the lease contained and on the part of the Promoters to be observed or performed The said lease shall also contain such further covenants clauses conditions and provisions as are usual or proper in similar leases and if any dispute shall arise as to the contents of the said lease the same shall be referred to and determined by the town clerk for the time being of the city of Liverpool and the Arbitration Act 1889 shall apply accordingly.

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Potteries.

- (4) The Promoters shall pay the costs of the Corporation (including stamp duty) in connexion with this agreement and the said lease.
- (5) This agreement is made subject to confirmation by Parliament and the Promoters shall use their best endeavours to secure the scheduling of this agreement to and the confirmation of the same by the Order.

In witness whereof the common seal of the Corporation has been hereunto affixed and the Promoters have hereunto set their respective hands the day and year first above written.

The common seal of the mayor aldermen and burgesses of the borough of Stoke-upon-Trent was affixed hereto in the presence of

J. BIRKS

Mayor

JNO. B. ASHWELL

Town Clerk.



Signed by all the said parties in the presence of
R. HARDING MILWARD

Solicitor

188 Fleet Street E.C.

JOHN FELL

EMILE GARCKE

STEPHEN SELLON

FRANCIS ASHBY

(ppro. S. S.)

A.D. 1896.

SWANSEA.

Swansea. Order authorising the construction of a Tramway on Constitution Hill
in the Borough of Swansea.

Short title. 1. This Order may be cited as the Swansea (Constitution Hill) Tramway
Order 1896.

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

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

Provided that in this Order :—
The expressions “the tramway” and “the undertaking” mean respectively
the tramway and works and the undertaking by this Order authorised.
The expression “the borough” means the borough of Swansea.
The expression “the Corporation” means the mayor aldermen and burgesses
of the borough.

Promoters.

The Promoters. 4. William Bondfield Westlake of Swansea and his executors administrators
and 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 purchase take on lease and acquire for
the purposes of the undertaking such lands as they may require and may from
time to time sell let and dispose of any such lands which may not be necessary
for such purposes and may erect or construct on any such lands any offices
stables sheds workshops stores waiting-rooms or other buildings yards works
and conveniences for the purposes of the undertaking provided that they shall
not at any time hold for such purposes more than two acres of land but
nothing in this Order shall exonerate the Promoters from any indictment action
or other proceeding for nuisance in the event of any nuisance being caused or
permitted by them upon lands taken under the powers of this section.

Construction of Tramway

Construction
of tramway. 6. The Promoters may construct and maintain subject to the provisions of
this Order and in accordance with the plan and section deposited at the office
of the Board of Trade for the purposes of this Order (in this Order referred to
respectively as “the deposited plan” and “the deposited section”) the tramway
hereinafter described with all proper rails points junctions plates offices
weigh-bridges carriage-houses engine-sheds warehouses works and conveniences

connected therewith or for the purposes thereof The tramway authorised by this Order will be situate in the borough and is as follows (that is to say):—

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 —
Swansea.

A tramway (1 furlong 4 chains in length whereof 1 furlong 2 chains will be interlacing line and 2 chains will be double line) situate in Constitution Hill commencing at a point 15 feet south of the intersection of the centre lines of that hill and Terrace Road and terminating at a point 20 feet north-west of the intersection of the centre lines of Constitution Hill and St. George's Street.

The tramway will be interlacing line except between the points respectively 1 chain north and 1 chain south of the intersection of the centre lines of Montpellier Terrace and Constitution Hill where it will be double line.

7. The tramway shall be constructed on a gauge of three feet six inches or on such other gauge as may be determined by the Promoters with the consent of the Board of Trade and of the Corporation. Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramway beyond the outer edge of the wheels of such carriages shall not apply to carriages used on the tramway but no carriage used on the tramway shall exceed six feet in width or such other width as the Board of Trade may from time to time prescribe.

Gauge.

8. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining or renewing the tramway lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing the tramway and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance or renewal of the tramway or any part thereof 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 26 of the said Act Provided that the word "materials" in this section does not include materials for metalling paving or making good the road.

Provisions as to construction of tramway.

9. The rails of the tramway 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 Corporation require the Promoters to adopt and apply such improvements in the tramway 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.

