



CHAPTER clxxii.

An Act for confirming certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Bath Tramways, Birkdale and Southport Tramways, Bristol Tramways (Extensions), Cambridge Street Tramways (Extension), Cardiff District and Penarth Harbour Tramways, Croydon Street Tramways (Extensions), Darlington Tramways, Dudley, Sedgley, and Wolverhampton Tramways, Ipswich Tramways (Extensions), Llanelly Tramways, Merthyr Tramways, Peterborough Tramways, Staffordshire Tramways (Additional Powers), Stockton-on-Tees and District Tramways, Sunderland Tramways (Use of Mechanical Power), Withington Local Board Tramways, and Wolverhampton Tramways (Use of Mechanical Power). [26th August 1880.]

A.D. 1880.

WHEREAS under the authority of the Tramways Act, 1870, the Board of Trade have made the several Provisional Orders set out in the Schedule to this Act annexed:

33 & 34 Vict.
c. 78.

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

33 & 34 Vict.
c. 78.

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

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

1. This Act may be cited as the 'Tramways Orders Confirmation (No. 1) Act, 1880.

Short title.

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Confirmation
of Orders in
schedule.

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

SCHEDULE.

1. BATH TRAMWAYS.—Order authorising the construction of tramways in the city and borough of Bath and its vicinity.
2. BIRKDALE AND SOUTHPORT TRAMWAYS.—Order authorising the Birkdale and Southport Tramways Company, Limited, to construct tramways in the borough of Southport and the district of Birkdale in the county of Lancaster.
3. BRISTOL TRAMWAYS (EXTENSIONS).—Order authorising the Bristol Tramways Company (Limited) to construct additional tramways in the city and county of Bristol.
4. CAMBRIDGE STREET TRAMWAYS (EXTENSION).—Order authorising the Cambridge Street Tramways Company to construct additional street tramways in the borough of Cambridge in the county of Cambridge.
5. CARDIFF DISTRICT AND PENARTH HARBOUR TRAMWAYS.—Order authorising the construction of tramways in the borough of Cardiff in the county of Glamorgan.
6. CROYDON STREET TRAMWAYS (EXTENSIONS).—Order authorising the Croydon Tramways Company to construct additional street tramways in the parish of Croydon in the county of Surrey.
7. DARLINGTON TRAMWAYS.—Order authorising the construction of tramways in the borough of Darlington in the county of Durham.
8. DUDLEY, SEDGLEY, AND WOLVERHAMPTON TRAMWAYS.—Order authorising the construction of tramways from Dudley in the county of Worcester to Wolverhampton in the county of Stafford.
9. IPSWICH TRAMWAYS (EXTENSIONS).—Order authorising the construction of additional tramways in the borough of Ipswich in the county of Suffolk.
10. LLANELLY TRAMWAYS.—Order authorising the construction of tramways in the borough of Llanelly in the county of Carmarthen.
11. MERTHYR TRAMWAYS.—Order authorising the construction of tramways in the parish of Merthyr Tydfil in the county of Glamorgan.
12. PETERBOROUGH TRAMWAYS.—Order authorising the construction of tramways in the city and borough of Peterborough in the county of Northampton.

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13. STAFFORDSHIRE TRAMWAYS (ADDITIONAL POWERS).—Order to extend and amend the Staffordshire Tramways Order, 1879. A.D. 1880.
14. STOCKTON-ON-TEES AND DISTRICT TRAMWAYS.—Order authorising the construction of tramways in and near to the borough of Stockton in the county of Durham.
15. SUNDERLAND TRAMWAYS (Use of Mechanical Power).—Order authorising the use of steam power or any mechanical power on the tramways of the Sunderland Tramways Company, Limited, and on the Tramways of the Mayor, Aldermen, and Burgesses of the borough of Sunderland.
16. WITHINGTON LOCAL BOARD TRAMWAYS.—Order authorising the construction of tramways in the Local Board district of Withington in the county of Lancaster.
17. WOLVERHAMPTON TRAMWAYS (Use of Mechanical Power).—Order authorising the use of steam power or any mechanical power on the tramways of the Wolverhampton Tramways Company, Limited.

BATH TRAMWAYS.

Bath.

Order authorising the construction of Tramways in the city and borough of Bath and its vicinity.

1. This Order may be cited as "The Bath Tramways Order, 1880." 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;
- The expression "the borough" shall mean the borough of Bath;
- The expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough acting by the council; and
- The term "person" shall include a corporation.

Promoters.

4. The Bath Tramways Company, Limited, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters." The Promoters.
5. The Promoters may, by agreement, from time to time purchase and 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 Lands by agreement.

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A.D. 1880. for such purposes, provided that they shall not at any time hold for such purposes more than five acres of land.
Bath.

Construction of Tramways.

Construction
of tramways.

6. The Promoters, subject to the provisions of this Order, shall construct, and for at least twenty-one years shall maintain, in accordance with the plans and sections deposited for the purposes of this Order, the tramways herein-after described, with all proper rails, points, junctions, plates, offices, weigh-bridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are—

Tramway No. 1, wholly in the parish of Twerton, commencing at a point in the Lower Bristol Road opposite the passenger entrance into the Twerton Station of the Great Western Railway Company, and passing thence along the Lower Bristol Road, and terminating therein at a point opposite the Midland Arms public-house.

The said Tramway No. 1 shall be a single line, except between the following points, where it shall be a double line:—

From the point of commencement for a length of two chains;

From opposite the Royal Oak public-house for a length of three chains westward.

The total length of the said Tramway No. 1 is 5 furlongs 8·28 chains, of which 5 furlongs 3·28 chains shall be single line and five chains double line.

Tramway No. 2, commencing in the parish of Twerton at a point opposite the Midland Arms public-house, passing thence along the Lower Bristol Road, across the Bath Bridge (known as the Old Bridge), thence along Southgate Street and Dorchester Street and the roadway opposite the Great Western Railway Station, and terminating in such roadway at a point in the parish of St. James one-and-a-half chains eastward from the cabman's shelter in the last-mentioned roadway.

The said Tramway No. 2 shall be a single line, except between the following points, where it shall be a double line:—

From the point of commencement for a length of three chains;

Between two points respectively one-and-a-half chains west and one-and-a-half chains east from Green Park Tavern;

From a point opposite the Wells Road to a point three chains west therefrom, and from the point of termination to a point two chains therefrom.

The total length of the said Tramway No. 2 shall be 7 furlongs 2·9 chains, of which 6 furlongs 1·90 chains shall be single line and eleven chains double line.

Tramway No. 4, commencing at a point in High Street opposite the entrance to the Guildhall, passing thence along High Street, Northgate Street, Walcot Street, Ladymead, Cornwell Buildings, London Street, and London Road, and terminating therein at a point in the parish of Swainswick opposite the east side of Gloucester Road.

The said Tramway No. 4 shall be a single line, except between the following points, where it shall be a double line:—

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From a point one chain south of St. Michael's Church to a point in Ladymead opposite the steps leading to the Paragon; A.D. 1880.

From a point one chain north of the southern side of the Penitentiary Chapel, in Cornwell Buildings, to a point three chains northward therefrom;

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From a point one chain west of the lamp-post at the junction of Cleveland Place and London Street for a length of three chains eastward therefrom;

From a point opposite Piccadilly Place for a length of three chains eastward therefrom;

From a point opposite the east end of Beaufort Buildings West for a length of three chains eastward therefrom;

The said Tramway No. 4 shall be laid in Walcot Street so that the centre of each line shall be one foot from the centre line of the street, and one of such lines only shall be used at one and the same time.

The total length of the said Tramway No. 4 is 1 mile 3 furlongs 6·48 chains, of which 1 mile 9·10 chains shall be single line and 2 furlongs 7·38 chains double line.

Tramway No. 5, commencing at the point of termination of Tramway No. 4, passing thence along London Road, and terminating in that road in the parish of Batheaston at a point five chains north-east of the entrance into Batheaston Lodge.

The said Tramway No. 5 shall be a single line, and the total length is 6 furlongs 7·90 chains.

Tramway No. 6, commencing in the parish of St. James, in Southgate Street, opposite the north side of Broad Quay, passing thence along Southgate Street, Stall Street, Cheap Street, and High Street, and terminating in High Street, in the parish of St. Peter and St. Paul, at a point one chain south of the entrance of the Guildhall.

The said tramway No. 6 shall be a single line, except between the following points, where it shall be a double line:—

Between a point one-and-a-half chains south of St. James' Church to a point one-and-a-half chains northward therefrom;

From a point one chain west of the east end of Cheap Street to the termination of the tramway.

The total length of the said Tramway No. 6 is 2 furlongs 8·70 chains, of which 2 furlongs 2·70 chains shall be single line and six chains double line.

The herein-before described tramways will be made and pass from, in, through, or into the following parishes or extra-parochial places, or some of them; that is to say, Twerton, Lyncombe and Widcombe, St. James, St. Peter and St. Paul, St. Michael, Walcot, Swainswick, and Batheaston, all in the county of Somerset.

7. Where any road in which any part of the tramways shall be laid shall, at the time of the passing of the Act confirming this Order, or at any time before or within one month after notice by the Promoters of their intention to lay such part, be paved with wood, the Promoters shall pave the road between the

Where roads paved with wood, tramways to be paved in like manner.

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Bath. such rails, with wood, and shall keep the same so paved during the time limited
by this Order for the maintenance of the tramways.

Gauge of
tramways.

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

Provisions as
to construction
of tramways.

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

Mode of for-
mation of
tramways.

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

Penalty for not
maintaining
rails and road
in good con-
dition.

11. The Promoters shall at all times maintain and keep in good condition
and repair, to the satisfaction of the road authority, and so as not to be a danger
or annoyance to the ordinary traffic, the rails of which any of the tramways
for the time being consist and the substructure upon which the same rest; and
if the Promoters at any time make default in complying with this provision, or
with any of the requirements of section twenty-eight of the Tramways Act,
1870, they shall for every such offence be subject, on information laid or com-
plaint made, to a penalty not exceeding five pounds, and in case of a continuing
offence to a further penalty not exceeding five pounds for every day after the
first on which such default continues, and such penalty may be recovered as by
section fifty-six of the said Act is provided.

In any case in which it is represented in writing to the Board of Trade
by the road authority of any district in which the tramways or any portion

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

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

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

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

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

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

Additional passing-places and sidings may be made where necessary.

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

Temporary tramways may be made when necessary.

If any difference arise between the Promoters and any road authority with respect to the reasonableness of any regulations, or with respect to the mode of

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Bath. constructing any temporary tramway or temporary tramways under the authority of this section, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Application of road materials excavated in construction of Promoters works.

16. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters, so far as may be necessary, in or towards the reinstating of such road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: 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.

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

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

Traffic upon Tramways.

Traffic upon tramways.

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

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

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

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

20. 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.

Traffic on Sundays, &c.

21. No cars shall be run for the conveyance of passengers before the hour of two p.m. on any Sunday, Good Friday, or Christmas Day, and cars shall not be run on any of those days past any church or other place of worship during the hours of divine service beyond a walking pace. In case of any car being

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run in contravention of the aforesaid provisions, the Promoters shall be liable to a penalty of forty shillings for each offence, to be recovered summarily. A.D. 1880.
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Tolls.

22. The Promoters may demand and take for every passenger travelling upon any of the tramways or any part thereof, including tolls or charges for the use of the tramways and of carriages, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding twopence for any distance traversed in the same direction at one time. Tolls for passengers.

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

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

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

26. 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. Payment of tolls.

27. 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

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

Miscellaneous.

Provisions as
to arbitration.

28. Where, under the provisions of the Tramways Act, 1870, and this Order, any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and
delivery of
notices.

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

Agreement
between Pro-
motors and
road autho-
rities.

30. The Promoters and any road authority may, subject to the provisions of this Order, from time to time enter into any contracts and 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 and along the same.

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

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

Provisions for
protection of
the Corpora-
tion.

32. The provisions for the protection of the Corporation set forth in the Schedule B. to this Order annexed shall be of the same force and effect as if the same were set forth in this Order.

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

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

34. 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 every mortgage deed granted by the Promoters shall be indorsed 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 forty-three of the Tramways Act, 1870.

Saving as to powers of borrowing on mortgage.

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

Saving for general Acts.

SCHEDULE A.

LIST OF TOLLS.

Animals.

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

Goods and Minerals.

For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton - - - - -	0	3
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Per mile.
s. d.

Bath.

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

Parcels.

For any parcel not exceeding seven pounds in weight	-	-	-	-	-	-	-	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight	-	-	-	-	-	-	-	0	5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight	-	-	-	-	-	-	-	0	7
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight	-	-	-	-	-	-	-	0	9
For any parcel exceeding fifty-six pounds in weight, such sums as the Promoters may think fit.									
Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.									

For the Carriage of single Articles of great Weight.

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

Regulations as to Tolls.

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

For a fraction of a ton the Promoters may demand and take tolls and charges according to the number of the quarters of a ton in such fraction ; and if there

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be a fraction of a quarter of a ton, such fraction shall be deemed a quarter of a ton. A.D. 1880.

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

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.

SCHEDULE B.

1. As security to the Corporation for the due completion to their reasonable satisfaction of the tramways authorised by the foregoing Order, the Promoters shall, in addition to complying with the provisions of section twelve of the Tramways Act, 1870, within two months after the passing of the Act confirming the said Order, deposit with the treasurer of the Corporation the sum of fifteen hundred pounds, or, at the option of the Corporation, assign to such treasurer such other security, of not less value, as the Corporation may consider sufficient; and the said sum, or any such security to be held in lieu thereof as aforesaid, shall be held by the said treasurer during the period of three years from the making of such deposit, as and for a guarantee for the due completion of the said tramways within the borough, to the reasonable satisfaction of the Corporation as aforesaid; and if any difference arises between the Corporation and the Promoters in relation to the due completion of the said tramways, such matter in difference shall be settled in manner provided by section thirty-three of the Tramways Act, 1870: Provided that, during the continuance of such deposit, the Corporation shall pay to the Promoters interest on the said sum of fifteen hundred pounds, at the rate of four pounds per centum per annum, or, if securities of that value are in lieu of cash deposited with the treasurer of the Corporation as aforesaid, the interest or dividend on such securities shall be payable to and received by the Promoters.

Guarantee as to due completion by the Promoters of tramways.

2. Within two months after the passing of the Act confirming the said Order the Promoters shall repay to the Corporation the sum of three hundred and seventy-five pounds for the costs and expenses incurred in laying chairs and the substructure of a tramway in High Street.

Promoters to pay Corporation for chairs laid.

3. If, by reason of the construction of the tramways, any alteration is rendered necessary in the level of any of the streets or roads within the borough or in the levels of the footways of such streets or roads, the reasonable expense of making such alteration shall be borne and paid by the Promoters: Provided that any difference arising between the Corporation and the Promoters in respect to the necessity for such alteration shall be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Promoters and any road authority.

If alteration in level of road or footways necessary in consequence of tramways, expense thereof to be borne by Promoters.

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*Birkdale and
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BIRKDALE AND SOUTHPORT TRAMWAYS.

*Order authorising the Birkdale and Southport Tramways Company,
Limited, to construct Tramways in the borough of Southport
and the district of Birkdale in the county of Lancaster.*

Short title.

1. This Order may be cited as "The Birkdale and Southport Tramways Order, 1880."

Incorporation
of Acts.

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

Interpretation.

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

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

The expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Southport in the county of Lancaster acting by the council;

The expression "the borough" shall mean the said borough of Southport;

The expression "the Local Board" shall mean the Local Board of Health for the district of Birkdale in the said county of Lancaster;

The expression "the Birkdale District" shall mean the said district of Birkdale; and

The term "person" shall include a corporation.

Promoters.

The Promoters.

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

Lands by agree-
ment.

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.

Construction of Tramways.

Construction
of tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited for the purposes of this Order (in this Order referred to respectively as the "deposited plans" and "deposited sections"), except as herein-after provided, the tramways herein-after described, with all proper rails, offices, weighbridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith or for the purposes thereof, and may work and use the same.

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The tramways authorised by this Order are,—

Tramway No. 1, wholly in the township and in the parish of North Meols in the borough of Southport in the county of Lancaster, consisting of Tramway Portions Nos. 1A to 1C, both inclusive, and commencing in Hoghton Street at a point 0·85 chains from the centre of Manchester Road by a junction with Tramway No. 3, and passing thence in a south-westerly direction along Hoghton Street, thence into and along Chapel Street to its termination at a point 1 chain north-east of the centre of Eastbank Street. The total length of Tramway No. 1 is 3 furlongs 6·80 chains, and it consists of 3 chains of double line and 3 furlongs 3·80 chains of single line.

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The double and single portions of Tramway No. 1 are particularised as follows:

Tramway Portion 1A, a single line, 2 furlongs 1·50 chains in length, commencing in Hoghton Street at a point 0·85 chains from the centre of Manchester Road by a junction with Tramway No. 3, and passing along Hoghton Street, and terminating at a point 3 chains north-east of the north-east side of London Street:

Tramway Portion 1B, a double line, 3 chains in length, wholly (in Hoghton Street, commencing by a junction with Tramway Portion 1A at the termination thereof, and terminating at a point opposite the north-east side of London Street:

Tramway Portion 1C, wholly in Chapel Street, a single line, 1 furlong 2·30 chains in length, commencing by a junction with Tramway Portion 1B at the termination thereof, and terminating at a point 1 chain north-east of the centre of Eastbank Street by a junction with Tramway No. 2:

Tramway No. 2, wholly in the township and in the parish of North Meols in the borough of Southport in the county of Lancaster, consisting of Tramway Portions Nos. 2A to 2R, both inclusive, and commencing in Chapel Street at a point 1 chain north-east of the centre of Eastbank Street, by a junction with Tramway No. 1 at the termination thereof, passing in a south-easterly direction by a curved line into Eastbank Street, and thence into and along Scarisbrick New Road, and terminating at a point 1·28 chains south-east of the entrance to the Alexandra Hotel. The total length of Tramway No. 2 is 1 mile and 5 furlongs, and consists of 2 furlongs 9·55 chains of double line, and 1 mile and 2 furlongs and 0·45 chains of single line.

The double and single portions of Tramway No. 2 are particularised as follows:

Tramway Portion 2A, a single line, 2 chains in length, commencing by a junction with Tramway No. 1 at its termination, and curving in a south-easterly direction into and terminating at a point in Eastbank Street, 1·50 chains south-east of the centre of Chapel Street:

Tramway Portion 2B, a double line, 3 chains in length, wholly in Eastbank Street, commencing by a junction with Tramway Portion 2A at its termination, and terminating at a point 4·50 chains south-east of the centre of Chapel Street:

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Tramway Portion 2C, a single line, 1 furlong 1·20 chains in length, wholly in Eastbank Street, commencing by a junction with Tramway Portion 2B at its termination, and terminating at a point 0·50 chains south-east of the centre of Part Street :

Tramway Portion 2D, a double line, 3 chains in length, wholly in Eastbank Street, commencing by a junction with Tramway Portion 2C at its termination, and terminating at a point 3·50 chains south-east of the centre of Part Street :

Tramway Portion 2E, a single line, 1 furlong 2·55 chains in length, commencing by a junction with Tramway Portion 2D at its termination, and continuing in a south-easterly direction along Eastbank Street for a distance of 9 chains or thereabouts, then curving in an easterly direction to its termination at a point at the commencement of Scarisbrick New Road :

Tramway Portion 2F, a double line, 3 chains in length, wholly in Scarisbrick New Road, commencing by a junction with Tramway Portion 2E at its termination, and terminating at a point 3 chains east of the commencement of Scarisbrick New Road :

Tramway Portion 2G, a single line, 5·95 chains in length, wholly in Scarisbrick New Road, commencing by a junction with Tramway Portion 2F at its termination, and terminating at a point 1 chain north-west of the centre of Sefton Street :

Tramway Portion 2H, a double line, 3 chains in length, wholly in Scarisbrick New Road, commencing by a junction with Tramway Portion 2G at its termination, and terminating at a point 1 chain north-west of the centre of Sefton Street :

Tramway Portion 2I, a single line, 1 furlong 1·70 chains in length, wholly in Scarisbrick New Road, commencing by a junction with Tramway Portion 2H at its termination, and terminating at a point 2·60 chains to the north-east of Ash Street :

Tramway Portion 2J, a double line, 5·55 chains in length, wholly in Scarisbrick New Road, commencing by a junction with Tramway Portion 2I at its termination, and terminating at a point 2·95 chains south-east of the centre of Ash Street :

Tramway Portion 2K, a single line, wholly in Scarisbrick New Road, 1 furlong 4·55 chains in length, commencing by a junction with Tramway Portion 2J at its termination, and terminating at a point 9·95 chains south-east of the centre of Birch Street :

Tramway Portion 2L, a double line, 3 chains in length, wholly in Scarisbrick New Road, commencing by a junction with Tramway Portion 2K at its termination, and terminating at a point 12·25 chains south-east of the centre of Birch Street :

Tramway Portion 2M, wholly in Scarisbrick New Road, 1 furlong 4·40 chains in length, commencing by a junction with Tramway Portion 2L at its termination, and terminating at a point 0·80 chains north-west of the centre of Ash Lane :

Tramway Portion 2N, a double line, 3 chains in length, wholly in Scarisbrick New Road, commencing by a junction with Tramway Portion 2M at its

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termination, and terminating at a point 2·20 chains south-east of the centre of Ash Lane :

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Tramway Portion 2O, a single line, 1 furlong 4·35 chains in length, wholly in Scarisbrick New Road, commencing by a junction with Tramway Portion 2N at its termination, and terminating at a point 6·10 chains north-west of the centre of Fine Jane's Brook, where it crosses the Scarisbrick New Road :

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Tramway Portion 2P, a double line, 3 chains in length, wholly in Scarisbrick New Road, commencing by a junction with Tramway Portion 2O at its termination, and terminating at a point 3·10 chains north-west of the centre of Fine Jane's Brook, where it crosses Scarisbrick New Road :

Tramway Portion 2Q, a single line, 1 furlong 3·75 chains in length, wholly in Scarisbrick New Road, commencing by a junction with Tramway Portion 2P at the termination thereof, and terminating at a point 1·80 chains north-west of the entrance to the Alexandra Hotel :

Tramway Portion 2R, a double line, 3 chains in length, wholly in Scarisbrick New Road, commencing by a junction with Tramway Portion 2Q at its termination, and terminating at a point 1·30 chains south-east of the entrance to the Alexandra Hotel :

Tramway No. 3, wholly in the township and in the parish of North Meols in the borough of Southport in the county of Lancaster, consisting of Tramway Portions 3A to 3I, both inclusive, and commencing in Hoghton Street by a junction with Tramway No. 1 at a point 0·85 chains south-west of the centre of Manchester Road, and passing thence in an easterly direction by a curved line into Manchester Road, and continuing in an easterly direction in the same street, and passing thence by a curved line in a south-easterly direction into and along Hawkshead Street and Hawkshead Street South, and thence by a curved line in a southerly direction into and along Windsor Road, and thence in an easterly direction by a curved line into an intended new road in extension of Kensington Road ; passing thence in a south-westerly direction by a curved line into and along an intended new road, being an extension of Ash Street, thence into and along Ash Street ; thence by a curved line in a westerly direction to its termination in Scarisbrick New Road by a junction with Tramway Portion 2J at a point 1·12 chains north-west of the centre of Ash Street. The total length of Tramway No. 3 is 1 mile 0 furlongs 9 chains, and consists of 1 furlong 2 chains of double line, and 7 furlongs 7 chains of single line.