Rails.

10. The Promoters shall at all times maintain and keep in good condition and repair to the satisfaction of the road authority and so as not to be a danger or annoyance to the ordinary traffic the rails of which the tramway for the time

Penalty for not maintaining rails and road in good condition.

[Ch. clxvi.] *Tramways Orders Confirmation* [59 & 60 VICT.]
(No. 2) Act, 1896.

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being consists and the substructure upon which the same rests and if the Promoters at any time make default in complying with this provision or with any of the requirements of section 28 of the Tramways Act 1870 they shall for every such offence be subject 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 on which such default continues after conviction thereof and such penalties shall be penalties within the meaning of section 56 of the said Act.

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

Local authority
to have access
to sewers.

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

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

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

Alteration of
tramway.

13. In constructing or renewing the tramway or any part thereof the Promoters may with the consent of the Board of Trade and of the Corporation lay down double or single or interlacing lines throughout the whole or any part thereof and with the like consents the Promoters may construct or reconstruct the tramway or any part thereof in such position in Constitution Hill as they may think fit.

Additional
passing places
and sidings.

14. The Promoters may from time to time hereafter make maintain alter and remove all such crossings passing-places sidings junctions turnouts 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 tramway or for providing access to any carriage-houses sheds or works of the Promoters subject in each case to the approval of the Corporation Provided nevertheless that in the construction of any such works no rail shall except with the consent of the Board of Trade be so laid that a less space than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road if the owner or owners occupier or occupiers

of the premises abutting upon the place where such rail is so proposed to be laid shall by notice in writing under their hands addressed to the Promoters express their objection thereto. A.D. 1896.
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15. Any paving metalling or material excavated by the Promoters in the construction of any works under the authority of this Order from any road 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. Application of road materials excavated in construction of works.

16. The tramway shall not be open for public traffic until the same has been certified to be fit for such traffic by the Board of Trade. Tramway not to be opened until certified by Board of Trade.

17. The following provisions for the protection and benefit of the Corporation shall unless otherwise agreed between the Corporation and the Promoters apply and have effect :— For the protection of the Corporation of Swansea.

(1.) If the Promoters shall construct any part of the tramway over any existing manhole of a sewer belonging to the Corporation or in any way interfering with any such manhole the Promoters shall before the tramway is opened for public traffic alter the position of such manhole in order to provide access to the sewer without interference with the tramway.

(2.) The tramway shall not be opened for public traffic until the road in which it is laid is pitched curbed paved channelled and lighted to the reasonable satisfaction of the Corporation.

(3.) All works to be executed by the Promoters in pursuance of this section and any waiting rooms to be provided by the Promoters under this Order shall be executed and constructed to the reasonable satisfaction of the Corporation or of their surveyor and in accordance with plans previously submitted to and reasonably approved by the Corporation or their surveyor.

(4.) In any purchase of the undertaking by the Corporation in pursuance of the powers conferred upon them by section 43 of the Tramways Act 1870 the rolling stock of the Promoters shall not be included.

(5.) If any question or difference shall arise between the Promoters and the Corporation or their surveyor with reference to the provisions of subsections (1) (2) and (3) of this section or with reference to any plans submitted to the Corporation thereunder or to the mode of executing any works in pursuance thereof the same shall be deemed to be a matter in difference within the meaning of section 33 of the Tramways Act 1870 and the provisions as to arbitration of that section and of this Order shall apply accordingly.

Motive Power.

18. The carriages used on the tramway may subject to the provisions of this Order be moved 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 Motive power.

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by any form of mechanical power specially approved by the Board of Trade in writing including in that expression cable power (that is to say haulage by ropes wires cables chains or other appliances placed underground and operated by means of water balance on the carriages or by a stationary engine or stationary engines or otherwise) Provided that the exercise of the powers hereby conferred with respect to the use of any such power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (hereinafter referred to as "the prescribed regulations") 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 mechanical power on the tramway.

Construction
of reservoirs
&c. in road.