The double and single portions of Tramway No. 3 are particularised as follows :

Tramway Portion 3A, a single line, 1·20 chains in length, commencing in Hoghton Street by a junction with Tramway No. 1, at a point 0·85 chains south-west of the centre of Manchester Road, and passing thence in a southerly direction by a curved line into Manchester Road, and terminating at a point 0·60 chains east of the centre of Hoghton Street in Manchester Road :

Tramway Portion 3B, a double line, 3 chains in length, wholly in Manchester Road, commencing by a junction with Tramway Portion 3A at its termination, and terminating at a point 3·60 chains east of the centre of Hoghton Street :

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Tramway Portion 3C, a single line, wholly in Manchester Road, 1 furlong 7 chains in length, commencing by a junction with Tramway Portion 3B at the termination thereof, and terminating at Hawkshead Street at a point opposite the south-east side of Manchester Road :

Tramway Portion 3D, a double line, 3 chains in length, wholly in Hawkshead Street, commencing by a junction with Tramway Portion 3C at its termination, and terminating in Hawkshead Street at a point 3 chains south-east of the south side of Manchester Road :

Tramway Portion 3E, a single line, 1 furlong 3·50 chains in length, partly in Hawkshead Street and partly in Hawkshead Street South, commencing by a junction with Tramway Portion 3D at its termination, and terminating at a point in Windsor Road opposite the south-west side of Hawkshead Street South :

Tramway Portion 3F, a double line, 3 chains in length, wholly in Windsor Road, commencing by a junction with Tramway Portion 3E at its termination, and terminating at a point 3 chains south-west of the south-west side of Hawkshead Street South :

Tramway Portion 3G, a single line, 2 furlongs 2·20 chains in length, commencing by a junction with Tramway Portion 3F at its termination in Windsor Road, passing in an easterly direction by a curved line into and along an intended new road, being an intended extension of Kensington Road, thence by a curved line in a south-westerly direction to its termination in an intended new road, being an extension of Ash Street, at a point 2·80 chains south-west of the south-west end of Barton Street :

Tramway Portion 3H, a double line, 3 chains in length, wholly in an intended new road, being an extension of Ash Street, commencing by a junction with Tramway Portion 3G, and terminating at a point 5·80 chains south-west of the south-west end of Barton Street :

Tramway Portion 3I, a single line, 2 furlongs 3·10 chains in length, commencing by a junction with Tramway Portion 3H at its termination in the intended new road in extension of Ash Street, passing thence into and along Ash Street, thence in an easterly direction by a curved line, and terminating in Scarisbrick New Road at a junction with Tramway Portion 2J at a point 1·12 chains north-west of the centre of Ash Street :

Tramway Portion No. 4, wholly in the parish of North Meols, partly in the township of North Meols, partly in the township of Birkdale, partly also in the borough of Southport, and partly in the district of Birkdale, wholly in the county of Lancaster, consisting of Tramway Portions 4A to 4U, both inclusive, and commencing in Scarisbrick New Road at a point 1 chain north-west of the centre of Sefton Street by a junction with Tramway No. 2 and Tramway Portion 2H, and thence passing by a curved line in a south-westerly direction into and along Sefton Street, thence by a curved line in a north-westerly direction into Lorne Street, thence by a curved line in a south-westerly direction into and along Miller Street, and thence crossing the boundary between the borough of Southport and the district of Birkdale into and along Everton Road and Liverpool Road in a southerly direction, and terminating in Liverpool Road at a point 3·10 chains south of the centre of Halsall Road. The total length of Tramway No. 4 is 1 mile 7 furlongs 9 chains, and it consists of 2 furlongs 8·40 chains of double line, and 1 mile 5 furlongs 0·60 chains of single line.

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The double and single portions of Tramway No. 4 are particularised as follows:

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Tramway Portion 4A, a single line, 1 furlong 8 chains in length, commencing in Scarisbrick New Road at a point 1 chain north-west of the centre of Sefton Street, by a junction with Tramway No. 2 and Tramway Portion 2N, and thence passing by a curved line in a south-westerly direction into and terminating in Sefton Street at a point 3·15 chains south-west of the centre of Upper Portland Street:

Tramway Portion 4B, a double line, 3 chains in length, wholly in Sefton Street, commencing by a junction with Tramway Portion 4A at its termination, and terminating at a point 6·15 chains south-west of the centre of Upper Portland Street:

Tramway Portion 4C, a single line, 1 furlong 7·30 chains in length, commencing by a junction with Tramway Portion 4B at its termination in Sefton Street, passing thence into and terminating in Lorne Street, at a point 0·05 chains south-east of the north-west side of Sefton Street:

Tramway Portion 4D, a double line, 2·40 chains in length, wholly in Lorne Street, commencing by a junction with Tramway Portion 4C at its termination, and terminating at a point 0·40 chains south-east of the centre of Miller Street:

Tramway Portion 4E, a single line, 6·50 chains in length, commencing in Lorne Street by a junction with Tramway Portion 4D at its termination, and passing thence in a south-westerly direction by a curved line into and along Miller Street, and terminating in Everton Road at a point 2 chains on the north-east side of Upper Aughton Road:

Tramway Portion 4F, a double line, 2 chains in length, wholly in Everton Road, commencing by a junction with Tramway Portion 4E at its termination, and terminating at a point opposite to the north-east side of Upper Aughton Road:

Tramway Portion 4G, a single line, 1 furlong 3·40 chains in length, wholly in Everton Road, commencing by a junction with Tramway Portion 4F at its termination, and terminating at a point 4·80 chains south of the centre of Vaughan Road:

Tramway Portion 4H, a double line, 3 chains in length, wholly in Everton Road, commencing by a junction with Tramway Portion 4G at its termination, and terminating at a point 7·80 chains south of the centre of Vaughan Road:

Tramway Portion 4I, a single line, 1 furlong 0·70 chains in length, wholly in Everton Road, commencing at Tramway Portion 4H at its termination, and terminating at a point 0·25 chains north-east of the north-east side of Liverpool Road:

Tramway Portion 4J, a double line, 3 chains in length, commencing by a junction with Tramway Portion 4I, at its termination in Everton Road, passing by a curved line in a south-westerly direction into and terminating in Liverpool Road, at a point 2·50 chains south-west of the centre of Everton Road:

Tramway Portion 4K, a single line, 1 furlong 6·50 chains in length, wholly in Liverpool Road, commencing by a junction with Tramway Portion 4J

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at its termination, and terminating at a point 1·30 chains south of Chatham Road :

Tramway Portion 4L, a double line, 3 chains in length, wholly in Liverpool Road, commencing by a junction with Tramway Portion 4K, and terminating at a point 4·30 chains south of the centre of Chatham Road :

Tramway Portion 4M, a single line, 1 furlong 6·70 chains in length, wholly in Liverpool Road, commencing by a junction with Tramway Portion 4L, and terminating in Liverpool Road at a point 0·50 chains south of the centre of Bedford Road :

Tramway Portion 4N, a double line, 3 chains in length, wholly in Liverpool Road, commencing by a junction with Tramway Portion 4M at its termination, and terminating at a point 3·50 chains south of the centre of Bedford Road :

Tramway Portion 4O, a single line, 1 furlong 5·70 chains in length, wholly in Liverpool Road, commencing by a junction with Tramway Portion 4N, and terminating at a point 2·10 chains north of the north side of the Police Station :

Tramway Portion 4P, a double line, 3 chains in length, wholly in Liverpool Road, commencing by a junction with Tramway Portion 4O at its termination, and terminating at a point 0·90 chains south of the north side of the Police Station :

Tramway Portion 4Q, a single line, 5 chains in length, wholly in Liverpool Road, commencing by a junction with Tramway Portion 4P at its termination, and terminating at a point opposite the south side of Sandon Road :

Tramway Portion 4R, a double line, 3 chains in length, wholly in Liverpool Road, commencing by a junction with Tramway Portion 4Q at its termination, and terminating at a point 3 chains south of the south side of Sandon Road :

Tramway Portion 4S, a single line, 7 chains in length, wholly in Liverpool Road, commencing by a junction with Tramway Portion 4R, and terminating at a point 3·70 chains north of the centre of Halsall Road :

Tramway Portion 4T, a double line, 3 chains in length, wholly in Liverpool Road, commencing by a junction with Tramway Portion 4S at its termination, and terminating at a point 0·70 chains north of the centre of Halsall Road :

Tramway Portion 4U, a single line, 3·80 chains in length, wholly in Liverpool Road, commencing by a junction with Tramway Portion 4T at its termination, and terminating at a point 3·10 chains south of the centre of Halsall Road :

Tramway No. 5, wholly in the township of North Meols, parish of North Meols and borough of Southport in the county of Lancaster, consisting of Tramway Portions 5A to 5C, both inclusive, commencing in Chapel Street by a junction with Tramway No. 1 at a point 0·85 chains south of the centre of London Street, and thence passing by a curved line in a westerly direction into and along and terminating in London Street at a point 0·70 chains east of the centre of Lord Street. The total length of Tramway No. 5 is 9·40 chains of single line.

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The double and single portions of Tramway No. 5 are particularised as follows: A.D. 1880.

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Tramway Portion 5A, a single line, 5·90 chains in length, commencing in Chapel Street by a junction with Tramway No. 1 at a point 0·85 chains south of the centre of London Street, and thence passing into and terminating in London Street at a point 4 chains or thereabouts west of the west side of Chapel Street :

Tramway Portion 5B, a single line, 2 chains in length, wholly in London Street, commencing by a junction with Tramway Portion 5A at its termination, and terminating at a point 2·10 chains east of the centre of Lord Street :

Tramway Portion 5C, a single line, 1·50 chains in length, wholly in London Street, commencing by a junction with Tramway Portion 5B at its termination, and terminating at a point 0·70 chains east of the centre of Lord Street :

Tramway No. 6, wholly in the township of North Meols, parish of North Meols and borough of Southport in the county of Lancaster, commencing in Ash Street by a junction with Tramway Portion 3I at a point 0·85 chains north-east of the centre of Scarisbrick New Road, and thence passing by a curved line in a south-easterly direction into, along, and terminating in Scarisbrick New Road by a junction with Tramway Portion 2J at a point 1·25 chains south-east of the centre of Ash Street.

Tramway No. 6 consists of a single line 1·60 chains in length.

The tramways and works herein-before described will pass from, through, or be made from, in, through, or into the parish of North Meols and the borough of Southport, and the district of Birkdale, all in the county of Lancaster, or some or one of them.

7. Notwithstanding anything in this Order contained, Tramway Portion 3H shall be constructed as a single line only, unless the Corporation, the Lancashire and Yorkshire Railway Company, and the West Lancashire Railway Company shall consent to the same being constructed as a double line. In the event of such portion being constructed as a single line only it shall be laid in the centre of the road, and the Promoters shall be entitled and they are hereby empowered to construct so much of Tramway Portion 3G as lies between points respectively 0·45 and 2·65 chains east of the centre of Windsor Road as a double line or passing-place :

Tramway 3H
in certain
events to be a
single line.

Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid by writing under his hand addressed to the Promoters express his objection thereto.

7A. For the protection of the Lancashire and Yorkshire Railway in respect of the bridges over their railway the following provisions shall, unless otherwise agreed between the Promoters and the Company, apply and have effect :

For the pro-
tection of the
Lancashire
and Yorkshire
Railway Com-
pany.

In constructing the tramways across any of the said bridges the Promoters shall not alter or interfere with the construction of the said bridges respectively, or of the approaches thereto, and they shall so construct and maintain the said tramways as not to injuriously affect the stability of the

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said bridges respectively, and approaches thereto, and in the event of any injury being occasioned to any of the said bridges, or the approaches thereto, or any part or parts thereof, by the construction of the tramways on or over the same (whether such injury shall occur either during or after the construction, or in effecting the maintenance of the tramways), or in or by the working or user thereof, the said Company, may, at the expense of the Promoters, restore such bridges, and the approaches thereto, or the part or parts thereof which may be injured, to as good a state and condition as they respectively were in before such injury was occasioned, and the Promoters shall recoup to and indemnify the said Company against all sums, costs, and expenses which they may pay or be put to in maintaining and repairing so much of the road over the said bridges, and the approaches thereto, as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870; and the said Company may recover from the Promoters all such sums, costs, and expenses, as also any moneys expended by the said Company in restoring the said bridges and the approaches thereto as aforesaid, together with full costs and charges, by all and the same means as any simple contract debt is recoverable.

As to tramways
in London
Square and
London Street.

8. Notwithstanding anything in this Order contained, the Promoters shall not construct any of the tramways in London Street unless and until London Square adjoining London Street has been widened by setting back the footpath on the north side and the footpath on the south side thereof to an extent of eight feet in each case, and they shall construct the Tramway No. 5 along the north side of the square, and shall also construct a tramway along the south side similar to that to be constructed along the north side, as nearly as can be, as so widened: Provided that, if and when so required by the Promoters, the Corporation will effect the widening mentioned or referred to in this section, or so much thereof as they shall be so required to do, and will carry out and effect all the works incidental thereto, and the costs of such widening and works shall be repaid to the Corporation by the Promoters.

As to tram-
ways in
Hoghton
Street.

9. Notwithstanding anything in this Order contained, the Promoters shall not construct any part of the tramways in Hoghton Street in the borough if one third of the owners or one third of the occupiers of the houses, shops, or warehouses in the said street shall object to the tramway being laid in the said street until the Corporation have widened the said street so as to admit of the proposed tramway being so laid therein that there shall be a space of at least nine feet six inches between the outside of the footpath on each side of such street and the nearest rail of the said tramway.

As to length
of passing-
places in the
borough.

10. Notwithstanding anything in this Order contained to the contrary, no double line or passing-place in the borough shall exceed fifty yards in length if the Corporation give notice in writing to that effect to the secretary of the Promoters within two calendar months after the Act confirming this Order shall have received the Royal assent.

Promoters not
to stop traffic
in streets
except with
consent.

11. The Promoters shall not in the construction, alteration, or relaying of any of the tramways stop up or interfere with any street within the borough, or within the Birkdale District, so as to prevent the passage of traffic along such street, or alter the level of the surface of any street, or part thereof, within the

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borough, except with the previous consent in writing of the Corporation, or within the Birkdale District except with the previous consent in writing of the Local Board.

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12. Sections thirty, thirty-two, and thirty-three of the Tramways Act, 1870, shall extend and apply to the Corporation in the borough, and to the Local Board in the Birkdale District, with reference to the gas mains, pipes, and apparatus belonging to the Corporation and the Local Board respectively in like manner as the same apply to a company or person being the owner of gas mains or pipes, provided that all works or interference with or in connexion with the gas mains, pipes, or apparatus of the Corporation, or of the Local Board, under the thirtieth section of the Tramways Act, 1870, or otherwise, shall be made or executed by the Corporation, or by the Local Board, as the case may be, upon the request and at the cost of the Promoters.

Works of interference with gas apparatus to be done by Corporation or Local Board.

13. The cost of constructing, providing, and laying any new gas mains, pipes, or apparatus, in substitution for any which may be rendered useless by the construction of the tramways, and the value of any gas mains, pipes, or apparatus belonging to or under the control of the Corporation, or of the Local Board, rendered useless or unproductive to the Corporation, or to the Local Board, as the case may be, 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, or the Local Board, as the case may be, be paid to the Corporation or the Local Board by the Promoters: Provided always, that whenever any new main, pipe, or apparatus of larger dimensions shall be substituted for any existing main, pipe, or apparatus the Promoters shall (unless the increased dimensions be required by reason of the construction or existence of the tramways) 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.

Promoters to pay cost of new gas mains, &c. rendered useless by their works.

14. Nothing in this Order shall prevent the Corporation in the borough, or the Local Board in the district, from laying, at their own expense respectively, from time to time as they respectively may think proper, additional mains or pipes, with all scour pipes, and air and other valves, for supplying gas at, under, across, or near the tramways, and the Corporation and the Local Board respectively shall not be liable for any damage to the tramways, or loss of traffic thereon, that may be caused by the laying of such additional mains or pipes and appurtenances at, under, across, or near to the tramways, nor for the expense of the temporary lifting and relaying the tramways, which shall be done at the expense of the Promoters, provided that the operations of the Corporation and of the Local Board respectively shall be carried on so as to interfere as little as possible with the traffic on the tramways.

Corporation and Local Board may lay additional mains, &c.

15. The Promoters shall, if and when required by the Corporation in the borough, or by the Local Board in the Birkdale District, remove all drains and sewers constructed or used for the purpose of carrying off surface water, and all gas distributing mains which are situate under that part of any road which the Promoters are by section twenty-eight of the Tramways Act, 1870, required to maintain and repair, and shall, if and when so required, reconstruct and relay all such drains, sewers, and mains respectively in such other parts of the said road as may be prescribed by the Corporation in the borough, and by the Local

Promoters to remove certain drains, &c. when required.

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Birkdale and Southport.

Removal, &c. of mains, &c. to be effected by Corporation or Local Board at cost of Promoters.

16. Whenever the Promoters desire under the authority of this Order to do any act which may render necessary the alteration, removal, or displacement of any of the mains, pipes, valves, syphons, plugs, or other apparatus or works belonging to or under the control of the Corporation, or of the Local Board, the Promoters shall give to the Corporation as to matters within the borough, and to the Local Board as to matters within the Birkdale District, fourteen days notice in writing of such desire, and the Corporation, or the Local Board, as the case may be, shall thereupon forthwith, but without prejudice to the protection afforded to them by the Tramways Act, 1870, make such alteration, displacement, or removal, as the case may be, and do all work incidental thereto, and all reasonable expenses that may be thereby incurred shall be defrayed by the Promoters.

Powers of Corporation and of Local Board with respect to laying down mains, &c. reserved.

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

Corporation and Local Board to have access to sewers, &c.

18. The Corporation and the Local Board, and their respective officers and servants, shall have at all times free access to and communication with all existing and future sewers and drains (whether public or private), under the control of or maintained or repaired by the Corporation, or by the Local Board, as the case may be, and the man-holes, ventilating shafts, and other works in connexion therewith; and the consent or concurrence of the Promoters shall not be necessary to empower the Corporation and the Local Board respectively, to construct any new or additional public or private sewers or drains, and any man-holes, ventilating shafts, or other works connected therewith, and any lateral or private drains to communicate therewith, and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act, 1870, shall be applicable to the case of any such works as aforesaid as though the same were a pipe for the supply of gas or water laid before the construction of the tramways: Provided always, that if at any time after the passing of the Act confirming this Order any such sewers or drains (whether public or private), or any other works of or belonging to or under the control of the Corporation, or the Local Board, as the case may be, shall be or become injured or damaged by reason or in consequence of any act, deed, matter, or thing of or by the Promoters or their servants, it shall be lawful for the Corporation as to matters within the borough, and for the Local Board as to matters within the Birkdale District, immediately thereupon or at any time thereafter, at the cost, expense, and risk of the Promoters, to do what the Corporation, or the Local Board, as the case may be, shall deem necessary in order to the thorough and efficient reinstatement of such sewer, drain, or other work as aforesaid; and if the Promoters shall not, on demand, pay the Corporation, or the Local Board, as the case may be, the cost and expense incurred by the Corporation, or by the Local Board, as the case may be, as afore-

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aid, the Corporation or the Local Board may recover the same from the Promoters by all and the same means as any simple contract debt.

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 Provisions as to construction of tramways.

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

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

As to rails of tramways.

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

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

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Promoters to have portion of road repairable by them paved with setts of specified size.

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

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

Promoters to be solely responsible for maintenance of tramways.

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

As to alterations of sidings, &c.

so shall be subject to such penalty or penalties in respect of such failure as is or are herein-before imposed with respect to offences.

22. Where any portion of the tramways shall be laid in any road within the borough, or within the Birkdale District, the portion of the road required by section twenty-eight of the Tramways Act, 1870, to be maintained and kept in good repair by the Promoters shall not be deemed to be so maintained and kept unless it is paved by the Promoters, if such road be within the borough, with four-inch granite cube setts or blocks, or if such road be within the Birkdale District, unless it is paved with six inches by six inches by four inches Haslingden setts of bottom rock of best quality.

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

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

25. The sole responsibility of maintaining and working the tramways free from damage or accident shall rest with the Promoters, and they shall have no claim whatever for any damage or interruption of traffic which may arise from any works executed or to be executed by the road authority, or from the use of any implements or materials used in the maintenance thereof, or by reason of any accident which may happen to any road under the control of the road authority, except where such damage or interruption of traffic results from wilful negligence or improper conduct in the execution of such works or in the use of such implements or materials.

26. 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, carriage-houses, sheds, or works of the Promoters, subject to the approval of the road authority: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid, by writing under his hand, addressed to the Promoters, express his objection thereto.

27. Whenever the Promoters at any time desire to construct or have constructed any junction, siding, refuge, or resting place in any street or road in which any of the tramways by this Order authorised may be laid, the Promoters shall (as to matters within the borough), upon the demand of the Corporation,

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and (as to matters within the Birkdale District) upon the demand of the Local Board, make such alterations as may be necessary in the construction of any such junction, siding, refuge, or resting place in the line and direction of the tramway. In case of any dispute with respect to any matter provided for by this section the decision of the Board of Trade shall be final and binding on both parties.

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28. 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 the tramway so removed or discontinued.

Temporary tramways may be made when necessary.

29. If any dispute or difference arises between the Promoters and any road authority for the settlement of which no special provision is made by this Order, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Settlement of disputes.

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

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

Traffic upon Tramways.

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

Traffic upon tramways.

32. The Promoters at all times after the opening for public traffic of the tramways shall and they are hereby required to run carriages from one extremity thereof to the other (except between the Alexandra Gardens and Ash Street) at least twice each way every day (Sundays, Christmas Day, and Good Friday always excepted) between nine o'clock in the morning and six o'clock in the evening, and any default or failure in this respect (unless arising from circumstances beyond the control of the Promoters), if continued on any day after seven days notice from the Corporation or from the Local Board that the same has occurred, shall be and be deemed a discontinuance to work the tramways on such day within the meaning of the forty-first section of the Tramways Act, 1870. The Promoters shall not run carriages on Sundays within the borough except with the consent of the Corporation, nor within the Birkdale District except with the consent of the Local Board.

Promoters to run carriages the whole length of the tramways at least twice each way daily, and not to run carriages on Sundays, except with consent.

If the Promoters fail to work the traffic as herein provided they shall be liable to pay to the Corporation (if such failure be on any of the tramways within the borough) or to pay to the Local Board (if such failure be on any of the tramways within the Birkdale District) a penalty not exceeding two pounds for every

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Powers of Corporation and Local Board to suspend traffic on tramways.

33. The Corporation in the borough and the Local Board in the Birkdale District shall respectively have power at any time, and from time to time, by giving twenty-four hours previous notice in writing to the Promoters, to absolutely stop, delay, or suspend the working of the tramways in any of the roads within the borough, or within the Birkdale District, as the case may be, for police purposes, regulating and facilitating traffic on any public occasion, procession, or demonstration, or for the execution of any works by the Corporation or by the Local Board, or for any purpose which the Corporation in the borough and the Local Board in the Birkdale District in the exercise of their powers respectively for the good government of the borough and the Birkdale District respectively or the safety of the public deem necessary; such stoppage, delay, or suspension to continue only as long as may be reasonably necessary for the purposes aforesaid, or any of them, and the Promoters shall not be entitled to claim, nor shall the Corporation or the Local Board be liable to pay any compensation or damages in respect thereof.

Corporation and Local Board may use tramways at night for sanitary purposes.

34. The Corporation and the Local Board respectively may, at such times and in such manner as they respectively shall think fit, between the hours of eleven o'clock at night and five o'clock 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 the scavenging stuff, road metal, and other materials required for the works of the Corporation, or of the Local Board, free of all tolls and charges in respect of such use.

Corporation or Local Board may require removal of any carriage or horse unfit for use.

35. The Corporation in the borough, and the Local Board in the Birkdale District, may cause to be removed from the tramways any carriage or horse which shall be certified by an officer appointed by the Corporation, or by the Local Board, as the case may be, to be unfit for use upon the tramway; provided that every certificate to be made by such officer shall be in writing, and shall state fully the particulars in which in his opinion such carriage or horse (as the case may be) is unfit for use, and notice of every such certificate, with a copy thereof, shall be served upon the Promoters prior to any action being taken thereon by the Corporation, or by the Local Board, as the case may be: Provided further, that if any dispute arise between the Corporation and the Promoters, or between the Local Board and the Promoters, as to the fitness or unfitness of any such carriage or horse, the same shall be settled by two justices of the peace, who shall have full power and authority to make such order in reference thereto and as to payment of costs as they shall think fit, and such order shall be made and enforced in like manner as orders may be made and enforced under the Summary Jurisdiction Acts, 1848 and 1879.

Promoters to remove snow

36. The Corporation in the borough, and the Local Board in the Birkdale District, may cleanse any road without reference to the tramways, but whatever

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cleansing, owing to snow or other matter impeding the traffic, is requisite for the proper working of the tramways shall be executed by the Promoters, who shall in performing the same remove the snow or other matter from off the centre of the road into the channel at the side thereof. Any dirt or other material or thing removed by the Promoters, their officers or servants, from the grooves of the tram rails shall not be allowed to remain on the road, but shall be at once taken away by the Promoters.

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and other matters impeding the traffic on the tramways.

Tolls.

37. 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 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.

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

Passengers luggage.

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

Cheap fares for labouring classes.

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

Tolls for animals, goods, &c.

41. 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.

Payment of tolls.

42. 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

Periodical revision of tolls.

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

Miscellaneous.

Authentication
of byelaws.

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

Provisions as
to arbitration.

44. Where, under the provisions of the Tramways Act, 1870, and this Order, any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and
delivery of
notices.

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

- (1.) Every notice shall be in writing or print, or partly in writing and partly in print, and if given by the Promoters or by any local authority or any road authority, shall be signed by their secretary or clerk:
- (2.) Any notice to be delivered by or to the Promoters to or by any local authority, or any road authority, or other body, or any company, may be delivered by being left at the principal office of that authority, body, or company, or of the Promoters, as the case may be, or by being sent by post in a registered letter, addressed to their respective clerk or secretary, at their principal office.

Agreements
between Pro-
motors and

46. 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

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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.

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road authorities.

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

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

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

Saving as to powers of borrowing on mortgage.

49. The provisions set forth in the Schedule B. to this Order annexed for the protection and benefit of the Corporation and the Local Board respectively shall be of the same force and effect as if they were set forth in this Order: Provided that, except as in this Order and in the said Schedule B. otherwise expressly provided, nothing in this Order or the said Schedule B. contained shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, or authorities of or belonging to the Corporation or the Local Board; and the Corporation and the Local Board respectively may (save as aforesaid) have, use, exercise, and enjoy the same as fully, freely, and effectually in all respects as they could or might have done if this Order and the said Schedule had not been made and confirmed: Provided also, that the several provisions in this Order and the said Schedule B. contained for the protection of the Corporation and the Local Board respectively, and the gasworks, shall not be deemed to supersede or dispense with the provisions of sections twenty-six to thirty-three, both inclusive, of the Tramways Act, 1870; but those provisions respectively (except in so far as they may be inconsistent with any of the special provisions herein contained) shall be and remain in full force and effect.

Provisions in Schedule B. for protection and benefit of Corporation and Local Board to be in force.

49A. Nothing in this Order or in the Schedule thereto annexed shall prejudice or affect the provisions for the protection of the Lancashire and Yorkshire Railway Company contained in section 11 of the Southport Improvement Act, 1876, or the powers, rights, or privileges of the said company under the said section, or under any other section of the said Act.

Saving rights of Lancashire and Yorkshire Railway Company under Act of 1876.

50. 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

Saving for general Acts.

[Ch. clxxii.] *Tramways Orders Confirmation* [43 & 44 VICT.]
(No. 1) Act, 1880.

A.D. 1880. *Birhdale and Southport.* may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls and charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

SCHEDULE A.

TOLLS AND CHARGES FOR ANIMALS, GOODS, &C. Per Mile.

Animals. s. d.

For every horse, mule, or other beast of draught or burden	-	-	0	3
For every ox, cow, bull, or head of cattle	-	-	0	3
For calves, pigs, sheep, and small animals (per head)	-	-	0	2

Goods and Minerals.

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

Small Parcels. Any distance.

For any parcel not exceeding in weight 14 lbs.	-	-	-	0	2	
For any parcel exceeding 14 but not exceeding 28 lbs. in weight	-	-	-	0	4	
For any parcel exceeding 28 but not exceeding 56 lbs. in weight	-	-	-	0	6	
For any parcel exceeding 56 but not exceeding 500 lbs. in weight the Promoters may demand and take any sum they think proper.						

Regulations as to Tolls.

In respect of tolls and charges for animals, goods, and minerals the Promoters may demand and take for any less distance than three miles tolls and charges as for three miles.

For a fraction of a mile beyond three miles, or beyond any greater number of miles, the Promoters may demand and take tolls and charges on animals, goods,

[43 & 44 VICT.] *Tramways Orders Confirmation* [Ch. clxxii.]
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and minerals for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile.

A.D. 1880.

*Birkdale and
Southport.*

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 on in proportion for any smaller quantity :

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

SCHEDULE B.

Provisions for the protection and benefit of the Corporation and the Local Board referred to in the foregoing Order.

1. The Promoters shall keep separate accounts of the capital expended on the undertaking within the borough, and within the Birkdale District; and all costs, charges, and expenses incurred in relation to the preparation of the agreement entered into between the Corporation and the Promoters, and the agreement entered into between the Local Board and the Promoters relating to the foregoing Order, and to the application for and obtaining the said Order, and to the confirmation thereof by Act of Parliament, including parliamentary agents and counsels fees, shall be apportioned in two sums according to the capital to be expended as aforesaid by the Promoters on so much of their undertaking as shall be within the borough, and on so much thereof as shall be within the Birkdale District respectively, and the one of such sums shall be considered as capital expended within the borough, and the other as capital expended within the Birkdale District, according to the proportions of such sums respectively to such expended capital respectively.

Separate accounts to be kept as to undertaking within the borough and the district.

All contracts entered into and all moneys paid by the Promoters for making, forming, laying down, building, maintaining, repairing, renewing, or otherwise relating to so much of the undertaking as is within the borough, shall be separate from contracts entered into and moneys paid for the like purposes as to so much of the undertaking as is within the Birkdale District.

2. A copy of every half-yearly balance sheet of the accounts of the Promoters shall, within seven days after the same have been approved at an ordinary meeting of the Promoters, be delivered to the Corporation, or to the

Copies of Promoters half-yearly balance sheets to be furnished to Corporation and Local Board.

[Ch. clxxii.] *Tramways Orders Confirmation* [43 & 44 VICT.]
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*Birkdale and
Southport.*

Promoters to
produce their
books, &c. to
Corporation
and Local
Board.

Powers of
Corporation
and Local
Board to
purchase.

town clerk of the borough for the time being, and to the Local Board, or to their clerk for the time being.

3. The Promoters, on the request of the Corporation or of the Local Board, shall at all reasonable times, and shall from time to time, produce to such person as the Corporation, or the Local Board, as the case may be, shall require all the books, accounts, and vouchers with reference to the tramways and undertaking, and permit such person to take such copies of and extracts from such books and accounts as he may think fit.

4. If at any time after the expiration of twelve years and before the expiration of twenty-one years after the passing of the Act confirming the foregoing Order, the Corporation shall be authorised to acquire the undertaking, or so much of the same as shall be within the then limits of the borough, the Promoters shall, subject to the provisions herein-after contained, if thereunto required by the Corporation by notice in writing to be delivered at the office of the Promoters addressed to the secretary of the Promoters, sell and convey the undertaking, or so much thereof as aforesaid, to the Corporation upon the terms following; that is to say,

If the Corporation shall at the expiration of the twelfth year after the passing of the Act confirming the said Order, or within six months thereafter, give notice to the Promoters of their intention to purchase the undertaking, the Corporation shall pay to the Promoters a sum equal to the expended capital and the then liabilities of the Promoters, with an additional sum of money sufficient to make up average dividends at the rate of six pounds per centum per annum to the shareholders of the Promoters from the time or respective times when the tramways shall have been opened for traffic up to the completion of the purchase, if dividends at that average rate per cent. per annum shall not have been paid out of the profits of the Promoters, and if the Corporation shall at the expiration of such twelfth year as aforesaid or within six months thereafter give notice of their intention to purchase so much of the undertaking of the Promoters as shall be within the then limits of the borough, the Corporation shall pay to the Promoters a sum equal to so much of the expended capital as shall have been expended within the borough, and such proportion of the then liabilities of the Promoters as the capital expended within the borough shall bear to the whole of the expended capital, together with the like proportion of the said additional sum of money sufficient to make up the average dividends at the rate of six pounds per centum per annum as aforesaid, if dividends at that average rate shall not have been paid as aforesaid.

If the Corporation shall, after the expiration of six months after the expiration of such twelfth year as aforesaid and before the expiration of such period of twenty-one years, give notice of their intention to purchase the undertaking of the Promoters, the Corporation shall pay to the Promoters a sum equal to the expended capital and liabilities of the Promoters, with an additional sum of money sufficient to make up average dividends at the rate of six pounds per centum per annum during the first twelve years after the passing of the Act confirming the said Order, and average dividends at the rate of seven pounds per centum per annum after the first twelve years up to the completion of the

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purchase, if dividends, during the said periods and at the said rates respectively, shall not have been paid out of the profits of the Promoters; and if the Corporation shall, after the expiration of six months after the said period of twelve years, and within the said period of twenty-one years, give notice of their intention to purchase so much of the undertaking of the Promoters as shall be within the then limits of the borough, the Corporation shall pay to the Promoters a sum equal to so much of the expended capital as shall have been expended within the borough, and such proportion of the then liabilities of the Promoters as the capital expended within the borough shall bear to the whole of the expended capital, together with the like proportion of the said additional sum of money sufficient to make up average dividends during the periods and at the rates respectively last aforesaid, if such dividends shall not have been paid as aforesaid, and if the Corporation shall purchase at or after the expiration of the said period of twenty-one years, then upon the terms and conditions and subject to the provisions of the forty-third section of the Tramways Act, 1870:

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Provided always, that, except as to such portion of the undertaking as is within the borough, the Promoters shall not be required to sell their undertaking to the Corporation if the Local Board shall, under the provisions hereinafter contained, purchase such portion of the undertaking as is within the Birkdale District: and

Provided also, that nothing herein contained shall be construed to make it obligatory on the Promoters to sell, nor shall they be required to sell, the portion of their undertaking which shall be in the borough only; and in case the Local Board do not under the provisions hereinafter contained purchase so much of the undertaking as shall be within the Birkdale District as aforesaid, the Corporation shall not be entitled to purchase or acquire the portion of the undertaking which shall be within the borough unless and until they shall also purchase the portion thereof which shall be within the Birkdale District, and in any event the Corporation shall not be entitled to acquire the portion in the Birkdale District unless and until they also purchase the portion in the borough.

The costs and expenses of the transfer to the Corporation of the undertaking or such part thereof as aforesaid shall, if the Promoters are required to transfer the said undertaking, or such part thereof as aforesaid, within the said period of twenty-one years, be paid by the Corporation.

If any dispute or difference shall arise between the Corporation and the Promoters respecting any matter or thing relating to such transfer, or otherwise in relation to the preceding provisions of this Schedule, such dispute or difference shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

If at any time after the expiration of twelve years and before the expiration of twenty-one years after the passing of the Act confirming the said Order the Local Board shall be authorised to acquire so much of the undertaking of the Promoters as shall be within the Birkdale District, the Promoters shall, subject to the provisions hereinafter contained, if thereunto required by the Local Board, by notice in writing to be delivered at the office of the Promoters, addressed

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A.D. 1880. to the secretary of the Promoters, sell and convey so much of the undertaking
Birkdale and of the Promoters as shall be within the Birkdale District as aforesaid, upon the
Southport terms following; that is to say,

If the Local Board shall, at the expiration of the twelfth year after the passing of the Act confirming the said Order, or within six months thereafter, give notice of their intention to purchase so much of the undertaking of the Promoters as shall be within the Birkdale District as aforesaid, the Local Board shall pay to the Promoters a sum equal to so much of the expended capital as shall have been expended within the Birkdale District, and such proportion of the then liabilities of the Promoters as the capital expended within the Birkdale District shall bear to the whole of the expended capital, together with an additional sum of money sufficient to make up average dividends at the rate of six pounds per centum per annum, to the shareholders; in respect to such portion as last aforesaid of the expended capital from the time or respective times when the tramways within the Birkdale District shall have been opened for traffic up to the completion of the purchase, if dividends at that average rate per centum per annum shall not have been paid out of the profits of the Promoters.

If the Local Board shall, after the expiration of six months after the expiration of such twelfth year as aforesaid and before the expiration of such period of twenty-one years, give notice of their intention to purchase so much of the undertaking of the Promoters as shall be within the Birkdale District, the Local Board shall pay to the Promoters a sum equal to so much of the expended capital as shall have been expended within the Birkdale District, and such proportion of the then liabilities of the Promoters as the capital expended within the Birkdale District shall bear to the whole of the expended capital, together with a like proportion of the said additional sum of money sufficient to make up average dividends at the rate of six pounds per centum per annum during the first twelve years after the passing of the Act confirming the said Order, and average dividends at the rate of seven pounds per centum per annum after the first twelve years up to the completion of the purchase (if dividends during the said periods and at the said rates respectively shall not have been paid out of the profits of the Promoters), and if the Local Board shall purchase so much of the Promoters undertaking as shall be within the Birkdale District at or after the expiration of the said period of twenty-one years, then upon the terms and conditions and subject to the provisions of the forty-third section of the Tramways Act, 1870; provided that if and when the Promoters shall receive notice from or on behalf of the Corporation of their intention to buy the Promoters undertaking, or so much thereof as shall be within the borough, the Promoters shall thereupon, within fourteen days after the receipt of such notice, give notice thereof in writing to the Local Board, and it shall be obligatory on the Local Board within two calendar months from the receipt of such notice from the Promoters, to intimate in writing to the Promoters their intention to buy, or not to buy, as the case may be, so much of the Promoters undertaking as shall be within the Birkdale District; and the Promoters shall thereupon immediately inform the Corporation of the notice they may receive from the Local Board, and furnish to the Corporation a copy thereof.

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If the Local Board shall fail to give such notice to the Promoters within two months from the receipt of the aforesaid notice from them, the Local Board shall be considered to have waived their right to purchase so much of the Promoters undertaking as shall be within the Birkdale District as aforesaid. If the Local Board shall give notice that they desire to purchase so much as aforesaid of the Promoters undertaking as shall be within the Birkdale District, they shall, if not then authorised to purchase the same forthwith, take all necessary steps to obtain the authority requisite to purchase the same, and if they do not thereupon obtain such authority they shall be considered to have waived their right to purchase the same.

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—
*Birkdale and
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The Local Board and the Corporation shall complete the respective purchases of the undertaking within the borough and the Birkdale District respectively so far as may be at one and the same time :

Provided always, that if the Corporation, after giving such notice of their intention to purchase as aforesaid, shall not complete the purchase by them, it shall not be obligatory on the Local Board to carry out and complete the purchase of so much of the undertaking as shall be within the Birkdale District, but this shall not prejudice the right of the Local Board to purchase so much of the undertaking as shall be within the Birkdale District, or of the Corporation to purchase so much of the undertaking as shall be within the borough, or (in the event of the Local Board not electing to purchase the portion in the Birkdale District as herein-before provided) the whole undertaking, at any subsequent period, and subject to the provisions of the foregoing Order in all respects, and to the terms herein-before set forth :

Provided further, that nothing herein contained shall render it obligatory on the Promoters to sell so much of their undertaking as shall be within the borough, unless the Local Board, or the Corporation, as the case may be, as herein-before set forth, shall purchase so much of the undertaking as shall be within the Birkdale District.

The costs and expenses of the transfer of so much of the undertaking and works as shall be within the Birkdale District shall, if the Promoters are required to transfer the same to the Local Board within the said period of twenty-one years, be paid by the Local Board.

In the event of the Local Board purchasing so much of the undertaking as shall be in the Birkdale District as aforesaid, and of the Corporation not at the same time purchasing the remaining portion of the undertaking, the Local Board shall give to the Promoters, and the Promoters shall be entitled to, the option of taking a lease of so much of the undertaking as shall be within the Birkdale District, for such a term as shall, with the period which shall then have elapsed from the passing of the Act confirming the said Order, make up a term of twenty-one years, at a rental and on terms to be mutually agreed upon, or (in case of dispute) as shall be settled in the manner herein-after specified; but it shall be a condition of such lease that the same shall terminate on the Corporation at any time purchasing the portion of the undertaking within the borough.

If any dispute or difference shall arise between the Local Board and the Promoters respecting any matter or thing relating to such purchase or transfer,

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Southport.*

Promoters to
give Corpora-
tion and Local
Board notice
of their inten-
tion to sell
undertaking.

or to the rental or terms of such lease, or otherwise in relation to the preceding provisions of this schedule, such dispute or difference shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

5. In the event of the Promoters desiring to exercise the powers of sale conferred by the forty-fourth section of the Tramways Act, 1870, they shall, in the event of such proposed sale being to any persons or company, before completing the same, give two calendar months previous notice in writing to the Corporation and to the Local Board respectively of their intention to exercise the said powers, and of the terms of such proposed sale, and in the event of the Corporation, by written notice, within such period of two months, requiring the Promoters to sell to them on the same terms the undertaking, or to sell so much thereof as shall be within the borough upon proportional terms to be settled in case of difference in the manner specified by section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned, the Promoters shall sell to the Corporation accordingly: Provided always, that nothing in this section contained shall entitle the Corporation to purchase so much of the Promoters undertaking as shall be situate within the Birkdale District if the Local Board shall desire to purchase such portion, and shall give notice of such desire in writing to the Corporation, and the Promoters within one calendar month after being required so to do by the Corporation, in which event the Corporation shall purchase so much of the undertaking as shall be within the borough, and the Local Board shall purchase so much as shall be within the Birkdale District: Provided always, that the Promoters shall not be required to sell a portion only of the undertaking, and in case the Local Board shall not purchase so much of the undertaking as shall be within the Birkdale District as aforesaid, the Corporation shall not be entitled to purchase or acquire the portion of the undertaking which shall be within the borough, unless and until they shall also purchase the portion thereof which shall be within the Birkdale District. If any dispute arise with respect to any matter provided for or referred to in this section between the Corporation, the Local Board, and the Promoters, or between any of them, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Promoters to
give running
powers in cer-
tain events.