19. For the purpose of working the tramway by mechanical power the Promoters may construct maintain and use on above and below the surface of the road at or near to the commencement and termination of the tramway buildings and chambers containing reservoirs tanks pumps engines machinery works apparatus and things together with steps openings and ways for affording access thereto and may construct lay down maintain and use on above and below the surface of the road in which the tramway is laid slot-rails tubes cables mains pipes subways tunnels openings posts brackets conductors and apparatus and on above and below the surface of any other road or street mains pipes posts brackets conductors and apparatus for the purpose of obtaining a supply of water and electrical energy Provided that in addition to the requirements of section 26 of the Tramways Act 1870 and of section eight of this Order the Promoters before they commence any of the works by this section authorised shall lay before the Board of Trade and the Corporation plans and sections showing the proposed mode of construction of the said works and a statement of the materials to be used and the Promoters shall not commence the said works until such plans sections and statement have been approved by the Board of Trade and the Corporation and the said works shall be constructed in all respects in accordance with the plans sections and statement so approved.

Agreements for
supply of water
and electrical
energy.

20. The Promoters and the Corporation may enter into and carry into effect agreements for the supply to the Promoters of water and electrical energy.

Penalty for
using mechan-
ical power
contrary to
Order or
regulations.

21. The Promoters or any person using any power on the tramway contrary to the provisions of this Order or to any of the regulations prescribed by the Board of Trade or to any regulation added thereto or substituted therefor by any order made by the said Board 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 during which such offence continues after conviction thereof 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 any power on the tramway 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 prescribed by the Board of Trade or with any regulation which may have been added thereto or substituted therefor as aforesaid or in case the Board of Trade is satisfied that the use of such power is a danger to the passengers or to the public 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.

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22. Subject to the provisions of this Order the Board of Trade may make and when made may rescind annul or add to byelaws with regard to the tramway for all or any of the following purposes (that is to say) :—

Byelaws.

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

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

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

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

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

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

As to recovery of penalties.

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

Amendment of Tramways Acts 1870 as to byelaws by local authority.

25. All orders and byelaws made and consents approvals and certificates given by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board of Trade and when

Authentication of orders byelaws &c.

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purporting to be so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Act 1868 and may be proved accordingly.

Restrictions
on use of
electrical
power.

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

- (1.) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance:
- (2.) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances:
- (3.) The exercise of the powers by this Order conferred with respect to the use of electrical power shall be exercised only in accordance with the prescribed regulations and with 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 or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:
- (4.) If the Promoters use electrical power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they 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 during which such offence continues after conviction thereof. Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters in the use of electrical power under the authority of this Order have made default in complying with the provisions of this Order or with any of the prescribed regulations or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electrical power and thereupon the Promoters shall cease to use electrical power and shall not again use 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:
- (5.) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other

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works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and other apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of two years from the passing of the Act confirming this Order nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Promoters and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :

- (6.) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes :
- (7.) The expression "the Promoters" in this section shall include their lessees and the licencees and any person owning working or running carriages by electrical power over the tramway.

27. In the event of any tramways of the Promoters being worked by electricity the following provisions shall have effect :—

- (1.) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein If any question

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of the Post-
master
General.

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arises as to whether the Promoters have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

- (2.) If any telegraphic line of the Postmaster General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster General as may be necessary to remedy such injurious affection.
- (3.) (a.) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster General (other than repairs or the laying of lines crossing the line of the Postmaster General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster General specifying the course of the line and the nature of the work including the gauge of the wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster General for the purpose of preventing any telegraphic line of the Postmaster General from being injuriously affected by the said act or work.
(b.) Any difference which arises between the Postmaster General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration.
- (4.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.
- (5.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the Court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.
- (6.) For the purposes of this section a telegraphic line of the Postmaster General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through

induction or otherwise in any manner affected by such act or work or by any use made of such work.

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- (7.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section.
- (8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.
- (9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.
- (10.) Nothing in this section contained shall be held to deprive the Postmaster General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid.
- (11.) The expression "the Promoters" in this section shall include their lessees and the licencees and any person owning working or running carriages by electrical power over the tramway.

Traffic upon Tramway.

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

Traffic upon tramway.

29. 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.

Promoters not bound to carry animals goods &c.

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

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

Rates.

31. The Promoters may demand and take for every passenger travelling upon the tramway or any part thereof including tolls and charges for the use of the tramway and of the carriages and for motive power and for every other expense incidental to such conveyance any sum not exceeding twopence.