6. If at any time hereafter any tramways or tramway extensions or additions are constructed or purchased within or partly within the borough by the Corporation or any company (other than the Promoters) or person, or within or partly within the Birkdale District by the Local Board or any other company (other than the Promoters) or person, the Promoters shall, subject to the provisions of this Order, if and when and as required by the Corporation (when such tramways or tramway extensions or additions shall be within or partly within the borough), or by the Local Board (when the same shall be within or partly within the Birkdale District), or by such other company or person, permit all necessary and convenient junctions and communications to be made and maintained between the tramways of the Promoters and the tramways of the Corporation, or of the Local Board, or of such other company or person as

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aforesaid, as the case may be ; and the Corporation or the Local Board, or such other company or person as aforesaid, and the Promoters shall each respectively, if required by the other, grant to each other, and their respective assignees and lessees, all such reasonable running powers and traffic facilities over and on their respective tramways, and upon such terms and conditions as to compensation or otherwise as may be agreed upon between them, or in case of difference as shall be settled in manner specified in the thirty-third section of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned, and as the Board of Trade shall approve : Provided that the Corporation, as to matters within the borough, and the Local Board, as to matters within the Birkdale District, shall and will use their best endeavours that in any Provisional Order or Act which may be obtained by them respectively, or by any company or person authorising the Corporation or the Local Board, or such company or person, to construct any tramways or tramway extensions or additions within or partly within the borough, or within or partly within the Birkdale District, as the case may be, there shall be inserted clauses authorising the making of such junctions and communications between the tramways thereby authorised and the tramways of the Promoters, and for giving effect to the provisions of this section ; and provided also, that the provisions of this section shall not be binding upon the Promoters except in the event of such clauses being contained in such Provisional Order when confirmed or in such Act when passed.

A.D. 1880.

Birkdale and Southport.

7. The Promoters shall pay to the Corporation and to the Local Board respectively all costs, charges, and expenses reasonably and properly incurred by them respectively in relation to the preparation of the agreements entered into between them respectively and the Promoters as to the foregoing Order, and to the application for and obtaining the said Order, and to the confirmation thereof by Act of Parliament, including parliamentary agents and counsels fees.

Promoters to pay Corporation and Local Board certain costs.

8. The following provisions relate to the Corporation only :

1. All road materials excavated by the Promoters in the construction of the tramways in the borough (except in asphalted roads) shall belong to the Corporation :

Special provisions as to Corporation. Materials of roads (other than in asphalted roads) to belong to Corporation.

2. The Promoters shall pay to the Corporation the sum of five shillings and ninepence per superficial yard for the granite pavement now laid in the route of the tramways in the borough (provided the same be fit for use on the tramways and is so certified by the surveyor of the Corporation), the measurements to be agreed upon by the Promoters and the Corporation, and the amount to be paid within three months from the commencement of the works :

Promoters to pay Corporation for granite pavement.

3. In roads in the borough in which any of the tramways are constructed and which are at present asphalted the Promoters shall be entitled to the whole of the materials from channel to channel, and shall relay the centre of the road with four-inch granite cube setts and on each side from the tramway to the channel with asphalted, the road to be finished to the entire satisfaction of the Corporation :

As to asphalted roads.

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Corporation to remove the paving stones in certain roads.

Promoters to pay 1,000*l.* towards cost of widening Eastbank, Chapel, and London Streets.

As to Hoghton Street.

4. In roads in the borough in which the pavement is other than granite setts or asphalt the Corporation shall remove any paving stones displaced by the laying of the tramways :
5. The Promoters shall pay to the Corporation for the right to lay down the tramways in Eastbank Street, Chapel Street, and London Street in the borough (being towards the expenses the Corporation have incurred in widening such streets) the sum of one thousand pounds :
6. The Promoters shall pay to the Corporation the sum of 500*l.* towards the expense of widening Hoghton Street from London Street to Hill Street, the sum of 200*l.* towards the cost of widening Hoghton Street from Hill Street to Church Street, and the sum of 300*l.* towards the cost of widening Hoghton Street from Manchester Road to Hill Street, and the Corporation shall, as far as they are able to do so by the exercise of their present parliamentary powers, acquire the lands necessary for and shall widen Hoghton Street to such an extent that there shall be a space of at least nine feet six inches between the outside of the footpath on each side of such street and the nearest rail of the tramway. The said lands shall be acquired and the work done by the Corporation in such time as will enable the Promoters to construct the tramways in Hoghton Street aforesaid without delay after the passing of the Act confirming the foregoing Order ; but nothing herein contained shall make it obligatory on the Corporation to serve notices to treat or to acquire the said lands until the Promoters have complied with the provisions herein-after contained for securing the due fulfilment of the obligations imposed upon them. In the event of the Corporation not so widening Hoghton Street throughout the entire length before the Promoters shall desire to commence the construction of the tramways there, then if one third of the owners or one third of the occupiers of the houses, shops, or warehouses abutting upon any part of such street where a less space than nine feet six inches would intervene between the outside of the footpath and the nearest rail of the proposed tramway there shall object to the tramway being so laid until such street shall have been widened, the Corporation shall forthwith, so far as they legally can, so widen the carriageway of such street, or of such part or parts thereof with respect to which the objection shall have been made as aforesaid, as to enable the tramways or tramway in such street to be constructed along the whole length of the street without any delay after the passing of the Act confirming the said foregoing Order :
7. The Promoters shall pay to the Corporation the sum of 500*l.* if and when the Corporation shall have widened the easterly side of Eastbank Street Bridge, and the Corporation shall also, as far as they are able to do so by the exercise of their present powers, acquire the lands necessary for this purpose, and shall widen the said bridge in such time as will enable the Promoters to construct the tramways over the said bridge as so widened without delay after the passing of the Act confirming the said foregoing Order. In order to prevent any suspension of the Promoters traffic during the rebuilding of or other interference with the

Eastbank Street Bridge.

[43 & 44 VICT.] *Tramways Orders Confirmation* [Ch. clxxii.]
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said bridge, the Promoters shall be entitled, and the Corporation, so far as they can lawfully do so, shall be considered to authorise them to lay down, construct, and work temporary tramways or a temporary tramway on the bridge or elsewhere as to the Promoters shall seem most advisable, and the Corporation shall afford the Promoters all facilities in their power with respect to the several matters mentioned or referred to in this section :

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8. The Promoters shall, so far as they legally can, wherever necessary (except in Houghton Street, Boundary Street, and Eastbank Street Bridge), widen the roadway in the streets through which any of the tramways will pass to a width of twenty-four feet, by setting back the kerbstones on one or both sides the requisite distance, and paving the extra width with the surplus setts from the centre of the road, which setts shall be supplied by the Corporation free of charge. The materials removed from the footpath shall belong to the Corporation: Provided that if and when so required by the Promoters the Corporation shall, so far as they legally can, effect the widening herein-before mentioned or referred to, or so much thereof as they shall be required to do, and shall carry out and effect all works necessary or incidental thereto, and the cost of such work shall be repaid to the Corporation by the Promoters :

Promoters to widen certain roadways if they can do so.

9. The Promoters (if they can obtain the land necessary therefor by reasonable agreement, which they shall endeavour to do) shall widen Boundary Street where shown on the deposited plans to a width of twenty-four feet by the purchase of land on one or both sides thereof: Provided always, that if from any cause whatever the Promoters shall not within twelve calendar months after the passing of the Act confirming the said foregoing Order widen Boundary Street, then if at any time thereafter the Corporation shall widen such street the Promoters shall pay to the Corporation the reasonable cost of such widening :

As to widening of Boundary Street.

10. The said sum of 1,000*l.* for the concession to pass through (and being towards the expenses already incurred by the Corporation in widening) Eastbank Street, Chapel Street, and London Street as aforesaid, shall be paid by the Promoters to the Corporation on the expiration of three months from the passing of the Act confirming the said foregoing Order if the Corporation shall then have commenced the widening of Houghton Street between London Street and Hill Street, which widening shall be deemed to have commenced as soon as notices to treat have been served upon the owners of property between London Street and Hill Street by the Corporation, and which notices the Corporation are not to withdraw :

As to time of payment of certain sums by the Promoters to the Corporation.

The said sum of 500*l.* to be paid by the Promoters to the Corporation as herein-before provided towards the cost of widening Houghton Street shall be paid when the said street between London Street and Hill Street shall have been widened; the said sum of 200*l.* also herein-before provided to be paid by the Promoters to the Corporation shall be paid if and when Houghton Street between Hill Street and Church Street shall have been widened; and the said sum of 300*l.* also herein-before provided to

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be paid by the Promoters to the Corporation shall be paid if and when Houghton Street between Church Street and Manchester Road shall have been widened; provided, however, that the said sums of 1,000*l.*, 500*l.*, 200*l.*, 300*l.*, and 500*l.* shall not, nor shall any or either of them, or any part thereof, in any event become payable by the Promoters to the Corporation until the expiration of three months after the passing of the Act confirming the said foregoing Order:

Promoters to submit plan of tramways to and comply with reasonable requirements of Corporation.

11. The Promoters shall submit a plan on which the route of the proposed tramways is shown to the Corporation, and shall supply to the Corporation all plans, sections, and information that may be required by the Corporation, and shall comply with the reasonable requirements of the Corporation:

Recovery of moneys by Corporation.

12. Each and every of the sums of money herein-before provided to be paid by the Promoters to the Corporation, except as herein is otherwise provided, may be recovered by the Corporation by all and the same means as any simple contract debt:

Construction of the tramways not to be delayed by Corporation not widening streets.

13. Should any of the streets herein-before agreed to be widened by the Corporation not have been widened by the time when the Promoters shall be in a position and willing to construct the tramways therein, the Promoters shall not, except as by the foregoing Order otherwise expressly provided, be required to delay the construction in such streets of the tramways, but shall be entitled to construct and open such tramways in such streets, or any of them, for public traffic, and the Corporation shall give them all reasonable facilities with respect thereto:

Promoters to give security to the Corporation.

14. As security to the Corporation for the due fulfilment by the Promoters of the obligations to which, under the provisions of the said foregoing Order and the provisions in this Schedule contained, they are liable, the Promoters shall, in addition to complying with the provisions of section twelve of the Tramways Act, 1870, and the Rules made by the Board of Trade in pursuance thereof, within twelve months after the passing of the Act confirming the said foregoing Order, enter into a bond to the amount of 1,000*l.*, or invest to the satisfaction of the Corporation in the joint names of themselves, or some person to be appointed by them, and the town clerk (herein-after called "the trustees") the sum of 500*l.*, or at the option of the Corporation assign to the trustees such other security of not less value as the Corporation may consider sufficient, and the said sum or any such security to be substituted in lieu thereof shall be held by the trustees on trust to pay and make good to the Corporation any claim which may arise at their instance against the Promoters; and if any difference should arise between the Corporation and the Promoters in relation to any such claim, the matter in difference shall be settled in manner provided by section thirty-three of the Tramways Act, 1870: Provided that so long as no claim is established at the instance of the Corporation against the Promoters, the interest or dividends on the sum so invested or secured shall be payable to and receivable by the Pro-

[43 & 44 VICT.] *Tramways Orders Confirmation* [Ch. clxxii.]
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moters: Provided always, that if and so soon as the said tramways in the borough shall be constructed and opened for traffic the said security or the said sum of 500*l.*, as the case may be, or so much thereof as shall then remain, shall be transferred or repaid to the Promoters or as they shall direct, free of any claim thereon by the Corporation.

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Birkdale and Southport.

9. The following provisions relate to the Local Board only:

Special provisions as to Local Board. Materials of roads to belong to Board. Promoters to widen Everton and Liverpool Roads.

1. All road materials excavated by the Promoters in the construction of the tramways in the Birkdale District shall belong to the Local Board:

2. The Promoters shall widen the whole of Everton Road and Liverpool Road so that there shall be a clear space between kerb and kerb in the said roads respectively of not less than twenty-four feet, and for that purpose shall set back the kerbstones along the said roads, and shall pave the extra width with the surplus setts from the centre of the road, which setts shall be supplied by the Local Board free of charge, and shall also make good and replace the said roads, and all kerbs, footpaths, gullies, lamp-posts, sewers, gas pipes, and other works belonging to the Local Board: Provided always, that it shall be at the option of the Local Board to execute and do the several works, or any of them, authorised by this section at the expense of the Promoters, such expense to be recovered by all and the same means as any simple contract debt:

3. The Promoters shall construct the said tramways in the roads within the Birkdale District, and according to the deposited plans, and shall from time to time supply the Local Board with detailed plans and sections, showing the constructions and materials of such tramways, and furnish such information as may be required by the Local Board, and shall comply with all the reasonable requirements of the Local Board.

Promoters to supply plans to and comply with reasonable requirements of Local Board.

BRISTOL TRAMWAYS (EXTENSIONS).

Bristol.

Order authorising the Bristol Tramways Company (Limited) to construct additional Tramways in the city and county of Bristol.

1. This Order may be cited as "The Bristol Tramways (Extensions) Order, 1880." 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;

The expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the city of Bristol acting by the Council;

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The expressions "the Order of 1875," "the Order of 1877," and "the Order of 1879," shall mean respectively the Bristol and Eastern District Tramways Order, 1875, the Bristol Tramways (Extension) Order, 1877, and the Bristol Tramways (Extension) Order, 1879; and

The expression "the tramways of the Promoters" shall mean all or any tramways for the time being belonging to the Promoters and all or any of the tramways belonging to the Corporation of Bristol which are worked by the Promoters.

The term "person" shall include a corporation.

Promoters.

The Promoters.

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

Lands by agreement.

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

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, in accordance with the plans and sections deposited for the purposes of this Order, except as herein-after expressly provided, the tramways herein-after described, with all proper rails, points, junctions, plates, offices, weigh-bridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are—

Tramway No. 15, a single line one chain and thirty-six links in length, wholly in the parish of St. Augustine, commencing by a junction with the existing tramway of the Corporation in St. Augustine's Parade, at a point opposite the house number twenty-four in that parade, passing along that parade into and terminating in the road on the western side of the Floating Harbour, at a point thirty yards or thereabouts from the commencement of the tramway herein-before described:

Tramway No. 16, a tramway three furlongs one chain and forty-three links in length, consisting of two furlongs nine chains and ninety-one links of double line and of one chain and fifty-two links of single line, commencing in the parish of St. Augustine by a junction with Tramway No. 15 at the termination thereof, passing along the said road on the western side of the Floating Harbour, thence into and along the road called Under-the-Bank, Rupert Street, a proposed new street from Rupert Street to Bridewell Street, Bridewell Street and St. James's Churchyard, and terminating in the parish of St. James in St. James's Churchyard by a junction with the authorised tramways of the Promoters, at a point a hundred and eighty feet or thereabouts from and to the north-east of the north-eastern end of Bridewell Street.

[43 & 44 VICT.] *Tramways Orders Confirmation* [Ch. clxxii.]
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All which tramways will be wholly made or situate in the parishes or places following, namely, St. Augustine, St. Michael, St. James, and St. John the Baptist, in the city and county of Bristol.

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7. The tramway in Rupert Street shall be laid in accordance with a certain plan signed in duplicate on behalf of the Promoters by Joseph Kincaid, and dated the thirteenth of March one thousand eight hundred and eighty, one copy of which has been deposited at the Board of Trade and the other copy thereof is in the custody of the Promoters: Provided that the double line in the said street shall be laid so that the centre of each line shall be not more than one foot from the centre of the street, and that one only of such lines shall be used at one and the same time.

As to construction of tramway in Rupert Street.

8. If the Promoters desire under the authority of this Order to do any act which shall or may render necessary the removal or displacement of any of the mains or pipes, valves, syphons, plugs, or apparatus or other works belonging to or controlled by the Bristol Waterworks Company or the Bristol United Gaslight Company, the Promoters shall give to the said Waterworks Company, or to the said Gaslight Company, as the case may be, fourteen days notice in writing of such desire, and the said Waterworks Company or the said Gaslight Company, as the case may be, shall forthwith (without prejudice nevertheless to the protection afforded them by the Tramways Act, 1870,) make such removal or displacement as may be necessary, and do all works incident thereto, and all expenses to be thereby incurred shall be defrayed by the Promoters. Nothing contained in this Order shall interfere with the exercise by the said Waterworks Company or the said Gaslight Company of the powers and privileges conferred upon them respectively by any Acts or Act of Parliament of laying down and maintaining, and as occasion may require of repairing and altering, any mains or pipes in and under any of the roads upon which the tramways may be laid under the authority of this Order. And the provisions of the Tramways Act, 1870, in favour of the local authority or the road authority shall be extended to and include the said Waterworks Company and the said Gaslight Company.

For protection of works of Bristol Waterworks Company and Bristol United Gaslight Company.

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

Provisions as to construction of tramways.

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Mode of formation of tramways.

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

Penalty for not maintaining rails and road in good condition.

11. The Promoters shall at all times maintain and keep in good condition and repair, to the satisfaction of the road authority, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist and the substructure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

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

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

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

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

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

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

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Additional passing-places and sidings may be made where necessary.

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

Temporary tramways may be made when necessary.

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

16. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters, so far as may be necessary, in or towards the reinstating of such road; and the Promoters shall deliver the surplus paving, metalling, or material not used 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.

Application of road materials excavated in construction of Promoters works.

17. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with

Tramways to be opened until certified by Board of Trade.

[Ch. clxxii.] *Tramways Orders Confirmation* [43 & 44 VICT.]
(No. 1) Act, 1880.

A.D. 1880. the Tramways Act; 1870, and the Board of Trade have, by an order signed by
Bristol. a Secretary or an Assistant Secretary of the said Board, authorised the same
to be opened for such traffic.

Traffic upon Tramways.

Traffic upon
tramways.

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

Promoters not
bound to carry
animals, &c.

19. 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.

As to traffic on
tramways on
Sundays.

20. The Promoters shall not run or permit or suffer to run upon the tramways any car or carriage on a Sunday before the hour of two o'clock in the afternoon, and shall not run or permit or suffer to run any car or carriage past any place of worship during the time of divine service on a Sunday at a faster pace than a walking pace, and if the Promoters at any time fail to comply with either of these provisions they shall be subject to a penalty not exceeding forty shillings for every time they shall so fail; and such penalty may be recovered as by section fifty-six of the Tramways Act, 1870, is provided.

Tolls.

Tolls.

21. The tramways constructed under the authority of this Order shall for the purposes of tolls and charges be deemed to form part of the undertaking of the Promoters authorised by the Order of 1875, and it shall be lawful for the Promoters to demand and receive such tolls and charges in respect of each and every description of traffic upon the tramways as they would have been entitled to demand and receive if the same had originally formed part of the said undertaking of the Promoters: Provided that the respective portions mentioned in the routes herein-after specified of the tramways respectively authorised by the Order of 1879, and this Order, shall for the purpose of tolls and charges be deemed to be the same continuous tramways, and are herein-after referred to in this section as "the tramways": Provided that the Promoters may demand such tolls and charges in respect of each and every description of traffic thereon as they are entitled to demand and receive under the said Orders respectively: Provided also, that passengers shall be entitled to travel on the following routes of the tramways, or any part or parts thereof, on payment to the Promoters of one rate or fare only for each journey made by any passenger; that is to say,

From or to St. Augustine's Parade - To or from Egerton Road, Bishopston:

Provided also, that if the Promoters at any time run through cars over any other than the above-named routes passengers shall be entitled to travel on such through cars upon payment of one fare only at the authorised rate.

Passengers
luggage.

22. Every passenger travelling upon the tramways of the Promoters 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.

[43 & 44 VICT.] *Tramways Orders Confirmation* [Ch. clxxii.]
 (No. 1) Act, 1880.

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

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 Cheap fares
 for labouring
 classes.

24. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade by the local authority of any district in which such tramways or such portion of such 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.

Periodical
 revision of
 tolls.

Miscellaneous.

25. Whereas by the Order of 1877 the Promoters were authorised to make and maintain amongst other tramways the tramways in the said Order numbered 4 and 5 respectively, and the period limited for the completion of the said tramways was two years from the passing of the Act confirming the said Order:

Court of Chan-
 cery to repay
 deposit in re-
 spect of certain
 tramways
 authorised by
 the Order of
 1877.

And whereas the said tramways Nos. 4 and 5 were intended to be laid along the road forming the approach to the Bristol Joint Station, and it was provided by section six of the Order of 1877 that it should not be lawful for the Promoters to construct those tramways without the consent of the Great Western Railway Company, the Midland Railway Company, and the Bristol Joint Station Committee, under their respective common seals:

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And whereas the Promoters applied to the said Great Western Railway Company, Midland Railway Company, and Bristol Joint Station Committee for their consent to the construction of the said Tramways Nos. 4 and 5; but such consent has not been given, and by reason thereof the Promoters have been unable to construct those tramways, and it is expedient that the same be abandoned:

And whereas by the Order of 1877, section twenty-five, it was provided that the sum of four hundred and twenty pounds ten shillings and fivepence three per centum consolidated bank annuities, and the sum of seventeen shillings and sevenpence in cash (therein and herein-after referred to as "the deposit fund"), should be deemed to have been in pursuance of section twelve of the Tramways Act, 1870, deposited with the Chancery Division of the High Court of Justice as security for the completion of the tramways by the Order of 1877 authorised:

And whereas the Promoters have completed and opened for public traffic the tramways authorised by the Order of 1877 other than the said Tramways Nos. 4 and 5, and there has been from time to time transferred and paid to the Promoters so much of the deposit fund as was applicable to the tramways so completed and opened for public traffic, and there now remains in the said Chancery Division to the credit of *ex parte* the Bristol and Eastern District Tramways the sum of fifty-nine pounds twelve shillings and sevenpence three per centum consolidated bank annuities, being the balance of the said deposit fund as security for the completion of the said Tramways Nos. 4 and 5; and it is expedient that provision be made for the release and transfer of the balance of the said deposit fund:

Therefore the following provisions shall have effect; (that is to say,)

The said Chancery Division shall at any time after the passing of the Act confirming this Order, on application by the persons or the majority of the persons in whose names the deposit fund was deposited, or the survivors or survivor of them, (which persons, survivors, or survivor are or is in this Order referred to as "the depositors,") by petition in a summary way, order the said sum of fifty-nine pounds twelve shillings and sevenpence three per centum consolidated bank annuities, being the balance of the said deposit fund and the interest or dividends thereon, to be paid or transferred to the depositors, or to any person or persons whom they may appoint in that behalf, and upon such order being made the balance of the said deposit fund and the interest or dividends thereon shall be paid or transferred to the depositors, or to such person or persons accordingly.

Removal of
tramways by
Corporation.

26. If at any time it shall appear to the Corporation desirable that any of the tramways, or any part thereof, should be removed, the Corporation may remove the same at any time after the expiration of six months notice given by the Corporation to the Promoters, upon paying or making proper compensation to the Promoters; such compensation, in case of difference between the parties, to be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of differences in the said section mentioned.

[43 & 44 VICT.] *Tramways Orders Confirmation* [Ch. clxxii.]
(No. 1) Act, 1880.

27. Where, under the provisions of the Tramways Act, 1870, and this Order, any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

A.D. 1880.
Bristol.
Provisions as to arbitration.

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

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 any local authority or any road authority shall be signed by their secretary or clerk:

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

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

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

30. 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 every mortgage deed granted by the Promoters shall be indorsed 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 forty-three of the Tramways Act, 1870.

Saving as to powers of borrowing on mortgage.

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

Saving for general Acts.

[Ch. clxxii.] *Tramways Orders Confirmation* [43 & 44 VICT.]
(No. 1) Act, 1880.

A.D. 1880.

Cambridge.

CAMBRIDGE STREET TRAMWAYS (EXTENSION).

Order authorising the Cambridge Street Tramways Company to construct additional Street Tramways in the borough of Cambridge in the county of Cambridge.

Short title.

1. This Order may be cited as "The Cambridge Street Tramways (Extension) Order, 1880."

Incorporation of Acts.

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

Interpretation.

3. The several words, terms, and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings, unless there be something in the subject or context inconsistent with such construction: Provided that in this Order—

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

The expression "the Act of 1879" shall mean the Cambridge Street Tramways Act, 1879; and

The term "person" shall include a corporation.

Promoters.

The Promoters.

4. The Cambridge Street Tramways Company, incorporated by the Act of 1879, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Promoters may apply their capital to purposes of this Order.

5. The Promoters may apply to the purposes of this Order, and to the payment of the costs of and connected with the application for, preparation, making, and confirmation of this Order, and preliminary or incidental thereto, any capital which they are by the Act of 1879 authorised to raise, and which is not required for the purposes of that Act.

Tramways to form part of authorised undertaking of Promoters.

6. The tramways by this Order authorised shall be deemed to form part of the undertaking of the Promoters authorised by the Act of 1879, and all the provisions of that Act shall, as far as applicable, apply to the tramways by this Order authorised in like manner in every respect as if the tramways formed part of the tramways authorised by the said Act.

Construction of Tramways.

Construction of tramways.

7. The Promoters may construct and maintain, subject to the provisions of this Order and in accordance with the plans and sections deposited for the purposes of this Order, the tramways herein-after described, with all proper rails, plates, chairs, offices, weighbridges, weighing-machines, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

[43 & 44 VICT.] *Tramways Orders Confirmation* [Ch. clxxii.]
(No. 1) Act, 1880.

The tramways authorised by this Order are:—

A.D. 1880.

Tramway No. 1.—A portion of the tramway distinguished as Tramway No. 1 on the said plans, five furlongs two chains and ten links in length, consisting of four furlongs seven chains and sixty links of single line and four chains and fifty links of double line, commencing in Hills Road, in the parish of Saint Andrew the Less, by a junction with and at a point about eighty links north-west from the termination of the double line of the authorised tramway to be laid in Hills Road, and terminating in East Road, in the parish of Saint Andrew the Less, at a point immediately opposite the south-western corner of Fitzroy Street, in East Road.

Cambridge.

Tramway No. 1 shall be laid as a single line except in the following places, where it shall be laid as a double line; that is to say,—

In the roadway in Gonville Place between points respectively three chains fifty links and four chains forty links from the commencement of the tramway, measured along the same;

In East Road between points respectively two chains fifty links and three chains forty links south-west from the southern corner of Park Side, and between points respectively one chain thirty links and two chains twenty links south-west from the southern corner of Dover Street, and between points respectively two chains fifty links and three chains forty links north-west from the north corner of Burleigh Street, and for a distance of ninety links from the said termination.

Tramway No. 1A.—A short tramway consisting of a single line one chain and forty links in length, commencing in Regent Street, in the parish of Saint Benedict, by a junction with the authorised tramway to be laid in Hills Road at a point about two chains ten links north of the termination of the double line of the said authorised tramway in Hills Road, and turning thence in an easterly direction into the roadway of Gonville Place, and terminating in the parish of Saint Andrew the Less in that roadway by a junction with Tramway No. 1 at a point about one chain from the commencement of Tramway No. 1 measured along that tramway.

Tramway No. 1B.—A short tramway consisting of a single line two chains and ten links in length, commencing in Lensfield Road, in the parish of Saint Benedict, by a junction with the authorised tramway to be laid in that road at a point immediately opposite the Poplar Tree at the corner of Lensfield and Hills Roads, and terminating in the parish of Saint Andrew the Less, in the roadway of Gonville Place, by a junction with Tramway No. 1 at the point of junction therewith of Tramway No. 1A.

Tramway No. 3.—A short tramway four chains and sixty links in length, consisting of three chains and forty-five links of single line and one chain and fifteen links of double line, situate wholly in the parish of St. Mary the Great, commencing in Senate House Hill by a junction with the tramway authorised by the Act of 1879 to be laid in Senate House Hill at a point opposite the south-west corner of the church of Saint Mary the Great, turning thence in a north-easterly direction into Saint Mary's Street, and terminating in that street in a line with the east end of the said church.

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A.D. 1880. Tramway No. 3 shall be laid as a single line, except for a length of one chain from its termination, where it shall be laid as a double line.

Cambridge.

The whole of the said tramways will be situate in the several parishes of Saint Andrew the Less, Saint Andrew the Great, Saint Benedict, and Saint Mary the Great, or some or one of them, in the borough of Cambridge and county of Cambridge.

Gauge of tramways.

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

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

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

Miscellaneous.

Provisions as to arbitration.

10. 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 or appointed by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

For protection of the governors of Hobson's Watercourse.

11. Nothing in this Act shall take away or abridge any rights or powers vested in the governors of Hobson's Watercourse to break up any road along which any tramway is laid for the purpose of altering, repairing, and maintaining any watercourse, conduit, or other works of or under the control of the said governors; and the provisions contained in sections thirty, thirty-one, thirty-two, and thirty-three of the Tramways Act, 1870, shall apply in respect to the said governors, and to any such watercourse, conduit, or other work, as if the same had been respectively named or referred to in those sections.

Saving rights of the mayor, aldermen, and burgesses of the borough of Cambridge.

12. Except as is by this Order otherwise expressly provided, nothing in this Order contained shall extend or be construed to extend to affect, prejudice, alter, abridge, or take away any estates, rights, powers, privileges, or authorities whatsoever belonging or appertaining to the mayor, aldermen, and burgesses of the borough of Cambridge.

Saving rights of Cambridge Improvement Commissioners.

13. Except as is by this Order otherwise expressly provided, nothing in this Order contained shall extend or be construed to extend to affect, prejudice, alter, abridge, or take away any rights, powers, privileges, duties, authorities, and control whatsoever belonging or appertaining to the Cambridge Improvement Commissioners.

Saving for general Acts.

14. 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

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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 the Act of 1879, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

A.D. 1880.
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Cambridge.

CARDIFF DISTRICT AND PENARTH HARBOUR
TRAMWAYS.

Cardiff, &c.

*Order authorising the construction of Tramways in the borough of
Cardiff in the county of Glamorgan.*

1. This Order may be cited as "The Cardiff District and Penarth Harbour Tramways Order, 1880." 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:

The expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Cardiff, in the county of Glamorgan, acting by the Council:

The expression "the town clerk" shall mean the town clerk for the time being of the said borough of Cardiff:

The term "person" shall include a corporation.

Promoters.

4. Horatio Richard Snelgrove, of number seven, Craven Street, Strand, in the county of Middlesex, his executors, administrators, 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 and acquire for the purpose 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 two acres of land. Lands by
agreement.

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(No. 1) Act, 1880.

A.D. 1880.

Construction of Tramways.

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Cardiff, &c.
Construction of
tramways.

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

The tramways authorised by this Order are—

A tramway commencing at the east end of Clifton Street, at or near the intersecting point of the centres of Clifton Street and Pearl Street, thence passing along Tin Street, Constellation Street, Moira Crescent, Moira Place West, into Adam Street, passing under the bridges of the Rhymney Railway and Taff Vale Railway, over the Feeder Bridge, along Bute Terrace, crossing Bute Street and the lines belonging to the Provincial Tramway Company situate therein, thence through Custom House Street, crossing the Glamorganshire Canal bridge and the south end of St. Mary Street into the Cardiff and Penarth Road entrance, thence under the Great Western Railway bridge, along the Cardiff and Penarth Road, crossing the bridge over the River Taff, thence along the Cardiff and Penarth Road and through Clive Road to the extreme southern end thereof, where the tramway will terminate.

The said tramway will be situate wholly or in part in the following townships or parishes, namely, Roath, St. John the Baptist, and St. Mary, Cardiff, and in the district of Canton and Grangetown, in the parish of Llandaff, or some or all of them, all in the county of Glamorgan: Provided that the said tramway may, with the consent of the Taff Vale Railway Company, be continued along the Cardiff and Penarth Road, or such part thereof as belongs to the Taff Vale Railway Company, beyond the said termination, to such point on the lands belonging to the said railway company as may be agreed upon between the said railway company and the Promoters.

The said tramway shall, except at the under-mentioned places, consist of a single pair of rails, and be laid along the centre of the streets.

The said tramway shall be a double line in the following positions; namely:—

No. 1, commencing in Tin Street, half a chain westward from the commencement of the tramway, and extending in a westerly direction for a length of two and a half chains.

No. 2, commencing in Moira Crescent, four chains westward of the mark denoting two furlongs on the deposited plan of the tramway, and extending in a north-westerly direction for a length of two and a half chains.

No. 3, commencing in Adam Street, three chains westward of the mark denoting five furlongs on the said plan, and extending in a westerly direction for a length of two and a half chains.

No. 4, commencing in Bute Terrace, three chains westward of the mark denoting seven furlongs on the said plan, and extending in a westerly direction for a length of two and a half chains.

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No. 5, commencing in the Cardiff and Penarth Road, three chains south-westward of the mark denoting one mile three furlongs on the said plan, and extending in a south-westerly direction for a length of two and a half chains.

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No. 6, commencing in the Cardiff and Penarth Road, five and a half chains south-westward of the mark denoting one mile five furlongs on the said plan, and extending in a south-westerly direction for a length of two and a half chains.

No. 7, commencing in Clive Road, seven and a half chains south of the mark denoting one mile seven furlongs on the said plan, and extending in a southerly direction for a length of two and a half chains.

No. 8, commencing in Clive Road, two chains northward of the termination of the tramway, and extending in a southerly direction for a length of two and a half chains.

The total length of the tramway will be two miles three furlongs 1·85 chains. The total length of the double portions respectively of such tramway will be twenty chains; viz., eight passing-places, as hereinbefore described, of two and a half chains each.

The total length of the single portion of the said tramway will be two miles one furlong 1·85 chains.

Each of the said double lines, or sidings, or passing-places shall commence from and out of the main line or single portion of the tramway, at the points above stated respectively for the commencement thereof, and thence gradually diverge for a length of forty feet, until the inner rail reaches the extreme distance of four feet from the near rail of the said main line, then continue parallel with the main line for a distance of eighty-five feet, and then converge again until it joins the main line again at a further distance of forty feet.

7. For the protection of the Corporation, the following provisions shall be in force and have effect:—

For the protection of the Corporation.

- (1.) The Promoters shall construct the portion of the tramways that is upon any road under the jurisdiction of the Corporation (herein-after called "the Corporation tramways") with such description and system of permanent way (without any wood), and lay the tramways and way in such manner, and upon such substructure of concrete, as shall be required by the Corporation, and shall in all respects construct and execute the tramways, permanent way, and substructure to the satisfaction of the engineer for the time being of the Corporation (herein-after referred to as "the engineer"):
- (2.) The Promoters shall construct and lay the tramway over Custom House Bridge with such special materials and permanent way, and in such manner in all respects, as the engineer shall direct, and at all times maintain and renew the same to his satisfaction:
- (3.) The Promoters shall, subject to the provisions of this Order and the deposited plans, lay the Corporation tramways at all points in the exact position and to the exact levels required by the engineer:
- (4.) As regards the Corporation tramways and the roads in which they are laid, the seven days notice required to be given to the Promoters by the road authority in the event of failure to comply with the pro-

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visions of section twenty-eight of the Tramways Act, 1870, shall be reduced to twenty-four hours' notice, and as regards the said tramways and roads the said section shall be construed accordingly :

- (5.) The Corporation shall at all times have free access to and communication with all their sewers and drains, and shall not require the consent or concurrence of the Promoters to enable them to lay lateral and private drains to communicate therewith, and generally to exercise the powers with respect to sewers and drains of an urban sanitary authority ; and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act, 1870, shall be applicable in the case of any sewer or drain of the Corporation as if the same were a pipe for the supply of gas or water :
- (6.) If the Corporation at any time or times after five years from the completion of the Corporation tramways respectively, or of such parts thereof as shall be completed within the respective times limited by this Order, consider the said tramways to be a nuisance, or in case the Promoters fail in carrying into effect the provisions of this Order or any part of it, the Corporation may by resolution determine that the said tramways, or any part or parts thereof respectively, shall be discontinued and removed, and may give notice to the Promoters requiring them to remove the said tramways, or such part or parts thereof respectively as is or are specified in the notice ; and the Promoters, at their own cost in all things, shall within three months after the notice so given remove the said tramways or such part or parts thereof as thereby required, and make good the roads with such materials as the engineer shall require, and to his satisfaction, and shall cause the part of the road broken up or in any way obstructed to be watched, fenced, and lighted during the continuance of such breaking up or obstruction ; and if the Promoters fail within such three months to complete such removal or make good such road as aforesaid, or to remove all surplus material and all rubbish, or during such breaking up or obstruction to fence, watch, and light the road, the Corporation may (without prejudice to any other remedy against the Promoters) effect such removals and make good such road as aforesaid, and fence, light, and watch the same, and may sell all or any part of the materials and rubbish removed, and out of the proceeds of such sale reimburse themselves any expenses incurred by them in relation to any of the matters aforesaid (rendering the overplus, if any, to the Promoters) ; and the unpaid residue of such expenses shall be paid to the Corporation by the Promoters, and shall be recoverable from the Promoters by all and the same means as any simple contract debt may be recovered.

For the protection of Trustees of Marquess of Bute and Lord Windsor.

8. For the protection of the Trustees of the will of the late Marquess of Bute (in this Order referred to as "the Trustees"), and for the protection of Lord Windsor, the following provisions shall be in force and have effect :

1. The Promoters shall construct the portion of the tramways between the Great Western Railway Company's bridge and the termination of the

tramways in the Clive Road in such manner, and on such levels, and with such materials, and upon such substructure of concrete or otherwise, as may be reasonably required by the Trustees and Lord Windsor, or their respective agents, as regards the portion of the tramways in the Cardiff and Penarth Road, and by Lord Windsor or his agent as regards the portion of the tramways in the Clive Road; and the Promoters shall in all respects maintain such respective portions of the said tramways to the entire satisfaction of the Trustees and Lord Windsor as regards the tramways in the Cardiff and Penarth Road, and of Lord Windsor as regards the tramways in the Clive Road, and the rails to be used therefor shall be of such section, weight, size, and otherwise as may be approved by the Trustees and Lord Windsor as regards the tramways in the Cardiff and Penarth Road, and by Lord Windsor as regards the tramways in the Clive Road:

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2. The Promoters shall, on being provided with the necessary land for the purpose, and before the tramways shall be opened for public traffic, widen the Cardiff and Penarth Road between the Great Western Railway Company's bridge and the Clive Road at least six feet throughout its entire length (except where it crosses the bridge over the River Taff) to the satisfaction in all things of the Trustees and Lord Windsor, and not only as regards the road, but also the footpath and fences thereof; and in the event of the Promoters neglecting or declining for a period of six months after the passing of the Act confirming this Order to carry out such widening, they shall within seven months after the passing of such Act pay to the Trustees seven hundred and fifty pounds, the estimated cost of such widening, and on the payment of such sum by the Promoters to the Trustees they shall carry out such widening with all reasonable despatch, and the Promoters shall not, without the consent of the Trustees and Lord Windsor, open the tramways until the widening has been completed:
3. The Promoters shall permanently maintain, pitch, and pave the said tramways and the respective portions of the Cardiff and Penarth Road and Clive Road in which the same are laid, and also so much of the said road as extends to a width of not less than eighteen inches on each side of the outer rails, and also the portion of road between the said tramways where there is a double line of rails, in good and sufficient order and repair, to the satisfaction, as regards the Cardiff and Penarth Road, of the Trustees and Lord Windsor and their respective agents, and as regards the Clive Road of Lord Windsor and his agent, and free of all charge to the Trustees or Lord Windsor:
4. In case (except from some unavoidable accident) after the tramways in the Cardiff and Penarth Road and the Clive Road have been opened for public traffic the traffic on the same shall at any time be suspended for more than forty-eight hours, the Trustees and Lord Windsor, or either of them, as regards the portion of the tramways which shall be laid in the Cardiff and Penarth Road, and Lord Windsor as regards

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the portion of the tramways which shall be laid in the Clive Road, shall be at liberty to remove the rails and other materials placed thereon by the Promoters, and appropriate the same to their own respective use, without being accountable in any way to the Promoters or any company or body or person for so doing, and the Promoters shall thereafter not be entitled under this Order to lay any tramway in any of the said roads :

5. The Promoters shall not be entitled to any compensation in case the bridge which carries the said Cardiff and Penarth Road over the River Taff shall from any cause have to be closed, either wholly or partially, so as to render it impracticable or inconvenient for the tramway traffic to pass over the same :
6. Nothing in this Order contained shall prevent or interfere with the Trustees and Lord Windsor as regards the Cardiff and Penarth Road and Lord Windsor as regards the Clive Road respectively having at all times free access to and communication with all drains and sewers which may be laid under the Cardiff and Penarth Road and Clive Road respectively or otherwise, or make the previous consent or concurrence of the Promoters necessary to enable them to lay lateral and other drains to communicate therewith :
7. In case the Corporation or any other local authority (if any) shall at any time propose to acquire the tramways, the Promoters shall not consent to such acquisition unless the Corporation or such other local authority shall also take upon themselves the Cardiff and Penarth Road and bridge over the River Taff and the Clive Road, and shall convert the same into and maintain the same as public roads and a public bridge repairable as highways by the inhabitants at large :
8. The Trustees and Lord Windsor may respectively, whenever they think fit, but subject to the byelaws for the time being in force with respect to the tramways, use the same for the conveyance in their own trucks or waggons (the same to be of a suitable construction) of building and other materials to be conveyed to or from the Cardiff and Penarth Road and the Clive Road respectively to or from any of their respective lands on either side of the said roads respectively ; and the Trustees and Lord Windsor respectively as regards the portion of the tramways in the Cardiff and Penarth Road, and Lord Windsor as regards the portion of the tramways in the Clive Road, shall be at liberty to put in and use any sidings or junctions with the tramways or crossings thereof as they or he think fit, and Lord Windsor shall be at liberty to lay and use for his own purposes any rails or tramways across the Clive Road at any point he may think fit, and to make all such crossings on the level over the tramways in the Clive Road as he shall think fit, and all such matters shall be free of all payments, tolls, and charges whatever payable by the Trustees or Lord Windsor :
9. The portion of the tramways in the Cardiff and Penarth Road and in the Clive Road shall be constructed simultaneously with the other portion of the tramways, and the Promoters shall not open for public traffic any

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portion of the tramways until the portion of the tramways in the Cardiff and Penarth Road and the Clive Road is also completed and opened for public traffic :

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10. In case of the tramways in the Cardiff and Penarth Road and in the Clive Road being disused, the Promoters shall restore the said roads respectively as nearly as may be to the state and condition in which they were before the tramways were laid, and shall make good the surface of the said roads respectively to the satisfaction of the Trustees and Lord Windsor as regards the Cardiff and Penarth Road, and of Lord Windsor as regards the Clive Road, and shall, if so required by the Trustees and Lord Windsor as regards the Cardiff and Penarth Road, and by Lord Windsor as regards the Clive Road, but not otherwise, clear away and remove all surplus paving, metalling, and other materials from the said roads respectively.

In this Order the terms "the Trustees" and "Lord Windsor" in relation to the parts of the Cardiff and Penarth Road in which any of the tramways is laid shall include the owners for the time being of such parts of the said road, and the term "Lord Windsor" in relation to the Clive Road shall include the owner for the time being of the Clive Road.

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

Provisions as to construction of tramways.

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

As to rails of tramways.

11. The Promoters shall at all times maintain and keep in good condition and repair, to the satisfaction of the road authority, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist and the substructure upon which the

Penalty for not maintaining rails and road in good condition.

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same rest; and if the Promoters at any time make default in complying with this provision or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues; and such penalty may be recovered as by section fifty-six of the said Act is provided.

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

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

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

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

13. If any road authority hereafter alter the level of any road along or across which any of the tramways is laid or authorised to be laid, the Promoters 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.

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

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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 situations of any such crossings, passing-places, sidings, junctions, or works, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

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If any crossing, passing-place, siding, junction, or other work so made with the approval of the road authority, or any part thereof, is subsequently objected to by the road authority, the road authority may, by written notice to the Promoters, require them to remove the same, and, if the road authority so think fit, to remake or relay the same in some other position to be specified in the notice; and the Promoters shall comply with such requirement: Provided that the expense of every such removal, remaking, or relaying shall be borne by the road authority.

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

Temporary tramways may be made when necessary.

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

16. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters, so far as may be necessary, in or towards the reinstating of such road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to a 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

Application of road materials excavated in construction of Promoters works.

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A.D. 1880. such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Promoters and any road authority.

Period for completing of tramways.

17. The period within which the tramways shall be completed and ready for public traffic shall be one year from the passing of the Act confirming this Order, or such further period (not exceeding two years) from the passing of such Act as the Corporation, with the consent of the Board of Trade, may sanction under their corporate seal.

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

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

Motive Power.