Rates for passengers.

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As to fares on
Sundays and
holidays.

Passengers
luggage.

Cheap fares for
labouring
classes.

Rates for
animals goods
&c.

Periodical
revision of
tolls.

32. It shall not be lawful for the Promoters or any Company or person working or using the tramway to take or demand on Sunday or on any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

33. Every passenger travelling upon the tramway may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof 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.

34. The Promoters at all times after the opening of the tramways or any part thereof for public traffic shall if so required by the Board of Trade or by the local authority run at least one carriage each way every morning in the week and every evening (except Saturday) in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning nor 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 penny Provided that in case of any complaint made to the Board of Trade as to the hours appointed by the Promoters for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

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

36. If at any time after three years from the opening for public traffic of the tramway or any portion of the tramway or after three years from the date of any order made in pursuance of this section in respect of the tramway or any portion of the tramway it is represented in writing to the Board of Trade by the local authority of the district in which the tramway or such portion of the tramway is wholly or partially situate or by twenty inhabitant ratepayers of any such district or by the Promoters that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramway or on such portion of the tramway 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 tramway or on such portion of the tramway in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or

[59 & 60 VICT.] *Tramways Orders Confirmation* [Ch. clxvi.]
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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 Provided
also that a copy of this section shall be annexed to every table or list of tolls
published or exhibited by the Promoters.

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

Payment of
rates.

Miscellaneous.

38. Where under the provisions of the Tramways Act 1870 and this Order
any matter in difference is referred to the arbitration of any person nominated
by the Board of Trade the provisions of the Arbitration Act 1889 shall apply
to every such arbitration and the decision of the arbitrator shall be final and
conclusive and binding on all parties and the costs of and incidental to the
arbitration and award shall if either party so require be taxed and settled as
between the parties by any one of the taxing masters of the High Court and
such fees may be taken in respect of the taxation as may be fixed in pursuance
of the enactments relating to the fees to be demanded and taken in the offices
of such masters and all those enactments including the enactments relating to
the taking of fees by means of stamps shall extend to the fees in respect of the
said taxation.

Provisions as
to arbitration.

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

Form and
delivery of
notices.

(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 the Promoters or by the secretary or
clerk of the Promoters or of such authority (as the case may be).

(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 or sent by post in a registered letter to the
principal office of such authority body or company or of the Promoters
(as the case may be).

40. The Promoters and the Corporation may subject to the provisions of
this Order from time to time enter into and carry into effect agreements with
respect to the alteration of the widths or levels of the road along which the
tramway is laid and with respect to the construction maintaining removing
renewing repairing and using of the tramway and the rails plates sleepers and
works connected therewith and the facilitating the passage of the traffic over
the same.

Agreements
between Pro-
moters and
road authori-
ties.

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.

Approval of
Board of Trade
to sale.

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

Saving for general Acts.

43. Nothing in this Order contained shall exempt the Promoters or any person using the tramway from the provisions of any general Act relating to tramways now in force or which may hereafter be passed during this or any future Session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates and charges authorised by this Order.

THE SCHEDULE.

RATES AND CHARGES FOR ANIMALS GOODS &C.

Animals.

	s.	d.
For every horse mule or other beast of draught or burden - per head	1	0
For every ox cow bull or head of cattle - " "	1	0
For every calf pig sheep or other small animal - " "	0	6

Goods and Minerals.

For all goods and minerals (except as herein provided) - per ton	1	0
For every carriage of whatever description - " "	2	0

Parcels.

For any parcel not exceeding in weight 7 lbs. - each	0	3
For any parcel exceeding 7 lbs. but not exceeding 14 lbs. in weight - each	0	5
For any parcel exceeding 14 lbs. but not exceeding 28 lbs. in weight - each	0	7
For any parcel exceeding 28 lbs. but not exceeding 112 lbs. in weight - each	0	9

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 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. 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 6

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 Rates.

For a fraction of a ton the Promoters may demand and take rates 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 imperial avoirdupois weight.

With respect to stone and timber 14 cubic feet of stone 40 cubic feet of oak mahogany teak beech or ash and 50 cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

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