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

19. The carriages used on the tramways may, subject to the provisions of this Order, be moved by animal power, and, during a period of seven years after the opening of the same for public traffic, and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a Secretary or an Assistant Secretary of the said Board, by steam power or any mechanical power: Provided that steam or mechanical power shall not be used on any of the tramways in the roads or streets under the jurisdiction of the Corporation, except with the permission of the Corporation in writing under their corporate seal, and such permission may be given for such period or periods and upon such terms and conditions (not being inconsistent with the provisions of this Order) as the Corporation from time to time think fit, and that steam or mechanical power shall not be used on any of the tramways in the Cardiff and Penarth Road without the permission in writing of the Trustees and Lord Windsor, or on any of the tramways in the Clive Road without the permission in writing of Lord Windsor:

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

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

20. The Promoters or any person using steam or any mechanical power on any of the tramways contrary to the provisions of this Order or to any of the regulations set forth in the Schedule to this Order annexed, or to any regulation added thereto or substituted therefor by any order made by the Board

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

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

Byelaws.

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.

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

As to recovery of penalties.

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

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

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A.D. 1880. any byelaw sanctioning a higher rate of speed than that authorised by this Order, or by any regulation made by the Board of Trade under the authority of this Order, at which engines and carriages are to be driven or propelled on the tramways under the authority of this Order; but the local authority may, if they think fit, make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders and byelaws to be signed, &c.

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

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

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

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

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

In case any difference arise between any such road authority and the Promoters or such person as to the determination of any such contract, agreement, or arrangement, or in case any such road authority, after request in writing by the Promoters or such person, or the Promoters or such person after request in writing by any such road authority, during a period of one month after such

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

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

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

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

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

Traffic upon Tramways.

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

Traffic upon tramways.

28. The Promoters shall not be bound to carry, unless they think fit, any parcel or passengers luggage which exceeds twenty-eight pounds in weight.

Promoters not bound to carry heavy parcels.

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Cardiff, &c.

Carriages not
to be run on
Sundays, &c.

29. The Promoters shall not, without the consent from time to time of the Corporation first had and obtained, run, or permit or suffer to run, any carriage upon the tramways or any part or parts thereof on any Sunday, Good Friday, or Christmas Day; and the Corporation shall have power to make from time to time, in accordance with the provisions of section forty-six of the Tramways Act, 1870, regulations as to the times and conditions of user of the tramways on any Sunday, Good Friday, or Christmas Day to which such consent shall apply.

Corporation
may use tram-
ways for sani-
tary purposes.

30. The Corporation may, at such times and in such manner as they think fit, 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 any materials required for any work or undertaking of the Corporation, free of all tolls and charges in respect of such use; the wheels and trucks used for the above purposes to be made suitable for use on the tramways.

Officers of the
Corporation to
ride in car-
riages free of
charge.

31. The principal officers and inspectors of works of the Corporation shall at all times, when on duty, be permitted by the Promoters to ride free of charge for the whole or any part of the journey in or upon each carriage, waggon, or truck of the Promoters by which any passengers or parcels are conveyed upon the tramways or any part thereof.

Single-horse
car not allowed.

32. No car or carriage drawn by one horse only shall be run or worked upon the tramways.

Tolls.

Tolls for pas-
sengers.

33. The Promoters may demand and take for every passenger travelling upon any of the tramways or any part thereof, including tolls or charges for the use of the tramways and of carriages and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per mile (and for this purpose the fraction of a mile beyond 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.

Passengers
luggage.

34. Every passenger travelling upon the tramways may, subject to any bye-laws for the time being in force, take with him his personal luggage, not exceeding twenty-eight pounds in weight, without any charge being made for the carriage thereof.

Cheap fares
for labouring
classes.

35. 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 over the whole of the tramways or the part or parts so opened 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 a quarter past five in the evening respectively, as the Corporation think most convenient for artizans, mechanics, and daily labourers, at tolls and charges not exceeding one halfpenny per mile (the Promoters, nevertheless, not being required to take any fare less than one penny); and the Promoters shall

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be liable to a penalty not exceeding five pounds for every day on which they shall fail to run such carriages as aforesaid, unless prevented from so doing by any act of the Corporation or by circumstances over which they have no control: Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such carriages or the number of passengers carried, the said Board shall have power to fix and regulate the same from time to time.

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 Cardiff, &c.

36. The Promoters may demand and take in respect of any 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 of waggons or trucks, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding twopence for any parcel under fourteen pounds in weight, and fourpence for any parcel of fourteen pounds in weight and not exceeding twenty-eight pounds in weight.

Tolls for parcels.

37. 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.

Payment of tolls.

38. 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.

Periodical revision of tolls.

Miscellaneous.

39. The Promoters on the one hand, and either of the following companies on the other hand, viz., the Taff Vale Railway Company and the Provincial Tramway Company, Limited, may from time to time, with the consent of the Board of Trade, enter into and carry into effect or rescind agreements with

Power to make working arrangements with other companies.

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A.D. 1880. respect to the interchange of traffic coming from or destined for the respective undertakings of the Promoters and the contracting companies, and the division and appropriation of the revenue arising from that traffic.

Cardiff, &c.

Power for Corporation to buy undertaking.

40. In case the Corporation shall, after the opening of the tramways for traffic, and after the expiration of five years from the date of the passing of the Act confirming this Order, desire to purchase the undertaking, the Promoters shall, subject to the provisions of this Order in relation to the said Cardiff and Penarth Road and the bridge over the River Taff and the Clive Road and the maintenance of the same respectively as highways repairable by the inhabitants at large, assent thereto, and shall, subject to the consent of the Board of Trade, accordingly sell the undertaking to the Corporation; and such sale shall be deemed to be a sale within the meaning of section forty-four of the Tramways Act, 1870, and the provisions of the said section shall apply thereto: Provided that the terms upon which such sale shall be made shall, failing agreement between the Corporation and the Promoters, be determined by arbitration in manner provided by the Lands Clauses Consolidation Act, 1845, for the settlement by arbitration of questions of disputed compensation; provided further, that nothing in this section shall disentitle the Corporation to the benefit of section forty-three of the Tramways Act, 1870, if they have not previously exercised the power of purchase hereby conferred upon them by this section.

As to further extension of tramways within the borough of Cardiff.

41. The Promoters shall from time to time, if and when required by the Corporation, by resolution under their corporate seal left at the principal office for the time being of the Promoters at Cardiff, apply for and use their best exertions to obtain in the then next session of Parliament a provisional order or provisional orders to extend the system of the tramways in Cardiff within the borough of Cardiff to the extent and in the manner to be specified and defined in any such resolution: Provided always, that if in the opinion of the Promoters such request is, on account of the pecuniary position of the Promoters or for any other cause whatever, unreasonable, and any difference shall thereupon arise between the Corporation and the Promoters, the question in difference shall be determined by arbitration in manner provided by the Companies Clauses Act, 1845, with respect to the settlement of disputes by arbitration.

Corporation may make additional regulations and byelaws.

42. The Corporation may from time to time make under and according to the provisions of section forty-six of the Tramways Act, 1870, regulations and byelaws for all or any of the following purposes, in addition to the purposes in the said section mentioned; that is to say,—

For preventing the overcrowding of any carriages used on the tramways;

For insuring the sufficiency and fitness of the carriages used on the tramways and the horses drawing the same.

Authentication of byelaws.

43. The Board of Trade shall be and they are hereby authorised to approve of byelaws made under the authority of section forty-six of the Tramways Act, 1870, and of this Order, with respect to the undertaking authorised by this Order, and no such byelaw shall have any force or effect unless the same shall have been so approved; and the production of a written or printed copy of any such byelaw, signed by a Secretary or an Assistant Secretary of the Board of

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Trade, shall be primâ facie evidence of such byelaw in all courts of justice and in all legal proceedings whatsoever.

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Cardiff, &c.

44. As security to the Corporation for the due fulfilment by the Promoters of the obligations to which under the provisions of this Order they are liable, the Promoters shall, in addition to complying with the provisions of section twelve of the Tramways Act, 1870, and the rules made by the Board of Trade in pursuance thereof as to the deposit to be made by the Promoters in respect of the application for this Order, within three months after the passing of the Act confirming this Order, invest, to the satisfaction of the town clerk, in the joint names of the Promoters and the town clerk (herein-after referred to as "the borough trustees"), the sum of five hundred pounds, or, at the option of the Corporation, assign to the borough trustees such security of not less value as the Corporation may consider sufficient; and the said sum, or any such security to be substituted in lieu thereof, shall be held by the borough trustees on trust to pay and make good to the Corporation any claim which may arise at their instance against the Promoters; and if any difference arise between the Corporation and the Promoters in relation to any such claim, the question in difference shall be determined by arbitration in manner provided by the Companies Clauses Act, 1845, with respect to the settlement of disputes by arbitration: Provided that, so long as no claim shall be established at the instance of the Corporation against the Promoters, the interest or dividend on the sum so invested or secured shall be payable to and receivable by the Promoters.

Provisions as to fulfilment by Promoters of their obligations to Corporation.

45. Where, under the provisions of the Tramways Act, 1870, and this Order, any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Provisions as to arbitration.

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

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 any local authority or any road authority shall be signed by their clerk or secretary:

(2.) Any notice to be delivered by or to the Promoters to or by any local authority or any road authority or other body, or any company, may be delivered by being left at the principal office of the Promoters, or of such 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 such principal office.

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

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

48. 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

Saving as to powers of borrowing on mortgage.

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Saving for
general Acts.

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

SCHEDULE.

Break power of
engines.

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

As to fittings
of engines, &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

As to car-
riages.

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.

[43 & 44 VICT.] *Tramways Orders Confirmation* [Ch. clxxii.]
 (No. 1) Act, 1880.

The Board of Trade shall on the application of the Corporation, 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.

A.D. 1880.
Cardiff, &c.
 Inspection of engines and carriages.

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

As to speed.

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

CROYDON STREET TRAMWAYS (EXTENSIONS).

Croydon.

Order authorising the Croydon Tramways Company to construct additional Street Tramways in the parish of Croydon in the county of Surrey.

1. This Order may be cited as "The Croydon Street Tramways (Extensions) Order, 1880."

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, unless there be something in the subject or context inconsistent with such construction: Provided that in this Order—

Interpretation.

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

The expression "the Act of 1878" shall mean the Croydon Tramways Act, 1878;

The expression "the Local Board" shall mean the Local Board of Health for the district of Croydon; and

The term "person" shall include a corporation.

4. The Croydon Tramways Company, incorporated by the Act of 1878, 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 this Order such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold for such purposes more than three acres of land in addition to the lands they are authorised to acquire by the Act of 1878.

Lands by agreement.

[Ch. clxxii.] *Tramways Orders Confirmation* [43 & 44 VICT.]
(No. 1) Act, 1880.

A.D. 1880.

Croydon.

Promoters may apply their capital to purposes of this Order.

Tramways to form part of authorised undertaking of Promoters.

Construction of tramways.

6. The Promoters may apply to the purposes of this Order, and to the payment of the costs of and connected with the application for, preparation, making, and confirmation of this Order, and preliminary or incidental thereto, any capital which they are by the Act of 1878 authorised to raise, and which is not required for the purposes of that Act.

7. The tramways by this Order authorised shall be deemed to form part of the undertaking of the Promoters authorised by the Act of 1878; and all the provisions of that Act, as amended by this Order, shall, as far as applicable, apply to the tramways by this Order authorised in like manner in every respect as if the tramways formed part of the tramways authorised by the said Act.

8. The Promoters may construct and maintain, subject to the provisions of this Order and in accordance with the plans and sections deposited for the purposes of this Order, the tramways herein-after described, with all proper rails, plates, offices, weighbridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are wholly situate in the parish of Croydon in the county of Surrey, and are,—

Tramway No. 1, forming a tramway route of one mile five furlongs nine chains and twenty links in length, and consisting of eleven chains and ten links of double line and one mile four furlongs eight chains and ten links of single line, and commencing by a junction with the existing tramway of the Promoters, as authorised by the Act of 1878, at a point in the London Road eighteen links or thereabouts south of the junction of the southern corner of Brigstock Road with the London Road, passing thence along the London Road to its junction with the Brigstock Road, thence in a north-easterly direction along the Brigstock Road and Collier's Water Lane over the railway bridge in that place, thence along High Street, New Thornton Heath and Whitehorse Road over the railway bridge in that road, and terminating by a junction with the tramway of the Promoters as authorised by the Act of 1878 in Whitehorse Road at a point immediately opposite the southern corner of the Selhurst Road where that road joins Whitehorse Road.

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

In Brigstock Road between a point nineteen links and a point two chains nineteen links north-east of the junction of Brigstock Road with the London Road, and between a point thirty-three links and a point one chain eighty-three links south-west of the junction of Collier's Water Lane with Brigstock Road;

In Collier's Water Lane between a point forty-five links and a point one chain ninety-five links north-east of the junction of Beulah Road East with Collier's Water Lane;

In High Street, New Thornton Heath between a point seventy-five links west and a point seventy-five links east of the point immediately opposite the centre of Gullet Road where it joins High Street, New Thornton Heath;

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Croydon.

In High Street, New Thornton Heath and Whitehorse Road between a point seventy-five links north-west and a point seventy-five links south-east of the point opposite the centre of the sign-post at the junction of High Street, New Thornton Heath and Whitehorse Road;

In Whitehorse Road between a point fifty yards south of the northern corner of the junction of Pawsons Road with Windmill Road and a point one chain fifty links of the first-named point;

In Whitehorse Road between a point ninety-five links north of the northern corner of the junction of Windmill Road with Whitehorse Road and a point opposite the junction of the southern corner of Selhurst Road with Whitehorse Road.

Tramway No. 2, forming a tramway route of one mile two furlongs two chains and seventy-five links, and consisting of eighteen chains of double line and one mile four chains and seventy-five links of single line, and commencing at a point in Saint James's Road East thirty links west of the western junction of that road with Clyde Road, passing thence in a westerly direction along Saint James's Road East to its junction with Cherry Orchard Road, thence along Cherry Orchard Road to its junction with Addiscombe Road, thence in a westerly direction along Addiscombe Road and along George Street to its junction with North End, thence along North End, and terminating by a junction with the tramway of the Promoters authorised by the Act of 1878 in North End at a point eighteen yards or thereabouts to the north of the northern corner of Crown Hill at its junction with North End.

Tramway No. 2 shall be laid as a single line excepting between the following points, where it shall be laid as a double line:—

In Saint James's Road East between a point thirty links and a point one chain eighty links west of the junction of the western corner of Clyde Road with Saint James's Road East;

In Saint James's Road East between a point opposite the eastern corner of the junction of Morland Road with Saint James's Road East and a point one chain fifty links west of the first-named point;

In Cherry Orchard Road between a point opposite the northern corner of the junction of Cross Road with Cherry Orchard Road and a point opposite the northern corner of the junction of Oval Road with Cherry Orchard Road;

In Addiscombe Road between a point opposite the western corner of the junction of Dingwall Road with Addiscombe Road and a point one chain fifty links west of the first-named point;

In Addiscombe Road between a point opposite the eastern corner of the junction of Wellesley Road with Addiscombe Road and a point two chains fifty links east of the first-named point:

Provided always, that the Promoters shall lay down and construct the curve of Tramway No. 2 between the end of George Street and the junction of the said tramway in North End to the satisfaction of the Local Board.

9. The rails of the tramways shall be such as the Board of Trade may approve: Provided that the Board of Trade may from time to time, upon the

Mode of formation of tramways.

[Ch. clxxii.] *Tramways Orders Confirmation* [43 & 44 VICT.]
(No. 1) Act, 1880.

A.D. 1880. application of the road authority, 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.

Croydon.

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, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade and 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.

Penalty for not maintaining rails and road in good condition.

11. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist and the sub-structure upon which the same rest; and if the Promoters at any time make default in complying with this provision or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made any such default as aforesaid, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade 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 herein-before imposed with respect to offences.

[43 & 44 VICT.] *Tramways Orders Confirmation* [Ch. clxxii.]
(No. 1) Act, 1880.

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

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Croydon.

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

13. If the 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.

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

Additional passing-places and sidings may be made where necessary.

15. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are or 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.

Temporary tramways may be made when necessary.

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

16. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters, so far as may be necessary, in or towards the reinstating of such road and the maintenance for six months 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 deliver the surplus paving, metalling, or material not used

Application of road materials excavated in construction of Promoters works.

[Ch. clxxii.] *Tramways Orders Confirmation* [43 & 44 VICT.]
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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 their 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.

As to opening
of tramways.

17. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed by a Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic: Provided always, that the Tramway No. 1 shall not be opened for public traffic until the Local Board have rebuilt and widened the bridge over the Norbury Brook, in the Colliers Water Lane, and until the Promoters have paid to the Local Board one third of the cost incurred by the Local Board in such rebuilding and widening.

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

18. 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.

Tolls.

19. The tramways shall for the purposes of tolls and charges be deemed to form part of the undertaking of the Promoters authorised by the Act of 1878, and it shall be lawful for the Promoters to demand and receive such tolls and charges in respect of each and every description of traffic upon the tramways as they would have been entitled to demand and receive if the same had originally formed part of the said undertaking of the Promoters.

Periodical
revision of
tolls.

20. 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,

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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.

A.D. 1880.

Croydon.

21. In case the Promoters do not within one year after the passing of the Act confirming this Order acquire and forthwith thereafter convey to the Local Board the land necessary for widening the roadway from the corner of the Woodville road to the corner of High Street, Thornton Heath and making the same forty feet in width between the kerbs, and also the land necessary for widening the roadway between the Cross Road and the Oval Road in the Cherry Orchard Road and making the same nineteen feet in width between the kerbs, and the Local Board, after the expiration of such year and within three years after the passing of the Act confirming this Order, themselves acquire the lands necessary for widening such roadways or either of such roadways to such widths as aforesaid, and at the expense of the Local Board make the said roadways or either of such roadways of such widths or width as aforesaid, and provide such fences to the roadways or roadway so widened as aforesaid as may be requisite, the Promoters shall pay to the Local Board the expenses incurred by the Local Board in acquiring the lands necessary for widening such roadways or either of such roadways; and in case of non-payment to the Local Board of such expenses, the Local Board may recover the same in like manner as any simple contract debt.

As to purchase of land for widening certain roadways.

22. Where under the provisions of the Tramways Act, 1870, and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Provisions as to arbitration.

23. Notwithstanding anything in this Order contained, the Promoters and any person using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by the Act of 1878, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

Saving for general Acts.

A.D. 1880.

DARLINGTON TRAMWAYS.

Darlington. Order authorising the construction of Tramways in the borough of
Darlington in the county of Durham.

Short title. 1. This Order may be cited as "The Darlington Tramways Order, 1880."

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

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

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

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

The expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough acting by the council; and

The term "person" shall include a corporation.

Promoters.

The Promoters. 4. Thomas Fothergill McNay, of No. 21, Abingdon Street, Westminster, and René James Tahourdin, of No. 1, Victoria Street, Westminster, and the survivor of them, and the executors or administrators of such survivor, their or his assigns, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

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

Construction of Tramways.

Construction
of tramways. 6. The Promoters may construct and maintain, subject to the provisions of this Order, in accordance with the plans and sections deposited for the purposes of this Order, the tramways herein-after described, with all proper rails, points, junctions, plates, offices, weigh-bridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are—

Tramway No. 1 (one mile four furlongs and nine chains or thereabouts in length, of which one furlong and five chains or thereabouts is double line, and one mile three furlongs and four chains or thereabouts is single line), commencing in the roadway opposite the Darlington (Bank Top) passenger station of the North-Eastern Railway, one and a half chains or thereabouts south of Victoria Road, and passing thence in a northerly

[43 & 44 VICT.] *Tramways Orders Confirmation* [Ch. clxxii.]
(No. 1) Act, 1880.

direction along the said roadway and into and along Victoria Road, Feetham's Lane, the road (on the south side of the market place) leading from Feetham's Lane to Blackwell Gate, the road leading from Blackwell Gate to Northgate (on the west side of the market place, and between Prebend Row and High Row), Northgate, North Road, and Durham Road, and terminating in Durham Road half a chain or thereabouts south-west of Wales Street. A.D. 1880.
Darlington.

Tramway No. 1 shall be a single line except at the following places, where it shall be a double line :

(1.) For a distance of one and a half chains or thereabouts from its commencement ;

(2.) In Victoria Road for a distance of one chain or thereabouts from Feetham's Lane ;

(3.) In Feetham's Lane for a distance of one chain or thereabouts from Victoria Road ;

(4.) In the road leading from Feetham's Lane to Blackwell Gate for a distance of one chain or thereabouts from the road leading from Blackwell Gate to Northgate ;

(5.) In the road leading from Blackwell Gate to Northgate for a distance of one chain or thereabouts from the road leading from Feetham's Lane to Blackwell Gate, and between points three and a quarter chains or thereabouts, and one and a quarter chains or thereabouts, south of Priestgate ;

(6.) In Northgate from opposite Union Street for a distance of two chains or thereabouts northward ;

(7.) In Northgate or North Road, between points one and a half chains or thereabouts south, and half a chain or thereabouts, north of Lambton Street ;

(8.) In Northgate or North Road between MacNay Street, and two chains or thereabouts north thereof ;

(9.) For a distance of one and a half chains or thereabouts from its termination : Provided that the Promoters shall not construct so much of Tramway No. 1 as lies between the commencement thereof and a point measured along the said tramway, as shown on the deposited plans, 75 yards from the commencement thereof, without the previous consent in writing of the North-eastern Railway Company under their common seal.

Tramway No. 2 (seven furlongs and six chains or thereabouts in length, of which seven and a half chains or thereabouts is double line, and six furlongs eight and a half chains or thereabouts is single line), commencing by a junction with Tramway No. 1 in the road leading from Blackwell Gate to Northgate, opposite the south side of Priestgate, and passing thence in a north-westerly direction along the said road and into and along Bondgate and Cockerton Road, and terminating in that road half a chain or thereabouts south-east of the guide post at Cockerton Bridge End.

[Ch. clxxii.] *Tramways Orders Confirmation* [43 & 44 VICT.]
(No. 1) Act, 1880.

A.D. 1880.

Darlington.

Tramway No. 2 shall be a single line except at the following places, where it shall be a double line :

In Cockerton Road at the following places between the respective points following ; (that is to say)

- (a.) Half a chain or thereabouts and two and a half chains or thereabouts west of Greenbank Road ;
- (b.) Six chains or thereabouts and eight chains or thereabouts west of the entrance to Trinity Church ;
- (c.) Two and a quarter chains or thereabouts and four and a quarter chains or thereabouts north-west of the entrance to Pierremont ;
- (d.) For a distance of one and a half chains or thereabouts from its termination.

Tramway No. 3 (five furlongs eight and a half chains or thereabouts in length, of which five and a half chains or thereabouts is double line and five furlongs three chains or thereabouts is single line), commencing by a junction with Tramway No. 2 in Bondgate, four and a quarter chains or thereabouts west of Commercial Street, and passing into and along Skinnergate and Grange Road, and terminating in that road opposite the road leading to the public park ;

So much of Tramway No. 3 in Skinnergate as lies between Duke Street and the junction of Skinnergate with Bondgate shall be laid on the west side of the roadway, and so that the nearest rail of the Tramway shall not be more than three feet from the outer kerb of the footpath.

Tramway No. 3 shall be a single line except at the following places, where it shall be a double line :

In Grange Road at the following places between the respective points following ; (that is to say)

- (a.) Two chains or thereabouts and four chains or thereabouts south of Northumberland Street ;
- (b.) Opposite the entrance to the grounds of Polam Hall, and two chains or thereabouts north-east thereof ;
- (c.) For a distance of one and a half chains or thereabouts from the termination of the Tramway.

Tramway No. 4 (three furlongs eight and a half chains or thereabouts in length, of which three and a half chains or thereabouts is double line and three furlongs and five chains or thereabouts is single line), commencing by a junction with Tramway No. 1 in the road leading from Blackwell Gate to Northgate, three and a quarter chains or thereabouts south of Priestgate, and passing thence into and along the road between the road leading from Blackwell Gate to Northgate and Parkgate (immediately to the north of the market place, Church Row, passing over the bridge over the River Skerne and Park Row), and along Parkgate and the road under the North-eastern Railway, leading from Parkgate to Saint John's Church, and terminating opposite the western entrance to that church two and a half chains or thereabouts south-east of Adelaide Street.

[43 & 44 VICT.] *Tramways Orders Confirmation* [Ch. clxxii.]
(No. 1) Act, 1880.

Tramway No. 4 shall be a single line, except at the following places, where it shall be a double line: A.D. 1880.

(1.) In the road between the road leading from Blackwell Gate to Northgate and Parkgate, between points five and a quarter chains or thereabouts and three and a quarter chains or thereabouts north-west of Park Street;

(2.) For a distance of one and a half chains or thereabouts from its termination.

Tramway No. 5 (one furlong six and three quarter chains or thereabouts in length, of which one and a half chains or thereabouts is double line, and one furlong and five and a quarter chains or thereabouts is single line), commencing in Northgate or North Road by a junction with Tramway No. 1, opposite the south end of Lister's Buildings, and passing thence into and along Station Road, and into and terminating in the roadway opposite the Stockton and Darlington Passenger Station of the North-eastern Railway two chains or thereabouts south-east of the south-east corner of the verandah over the entrance to the said Stockton and Darlington Station.

Tramway No. 5 shall be a single line, except for a distance of one and a half chains or thereabouts from its termination, where it shall be a double line: Provided always, that the Promoters shall not construct the said Tramway No. 5 without the previous consent in writing of the North-eastern Railway Company under their common seal to the construction thereof.

Tramway No. 6 (being a short junction single line two and a half chains or thereabouts in length), commencing in Northgate by a junction with Tramway No. 1, two and three quarter chains or thereabouts north of Priestgate, and terminating in Bondgate by a junction with Tramway No. 2, three quarters of a chain or thereabouts east of Commercial Street.

The above Tramways pass from, through, or into, or are situate in the borough and parish of Darlington in the county of Durham.

7. The Promoters shall, if, prior to the commencement of the works for construction of the tramways, they are required by the Corporation in writing under the common seal of the Corporation so to do, pave with wood pavement, to the reasonable satisfaction of the surveyor for the time being of the Corporation, so much of the road whereon any of the tramways is laid as lies between the rails of the tramway and the portion of the road between the tramways where any such tramway is double line, and so much of the road as extends eighteen inches beyond the rails, and on each side of such tramway between the following points, namely:—

Tramway No. 1:

From King's Head Hotel to Cockerbeck (Northgate) Bridge.

Tramway No. 3:

In Skinnergate.

Tramway No. 4:

From Stone Bridge to the west end of the Cut in Parkgate.

8. If any damage be occasioned to any bridge or roadway repairable by the justices of the peace for the county of Durham, or any of the fences, walls, If damage done to bridges, Promoters to pay.

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buttresses, retaining walls, supports, culverts, drains, or footpaths, by any car, carriage, or other vehicle of the Promoters, or by the construction of the Tramways, or by the repairing or relaying of the rails, the Promoters shall, at their own expense, repair or make good any such damage, under the superintendence and to the reasonable satisfaction of the surveyor to the county of Durham, and the reasonable costs of such superintendence shall be paid by the Promoters: Provided that if within forty-eight hours after notice in writing in that behalf under the hand of the said surveyor, the Promoters have not commenced to repair and make good such damage, or if, having commenced the same, they do not diligently proceed therewith, so as to complete the same with all reasonable despatch, the said surveyor may at the cost of the Promoters execute and do all such works and things as may be reasonably necessary to repair and make good such damage.

Gauge of tramways.

9. The tramways shall be constructed on a gauge of three feet: Provided always, that so much of section thirty-four of the Tramways Act, 1870, as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways, but no 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, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, and renewal of any of the tramways or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade, and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act.

Mode of formation of tramways.

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 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, including the rails thereof, as experience may from time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic; and the Promoters shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Penalty for not maintaining rails and road in good condition.

12. The Promoters shall at all times maintain and keep in good condition and repair to the satisfaction of the road authority, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest, and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject on information laid or complaint made to a penalty not exceeding five pounds, and in case of a continuing

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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. A.D. 1880.
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In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made any such default as aforesaid, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade certify under the hand of a Secretary or an Assistant Secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are herein-before imposed with respect to offences.

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

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

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, carriage-houses, sheds, or works of the Promoters, subject to the approval of the road authority: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if any owner or occupier of premises abutting on the place where such rail is proposed to be laid, by writing under his hand, addressed to the Promoters, express his objection thereto: Provided also, that the number and situation of such crossings, points, passing-places, sidings, junctions, and other works within the district of any road authority shall be determined by such road authority, and if any difference arises between the Promoters and such road authority with respect to the number and situation of the said crossings, points, passing-places, sidings, junctions, or works, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the difference in the said section mentioned. Additional passing-places and sidings may be made where necessary.

16. If any crossing or other additional work made with the approval of the road authority in manner aforesaid, or any part thereof, is subsequently objected Road authority may require removal of additional crossings.

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to by such road authority, such road authority may, by written notice to the Promoters, require them to remove the same, and, if such road authority so think fit, to remake or relay the same, in some other position to be specified in the notice, and the Promoters shall comply with such requirement: Provided that the expense of every such removal, re-making, or re-laying, shall be borne by such road authority.

Temporary tramways may be made when necessary.

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

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

Application of road materials excavated in construction of Promoters works.

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 the reinstating of such road, and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided that if within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus is not removed by the said surveyor, or by some other person 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.

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

19. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed

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by a Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic. A.D. 1880.

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Motive Power.

20. The carriages used on the tramways may, subject to the provisions of this Order, be moved by animal power, and, except on tramways No. 3 and No. 4, during a period of seven years after the opening of the same for public traffic, and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a Secretary or an Assistant Secretary of the said Board, by steam power, or any mechanical power.

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

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

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

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

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

Byelaws.

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

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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.

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

23. The use of the bell, whistle, or other warning apparatus, under the provisions of this Order, shall be subject to any regulations which, subject to this Order, or to any regulations made by the Board of Trade under the provisions of this Order, the Corporation may make, and which they are hereby authorised to make, subject as aforesaid, with respect to such use.

As to recovery of penalties.

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

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

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

Orders and byelaws to be signed, &c.

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

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

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

Where at the time of the giving of any such notice any contract, agreement, or arrangement is in force with respect to the user by the Promoters or such person, or the paving and keeping in repair of the whole or any part of the

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

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

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

No steam or mechanical power shall be used on the tramways, or any portion of the tramways, unless there is in force, in relation to the tramways or such

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portion of the tramways, a contract, agreement, or arrangement in accordance with the provisions of this section.

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

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

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

Traffic upon Tramways.

Traffic upon tramways.

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

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

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

Tolls.

Tolls for passengers.

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

Passengers luggage.

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

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33. 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 (Sunday, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Promoters think most convenient for artizans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the Promoters, nevertheless, not being required to take any fare less than one penny): Provided that the 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.

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Cheap fares
for labouring
classes.

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

Tolls for
animals, goods,
&c.

35. 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.

Payment
of tolls.

36. 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

Periodical
revision of
tolls.

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Miscellaneous.

Provisions as
to arbitration.

37. Where, under the provisions of the Tramways Act, 1870, and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and
delivery of
notices.

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

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

(2.) Any notice to be delivered by or to the Promoters to or by any local authority or any road authority or other body, or any company, may be delivered by being left at the principal office of the Promoters or of such 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 such principal office.

Agreement
between Pro-
moters and
road autho-
rities.

39. The Promoters and any road authority may, subject to the provisions of this Order, from time to time enter into any contracts and 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 and along the same.

Saving for
justices.

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

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

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

Saving as to
powers of
borrowing on
mortgage.

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

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

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 —
Darlington.
 Saving for
 general Acts.

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.

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

As to fittings
 of engines, &c.

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

With a suitable fender to push aside obstructions ;

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

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

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

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

As to car-
 riages.

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

Inspection of
 engines and
 carriages.

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

As to speed.

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

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SCHEDULE B.

Darlington.

TOLLS AND CHARGES FOR ANIMALS, GOODS, &c.

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

Goods and Minerals.

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

Parcels.

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

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

For the Carriage of Single Articles of Great Weight.

For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single

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	Any distance.	A.D. 1880.
	s. d.	—
article, the weight of which, including the carriage, exceeds four tons but does not exceed eight tons, such sums as the Promoters may think fit, not exceeding per ton per mile	- 2 0	<i>Darlington.</i>
For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, exceeds eight tons, such sum as the Promoters may think fit.		

Regulations as to Tolls.

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

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

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

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

DUDLEY, SEDGLEY, AND WOLVERHAMPTON
TRAMWAYS.

*Dudley,
Sedgley, and
Wolver-
hampton.*

Order authorising the construction of Tramways from Dudley in the county of Worcester to Wolverhampton in the county of Stafford.

1. This Order may be cited as "The Dudley, Sedgley, and Wolverhampton Tramways Order, 1880." Short title.

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

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

Provided that in this Order the expressions "the tramways" and "the undertaking" shall mean respectively the tramways and works and the undertaking by this Order authorised; and the term "person" shall include a corporation.

Promoters.

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

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*Dudley,
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hampton.

Lands by
agreement.

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

Construction of Tramways.

Construction
of tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited for the purposes of this Order, the tramways herein-after described, with all proper rails, plates, offices, weigh-bridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are—

Tramway No. 2. A single line 9·72 chains in length, wholly situate in Wolverhampton Street, commencing at a point 0·73 chain south of the north-east corner of Parson's Street, and terminating at a point 1·25 chains east of the south-west corner of Southall's Lane.

Tramway No. 3. A double line 3 chains in length, wholly situate in Wolverhampton Street, commencing by a junction with Tramway No. 2 at its termination, and terminating at a point 1·75 chains north of the northernmost corner of Southall's Lane.

Tramway No. 4. A single line 1 furlong 7·45 chains in length, commencing in Wolverhampton Street by a junction with Tramway No. 3 at its termination, and terminating in Snow Hill 0·82 chain south of the south-east corner of the public-house called "The Old Inn."

Tramway No. 5. A double line 3 chains in length, commencing by a junction with Tramway No. 4 at its termination, thence passing in a northerly direction along Snow Hill into Salop Street, and terminating in that street at a point 0·60 chain north of the corner of Salop Street at its junction with Himley Road.

Tramway No. 6. A single line 2 furlongs 2·10 chains in length, wholly situate in Salop Street, commencing by a junction with Tramway No. 5 at its termination, and terminating at a point opposite the north corner of the cottage next adjacent to the public-house called the "Struggling Man."

Tramway No. 7. A double line about 3 chains in length wholly situate in Salop Street, at Shaver's End, commencing by a junction with Tramway No. 6 at its termination, and terminating at a point 0·76 chain south of the north corner of the "Wren's Nest" public-house, at which point the boundary line of the parish and borough of Dudley intersects Salop Street.

Tramway No. 1A. A single line 5 furlongs 7·65 chains in length, commencing in Salop Street by a junction with Tramway No. 7 at its termination, passing thence into the Dudley and Wolverhampton Road, and terminating in that road at a point 7·60 chains or thereabouts from the south corner of Eve Lane leading to Coseley, at the commencement of Upper Gornal.

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- Tramway No. 2A. A double line 3 chains in length, wholly situate in the Dudley and Wolverhampton Road, commencing by a junction with Tramway No. 1A at its termination, and terminating at a point 4'60 chains from the south corner of the said Eve Lane leading to Coseley.
- Tramway No. 3A. A single line 3 furlongs 9'77 chains in length, wholly situate in the Dudley and Wolverhampton Road, commencing by a junction with Tramway No. 2A at its termination, and terminating 1'30 chains from the south corner of the "Jolly Crispin Inn," in Upper Gornal.
- Tramway No. 4A. A double line 3 chains in length, wholly situate in the Dudley and Wolverhampton Road, commencing by a junction with Tramway No. 3A at its termination, and terminating at a point 1'70 chains northwards from the south-east corner of the "Jolly Crispin Inn," in Upper Gornal.
- Tramway No. 5A. A single line 4 furlongs 8'83 chains in length, wholly situate in the Dudley and Wolverhampton Road, between Upper Gornal and Sedgley, commencing by a junction with Tramway No. 4A at its termination, and terminating opposite the north-east corner of the "Grand Junction Inn," at the corner of the Tipton Road.
- Tramway No. 6A. A double line 3 chains in length, wholly situate in the Dudley and Wolverhampton Road in Sedgley, commencing by a junction with Tramway No. 5A at its termination, and terminating at a point 3 chains north of the north-east corner of the "Grand Junction Inn."
- Tramways Nos. 7A, 8A, and 9A. A single line 5 furlongs 4'67 chains in length, wholly situate in the Dudley and Wolverhampton Road, commencing by a junction with Tramway No. 6A at its termination, and terminating at a point 0'60 chain from the southern corner of the Lodge or Gatehouse in that road lying north of Sedgley.
- Tramway No. 10A. A double line 3 chains in length, wholly situate in the Dudley and Wolverhampton Road, commencing by a junction with Tramway No. 9A. at its termination, and terminating at a point 2'40 chains north from the southern corner of the said lodge.
- Tramway No. 11A. A single line 3 furlongs 7'23 chains in length or thereabouts, wholly situate in the Dudley and Wolverhampton Road, commencing by a junction with Tramway No. 10A at its termination, and terminating at a point 14'10 chains south of the second milestone from Wolverhampton.
- Tramway No. 12A. A double line 3 chains in length, wholly situate in the Dudley and Wolverhampton Road, commencing by a junction with Tramway No. 11A at its termination, and terminating at a point 11'10 chains south of the said milestone.
- Tramway No. 13A. A single line 3 furlongs 7'14 chains in length, wholly situate in the Dudley and Wolverhampton Road, commencing by a junction with Tramway No. 12A at its termination, and terminating 1'60 chains south of the gate-post at the corner of the road leading to the Old Colliery.
- Tramway No. 14A. A double line 3 chains in length, wholly situate in the Dudley and Wolverhampton Road, commencing by a junction with Tram-

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way No. 13A at its termination, and terminating 1'40 chains north of the said gate-post.

Tramway No. 15A. A single line 2 furlongs 0'90 chain in length, wholly situate in the Dudley and Wolverhampton Road, commencing by a junction with Tramway No. 14A at its termination, and terminating 3 chains south of the boundary line of the borough and parish of Wolverhampton.

Tramway No. 16A. A double line 3 chains in length, wholly situate in the Dudley and Wolverhampton Road, commencing by a junction with Tramway No. 15A at its termination, and terminating at the boundary of the borough and parish of Wolverhampton at or about the centre line of the road from Bilston to Goldthorn Hill, and near to the "Fighting Cocks" public-house.

Tramway No. 1B. A single line 4 furlongs 0'26 chain in length, wholly situate in the Dudley Road, commencing by a junction with Tramway No. 16A at its termination, and terminating at a point 0'91 chain north of the north corner of Sedgley Street.

Tramway No. 2B. A double line 3 chains in length, wholly situate in the Dudley Road, commencing by a junction with Tramway No. 1B at its termination, and terminating at a point 3'91 chains north of the north corner of Sedgley Street.

Tramway No. 3B. A single line for 4 furlongs 0'29 chains in length, wholly situate in the Dudley Road, commencing by a junction with Tramway No. 2B at its termination, and terminating at a point 3 chains south of the south corner of Temple Street, and a double line for 3 chains in length, wholly situate in the Dudley Road, commencing at the termination of the single line and terminating at a point opposite the south corner of Temple Street: Provided always, that Tramway No. 3B shall be laid in Dudley Road opposite to the warehouse and premises at the time of the passing of the Act confirming this Order in the occupation of Messrs. Henry Farncombe and Company so that as near as may be a space of nine feet six inches shall intervene between the outside of the footpath and the rail of the tramway nearest to the said warehouse and premises.

The herein-before described tramways will pass from, through, or into, or be situated in the parishes, townships, and extra-parochial places of Dudley and Shaver's-end, or one of them, in the county of Worcester (detached), and Upper Gornal, Sedgley, Coseley, Fighting Cocks, and Wolverhampton, or some of them, in the county of Stafford.

Provisions as
to construction
of tramways.

7. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall, at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade and the said road authority a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the material 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 tram-

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ways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade and the said 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.

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8. The provision of the thirty-second section of the Tramways Act, 1870, with respect to works by authorities, companies, bodies, and persons, and to additional expense caused to any company, body, or persons by reason of the existence of tramways, shall apply to all works in respect of the constructing any new sewer or drain pipe, or the altering, repairing, laying down, improving, or enlarging any existing or future sewer or drain pipe, or any tube, wire, or apparatus for telegraphic or other purposes, by any corporation or any local or road authority, and to the additional expense in respect of the same.

Extending application of section 32 of the Tramways Act, 1870.

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

Mode of formation of tramways.

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

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 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

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

Tramways to
be kept on a
level with sur-
face of road.

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

Temporary
tramways may
be made when
necessary.

Application of
road materials
excavated
in construction
of Promoters
works.

and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are herein-before imposed with respect to offences.

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

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

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

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

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

15. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters, so far as may be necessary,

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in or towards the reinstating of such road, and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided that if, within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus is not removed by the said surveyor, or by some other person 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.

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16. The provisions of section twenty-eight of the Tramways Act, 1870, with respect to the maintaining and keeping in good condition and repair certain portions of roads whereon the tramways are laid shall extend to the whole width of the roadways within the borough of Wolverhampton where any siding, turn-out, or double line of rails shall be laid by the Promoters, if and when the same shall be required by the corporation of the said borough of Wolverhampton, by notice under their corporate seal.

Paving and maintaining certain portions of roads.

17. If at any time hereafter any tramways are constructed or purchased within the borough of Wolverhampton by the corporation of that borough, the Promoters shall, if required by the said corporation, and if duly authorised by Provisional Order, or by Act of Parliament, make and maintain, at the joint expense of the Promoters and the said corporation, all necessary and convenient junctions and communications between the tramways of the Promoters and the tramways of the said corporation, and the said corporation and the Promoters shall each respectively, if empowered in that behalf, and if required by the other, grant to each other, and their respective assignees and lessees, running powers over their respective tramways, upon such conditions and terms as to compensation, if any, and otherwise, as may be approved by the Board of Trade, and as may be settled by agreement between them, or, in case of difference, as may be settled in manner provided by the thirty-third section of the Tramways Act, 1870.

In event of tramways being constructed by corporation of Wolverhampton, junctions to be made and mutual running powers to be given.

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

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

19. If the Promoters shall not within twelve calendar months after the passing of the Act confirming this Order substantially commence the tramways by this Order authorised, and, within a period of twelve months from such

Powers contained in Order to cease in certain events.

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*Dudley,
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Wolver-*

Traffic upon Tramways.

Traffic upon tramways.

20. The tramways may be used for the purpose of conveying passengers, animals, goods, minerals, and parcels, except that the Tramways Nos. 2 to 7 inclusive, being the tramways situate in the parish of Dudley, shall be used only for the purpose of conveying passengers, passengers luggage, and parcels.

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

21. 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.

Regulation of traffic in boroughs of Wolverhampton and Dudley.

22. In addition to the powers reserved by section sixty-one of the Tramways Act, 1870, the corporation of the borough of Wolverhampton by the watch committee of the council of the said borough, and the corporation of the borough of Dudley by the watch committee of the council of the said last-mentioned borough, may respectively regulate the passage of all or any of the traffic along or across any road along or across which any tramways are laid down within the said boroughs respectively; and the said committees respectively and all or any of their officers may exercise such authority as well on as off the tramways, and with respect as well to the traffic of the Promoters as of other persons.

Tolls.

Tolls for passengers.

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

Passengers luggage.

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

Cheap fares for labouring classes.

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

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of this section: Provided always, that the Promoters shall not be liable to any such penalty if the failure to run such number of carriages as aforesaid arises from circumstances over which the Promoters have no control: Provided that, in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such carriages, the said Board shall have power to fix and regulate the same from time to time.

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

Tolls for
 animals, goods
 &c.

27. 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.

Payment of
 tolls.

28. 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.

Periodical
 revision of
 tolls.

Miscellaneous.

29. Where under the provisions of the Tramways Act, 1870, and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Provisions as
 to arbitration.

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(No. 1) *Act*, 1880.

A.D. 1880.

*Dudley,
Sedgley, and
Wolver-*
hampton.

Form and
delivery of
notices.

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

Agreements
between Pro-
motors and
road authori-
ties.

31. 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.

Modification of
provisions of
Tramways Act,
1870, as to
powers of
purchase.

32. The powers of purchase given by the forty-third section of the Tramways Act, 1870, may be exercised by the corporation of the borough of Wolverhampton at any time within a period of ten years after the opening for traffic of the tramways, or of any part of the tramways, upon six months notice in writing being given by the said corporation to the Promoters, notwithstanding that the periods of twenty-one years or of seven years mentioned in the said section, or either of them, may not have elapsed: Provided that in case the said corporation shall exercise the power of purchase within such period of ten years hereby given, they shall pay, as consideration for such purchase, such sum as shall be awarded upon the ordinary principle of a compulsory sale, to be settled by arbitration in accordance with the provisions contained in the Lands Clauses Consolidation Act, 1845.

Promoters or
lessees to be
responsible for
all damages.

33. The Promoters or the lessees, as the case may be, shall be answerable for all accidents, damages, and injuries happening through their act or default, or through the act or default of any person in their employment or service, by reason or in consequence of any of their works or carriages, and in consequence of any defects therein, and shall save harmless all road and other authorities, companies, or bodies collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages, and injuries.

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

34. 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.

35. 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

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mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Promoters in the event of a compulsory sale of the undertaking, or any part thereof, to the local authority, under section forty-three of the Tramways Act, 1870, or this Order, and that every mortgage deed granted by the Promoters shall be indorsed 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 forty-three of the Tramways Act, 1870, or this Order.

A.D. 1880.

*Dudley,
 Sedgley, and
 Wolverhampton.*

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

Saving for
 general Acts.

SCHEDULE.

TOLLS AND CHARGES FOR ANIMALS, GOODS, &C.

	Per mile.
<i>Animals.</i>	s. d.
For every horse, mule, or other beast of draught or burden per head	0 6
For every ox, cow, bull, or head of cattle - - - - - „	0 6
For every calf, pig, sheep, or other small animal - - - - - „	0 3
<i>Goods and Minerals.</i>	
For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways	per ton 0 3
For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slags, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron not otherwise specially classed herein, and for heavy iron castings, including railway chairs	per ton 0 4
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings - - - - -	per ton 0 6
For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things -	per ton 0 6
For every carriage of whatever description - - - - -	each 1 0

A.D. 1880.

Small Parcels.

*Dudley,
Sedgley, and
Wolver-
hampton.*

			Any distance.	
			s.	d.
For every parcel not exceeding one pound in weight	-	-	0	1
For any parcel exceeding one pound and not exceeding three pounds in weight	-	-	0	2
For any parcel exceeding three pounds and not exceeding seven pounds in weight	-	-	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight	-	-	0	5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight	-	-	0	7
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight	-	-	0	9
For any parcel exceeding fifty-six pounds in weight, such sums as the Promoters may think fit :				

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

For the Carriage of Single Parcels 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 weights of which, including the carriage, exceed four tons but do not exceed eight tons, such sum as the Promoters may think fit, not exceeding	-	-	-	-	-	per ton per mile	2	0
For the carriage of any single piece [of timber, stone, machinery, or other single article, the weight of which, with the carriage, exceeds eight tons, such sum as the Promoters may think fit.								

Regulations as to Tolls.

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

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

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

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

A.D. 1880.

IPSWICH TRAMWAYS (EXTENSIONS).

Ipswich.

Order authorising the construction of additional Tramways in the borough of Ipswich in the county of Suffolk.

1. This Order may be cited as "The Ipswich Tramways (Extensions) Order, 1880." 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:

The expression "the borough" shall mean the borough of Ipswich:

The expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough acting by the council:

The expression "the Order of 1879" shall mean the Ipswich Tramways Order, 1879:

The term "person" shall include a corporation.

Promoters.

4. James Foxton Cass, of Ipswich, and James McClellan, of Thornton Heath, in the county of Surrey, and the survivor of them, and the executors or administrators of such survivor, their or his assigns, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters." The Promoters.

5. The Promoters may by agreement from time to time purchase and acquire such lands as they may require for the purposes of the undertaking, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes: Provided that they shall not at any time hold for the purposes of the undertaking more than two acres of land. Land 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, the tramways herein-after described, with all proper rails, points, junctions, plates, offices, weighbridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same. Construction of tramways.

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The tramways authorised by this Order are—

Tramway No. 6 (four furlongs one chain fifty links or thereabouts in length, of which three furlongs six chains is single line, and five chains fifty links is double line), commencing in Saint Matthew's Street at Hyde Park Corner, opposite the east side of Lady Lane, by a junction with Tramway No. 1, passing into and along Saint Matthew's Street, Crown Street, Clay Lane, crossing the west side of Saint Margaret's Plain, into and along Northgate Street, Foundry Road, and the east end of Carr Street, and terminating by a junction with Tramway No. 1, authorised by the Order of 1879, at a point opposite the centre of Upper Orwell Street :

Tramway No. 6 shall be a single line, except from its commencement to High Street, where it shall be a double line.

The said tramways will pass from, through, or into, or be situate in the several parishes and places following ; that is to say,—

Saint Matthew, Saint Margaret, and Saint Mary-at-the-Tower, all in the borough of Ipswich, in the county of Suffolk.

Gauge of tramways.

Provisions as to construction of tramways.

7. The tramways shall be constructed on a gauge of three feet and six inches.

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

As to rails of tramways.

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

Penalty for not maintaining rails and road in good condition.

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

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

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

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

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

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

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

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

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Temporary tramways may be made when necessary.

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

If any difference 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 thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Traffic in roads not to be impeded.

15. During the construction of any works by this Order authorised in any roads the Promoters shall cause as little impediment as possible to the traffic along such roads, and shall make such arrangements in the execution of such works as the road authority of such district may from time to time by writing reasonably require for preventing such traffic from being unnecessarily impeded.

Provision as to paving roads.

16. So much of every paved road whereon any of the tramways authorised by this Order is laid as lies between the rails and extends eighteen inches beyond the rails of and on each side of such tramway shall be paved by the Promoters with Mount Sorrel granite cubes or such other granite or stone paving cubes as the Promoters may (with the approval of the Corporation, signified in writing under the hand of their engineer or surveyor for the time being) adopt, and to the reasonable satisfaction of the road authority.

Application of road materials excavated in construction of Promoters works.

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

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of so much of the roadway of such road on either side of such tramway as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor 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.

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

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

Traffic upon Tramways.

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

Traffic upon tramways.

20. The Promoters shall not be bound to carry, unless they think fit, any parcels other than passengers luggage not exceeding twenty-eight pounds in weight.

Promoters not bound to carry parcels.

Tolls.

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

Tolls for passengers.

22. Every passenger travelling upon the tramways may, subject to such byelaws and regulations as the Promoters may from time to time make, 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.

Passengers luggage.

23. 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

Cheap fares for labouring classes.

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run at least one carriage each way every morning in the week and every evening in the week (Sunday, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Promoters think most convenient for artizans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny): Provided that the 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.

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

Payment of
tolls.

25. 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 re-
vision of tolls.

26. 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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27. Where, under the provisions of the Tramways Act, 1870, and this Order, any matter or difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Ipswich.
 Provisions as to arbitration.

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

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 any local authority, or any road authority, or by the Promoters, shall be signed by their clerk or secretary:

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

29. 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 constructing, 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.

30. The Promoters shall, if required by the road authority, make contracts with the road authority for all or any of the purposes for which contracts may be made between the Promoters of any tramway undertaking and a road authority under the authority of section twenty-nine of the Tramways Act, 1870: Provided always, that the terms of any contract shall in case the same are not agreed upon between the Promoters and the road authority be determined by a referee to be appointed by the Board of Trade for such purpose.

Promoters to contract with road authority in certain cases.

31. The Promoters and any person lawfully using the tramways authorised by this Order may, subject to the provisions of the Order of 1879, pass over and use, with their carriages, waggons, and servants, any of the tramways authorised by the Order of 1879, and the Promoters of and any person lawfully using the tramways authorised by the Order of 1879 may, subject to the provisions of this Order, pass over and use, with their carriages, waggons, and servants, any of the tramways authorised by this Order, on such terms as may be agreed on, or as, in case of difference, may be settled in manner provided by section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned, and as in each case may be approved by the Board of Trade; and the parties using any tramways under this section shall respectively at all times observe the regulations and byelaws for the time being in force on the tramways so used by them.

Running powers.

Provided always, that for the purpose of determining the amount of the tolls and charges in respect of traffic conveyed partly over the tramways authorised

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A.D. 1880. by the Order of 1879, and partly over the tramways authorised by this Order, the whole distance over which such traffic was conveyed shall be deemed to have been traversed wholly over the tramways authorised by the Order of 1879 or wholly over the tramways authorised by this Order, and tolls and charges may be demanded and taken accordingly.

Ipswich.

Sewer authorities to have access to sewers.

32. Every sewer 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, and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act, 1870, shall be applicable in the case of any sewer or private drain of or under the control of the sewer authority as if the same were a pipe for the supply of gas or water.

Saving for corporation as to sewers.

33. Nothing in this Order contained shall take away, alter, or diminish any of the powers, rights, or authorities of the Corporation as the Sewer Authority for the borough, either under the powers conferred on them by the Public Health Act, 1875, or any other public or local and private Act or Acts of Parliament affecting the borough already existing, or which may hereafter be passed, enabling the Corporation to construct, maintain, or repair, cleanse, alter, discontinue, or otherwise deal with any sewers or drains belonging to the Corporation, or over which they may from time to time have control or be empowered to construct and maintain, and the Corporation shall be entitled to require the Promoters to, and the Promoters shall, upon receiving eighteen hours notice in writing from the Corporation so to do, either stop the traffic upon the tramways in any street or road to which such notice shall refer, or shore up and secure the same at their own risk and cost, to the reasonable satisfaction of the Surveyor for the time being of the Corporation, during the construction of the work in any such street or road: Provided that all such work shall be done by the Corporation with all reasonable despatch and with as little damage as reasonably may be to the tramways; provided further, that the Corporation shall not by reason of execution of any such works incur any liability to the Promoters except for damage caused by the unreasonable or wilful act or neglect of the Corporation or their servants.

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

34. 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.

35. 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 every mortgage deed granted by the Promoters shall be indorsed with notice that such mortgage will not be a charge upon the undertaking or any part thereof in the event of the under-

taking or such part being purchased by the local authority under section A.D. 1880.
forty-three of the Tramways Act, 1870.

Ipswich.

Saving for
general Acts.

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

SCHEDULE.

LIST OF TOLLS AND CHARGES FOR PARCELS.

	Any Distance.
	s. d
For any parcel not exceeding seven pounds in weight - - - - -	0 2
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - -	0 4
For any parcel exceeding fourteen pounds and not exceeding twenty- eight pounds in weight - - - - -	0 6
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - - -	0 8
For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight, the Promoters may demand any sum which they 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.

LLANELLY TRAMWAYS.

Llanelly.

*Order authorising the construction of Tramways in the borough of
Llanelly in the county of Carmarthen.*

1. This Order may be cited as "The Llanelly Tramways Order, 1880."

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

Incorporation
of Acts.

[Ch. clxxii.] *Tramways Orders Confirmation* [43 & 44 VICT.]
(No. 1) Act, 1880.

A.D. 1880. Tramways Act, 1870, are hereby incorporated with this Order, except where
Llanelly. the same are expressly varied by this Order.

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

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

The expression “the Local Board” shall mean the Local Board of Health
for the district of the borough of Llanelly in the county of Carmarthen;

The expression “the borough” shall mean the borough of Llanelly in the
county of Carmarthen; and

The term “person” shall include a corporation.

Promoters.

The Promoters. 4. Frederick Charles Winby, of No. 1, College Street, Nottingham, his
executors, administrators, or assigns, shall be the Promoters for the purposes
of this Order, and are in this Order referred to as “the Promoters.”

Lands by
agreement. 5. The Promoters may, by agreement, from time to time purchase and 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 pur-
poses more than five acres of land.

Construction of Tramways.

Construction
of tramways. 6. The Promoters may construct and maintain, subject to the provisions of
this Order, and in accordance with the plans and sections deposited for the
purposes of this Order, the tramways herein-after described, with all proper
rails, points, junctions, plates, offices, weigh-bridges, stables, carriage-houses,
warehouses, works; and conveniences connected therewith or for the purposes
thereof, and may work and use the same.

The tramways authorised by this Order are in the borough of Llanelly, in
the parish of Llanelly, in the county of Carmarthen, and are—

Tramway No. 2.—A tramway commencing in Station Road at a point about
15 yards northward of the northern gate of the level crossing of the road
across the Great Western Railway, thence in a northerly direction
for a distance of 2 furlongs 7 chains along the Station Road, and thence
in a northerly direction for a distance of 8·50 chains, along Salamanca Road
to its junction with Murray Street, and continuing in an easterly direction
through Murray Street, for a distance of 7·36 chains, to the junction of
Murray Street with Cowell Street, thence in a northerly direction through
Cowell Street to the junction of Cowell Street with Stepney Street, for a
distance of 7·54 chains, thence in an easterly direction along Stepney

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Street to the junction of Stepney Street with Vaughan Street, for a distance of 5·35 chains, thence in a northerly direction along Vaughan Street, for a distance of seven chains, passing between the parish churchyard and the Athenæum in a westerly direction through the entire length of Hall Street for a distance of 8·60 chains, and thence in a westerly direction along West End Road for a distance of 5·20 chains, and terminating on the north side of the West End Road near the junction of the New Road with the Pembrey Road, at a point five chains west of the junction of Goring Road with the West End Road, and containing in length 1 mile 2 furlongs 4·02 chains.

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The said Tramway No. 2 shall be a single line, except at the following places, where it shall be a double line; viz.,

1. From a point on the Station Road seven chains from the centre of the main line of the Great Western Railway, extending three chains along the said road in a northerly direction;
2. From a point on the Station Road 1 furlong 1·70 chains south of the junction of Murray Street with the said road, extending along the said road three chains in a northerly direction;
3. From a point in Cowell Street three chains north of the junction of Murray Street with the said street, extending in a northerly direction three chains;
4. From a point three chains west of the junction of Goring Road with the West End Road, extending two chains in a westerly direction to the terminus.

Tramway No. 3.—A tramway having a junction with Tramway No. 2, and wholly situate in the borough of Llanelly, in the parish of Llanelly aforesaid, commencing by a junction with Tramway No. 2 at a point in Stepney Street 0·50 chains west of a line through the centre of Vaughan Street, and running in an easterly direction along Stepney Street for a distance of six chains, and thence in an easterly direction along Park Street for a distance of 5·78 chains, thence in the same direction through Upper Park Street for a distance of 8·07 chains, and thence in the same direction along Swansea Road for a distance of 3 furlongs 0·15 chains, terminating at a point on the said road seven chains west of the Swansea Road entrance to the Box Cemetery, and having a total length of five furlongs.

The said Tramway No. 3 shall be a single line, except at the following places, where it shall be a double line; viz.,

1. From a point one chain west of the south-east corner of the Stepney Arms Hotel, extending in an easterly direction three chains;
2. From a point at the junction of the Slaughter House Road with the Swansea Road, extending in an easterly direction three chains;
3. From a point nine chains west of the entrance to the Cemetery on the Swansea Road, extending in an easterly direction two chains to the terminus.

Tramway No. 4.—A tramway having a junction with Tramway No. 2, and wholly situate in the borough of Llanelly, in the parish of Llanelly aforesaid,

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said, commencing by a junction with Tramway No. 2 at a point being the junction of Lower Ann Street with Station Road, and continuing in a south-westerly direction along Heolfawr Road for a distance of 9·38 chains, terminating at a point two chains north from the centre of the main line of the Great Western Railway, at the Heolfawr level crossing, and having a total length of 9·38 chains.

The said Tramway No. 4 shall be a single line, except at the following place, where it shall be a double line; viz.,

From a point four chains in a north-easterly direction along the Heolfawr Road from the centre of the main line of the Great Western Railway, at the Hoelfawr level crossing, for a distance of two chains in a south-westerly direction.

As to commencement and completion of tramways.

7. The tramways shall be commenced, constructed, and completed within the time and subject to the conditions prescribed by section eighteen of the Tramways Act, 1870: Provided that the tramways shall be completed within one year from the commencement of the works, and in case the same are not completed within such year the Promoters shall be liable to a penalty of five pounds for every day's delay in the completion of the tramways after the expiration of such year, and during the continuance of the powers by this Order conferred for the construction of the same, which penalty shall be recoverable as provided by section fifty-six of the Tramways Act, 1870.

As to crossing railways or tramways on the level.

8. In the construction of any of the tramways across the rails of any railway or tramway not belonging to the Promoters, now laid upon the level of any road, the same shall be constructed and maintained in accordance with a plan to be agreed upon by the engineer for the time being of the proprietors of such railway or tramway and of the Promoters, and under the superintendence and to the reasonable satisfaction of the engineer for the time being of the said proprietors, at the cost of the Promoters, unless after seven days notice given by the Promoters of their intention to commence such works such superintendence is refused or withheld, and such of the tramways as are laid at the said level crossing shall be maintained and kept in constant and efficient repair to the reasonable satisfaction of the engineer for the time being of the said proprietors. The Promoters shall not stop on or otherwise interfere with or obstruct the traffic upon the railway or tramway of the said proprietors at such level crossing, and the Promoters shall in respect of the traffic upon the tramways at such level crossing be subject to such rules, byelaws, and regulations relating thereto as may be agreed upon between them and the said proprietors. If by reason of the execution of any of the works or any proceedings of the Promoters, or the failure of any such works, or any act or omission of the Promoters or of their servants, the railway or tramway or works of the said proprietors be injured or damaged, such injury or damage shall be forthwith made good by the Promoters at their own expense. In the event of any difference between the said proprietors or their engineer and the Promoters, the same shall be settled by a referee to be appointed by the Board of Trade in the manner provided by section thirty-three of the Tramways Act, 1870.

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9. In constructing the tramways the Promoters shall pave with granite sets so much of the road or street in which the tramways are formed and laid down as is between the rails, and for a distance of one foot six inches measured from the outside of each rail in the direction of the kerb, and shall at all times maintain and keep in good condition and repair such part of the road and street so paved to the reasonable satisfaction of the Local Board or their surveyor for the time being: Provided always, that the Local Board and the Promoters may at any time by agreement vary, alter, or repeal the obligation in this section contained.

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Promoters to pave with granite sets certain places.

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

Gauge of tramways.

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

Provisions as to construction of tramways.

12. 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 Board, require the Promoters to adopt and apply such improvements in the tramways, 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.

As to rails of tramways.

13. The Promoters shall at all times maintain and keep in good condition and repair, to the satisfaction of the Local Board, 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 com-

Penalty for not maintaining rails and road in good condition.

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

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

Passing-places to be constructed where less than a certain width left between foot-way and tram-way.

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

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

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

Additional passing-places and sidings may be made where necessary.

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

Temporary tramways may be made when necessary.

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 Local Board 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

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Local Board 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.

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

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 the Local Board 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 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 the Local Board, 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 Local Board 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 shall be removed by them, and at their expense, to the satisfaction of the surveyor of the Local Board. Any difference between the Promoters and the Local Board 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.

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

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

20. The Local Board shall have free access to their sewers, drains, and other underground works, and power to lay new communications and to construct new and additional works at their pleasure. The provisions of sections thirty-two and thirty-three of the Tramways Act, 1870, shall be applicable to any sewer, drain, or other underground work to be constructed, laid down, repaired, altered, or removed by the Local Board, as if they were a company and such sewer, drain, or underground work were a pipe to supply gas or water.

Local Board to have access to sewers, &c.

21. The sole responsibility of maintaining the tramways free from damage or accident shall rest with the Promoters, and they shall have no claim whatever

Promoters to be solely responsible for

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maintaining
the tramways
free from da-
mage or acci-
dent.
Cleansing of
roads.

for any damage which may arise from any works executed or to be executed by the Local Board in, on, under, or over any road on which any of the tramways may be laid, or from the use of any implements or materials they may use in the maintenance thereof.

22. The control over the surface of every road in which any tramway is laid shall continue in the Local Board as the road authority of the district in which such road is situate, who may cleanse the same without reference to the tramways; but whatever cleansing, owing to snow or other matters impeding the traffic, may be 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 road forthwith and without first placing it on any other part of the road.

For protection
of works of
Local Board.

23. If the Promoters desire, under the authority of this Order, to do any act which shall or may render necessary the removal or displacement of any of the mains or pipes, valves, syphons, plugs, or apparatus or other works belonging to the waterworks of the Local Board or to the Llanelly Gaslight Company, the Promoters shall give to the Local Board or to the said Gaslight Company, as the case may be, fourteen days notice in writing of such desire; and the Local Board or the said Gaslight Company, as the case may be, shall forthwith (without prejudice, nevertheless, to the protection afforded them by the Tramways Act, 1870) make such removal or displacement as may be necessary, and do all works incident thereto; and all expenses to be thereby incurred shall be defrayed by the Promoters. Nothing contained in this Order shall interfere with the exercise by the Local Board or the said Gaslight Company of the powers and privileges conferred upon them respectively by any Acts or Act of Parliament of laying down and maintaining, and as occasion may require of repairing and altering, any mains or pipes in and under any of the roads and thoroughfares upon which the tramways may be laid under the authority of this Order; and the provisions of the Tramways Act, 1870, in favour of the local authority or the road authority shall be extended to and include the Local Board and the said Gaslight Company.

Traffic upon Tramways.

Traffic upon
tramways.
Traffic on
Sundays.

24. The tramways shall be used exclusively for passenger traffic.

25. No car or carriage shall be run on any of the tramways on Sunday between the hours of 10.30 a.m. and 1 p.m. and between the hours of 6 p.m. and 8 p.m. without the consent of the Local Board, under the hand of their clerk, first had and obtained.

Tolls.

Tolls for pas-
sengers.

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

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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.

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27. 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.

Passengers
luggage.

28. 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 as the Local Board think most convenient for artizans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the Promoters, nevertheless, not being required to take any fare less than one penny): Provided that in case of any complaint made to the Board of Trade of the hours appointed for the running of such carriages, the said Board shall have power to fix and regulate the same from time to time.

Cheap fares
for labouring
classes.

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.

Payment of
tolls.

30. If at any time after three years from the opening for public traffic of any 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 Board or by twenty inhabitant ratepayers of the borough, 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.

Periodical re-
vision of tolls.

Miscellaneous.

31. The powers of purchase given by the forty-third section of the Tramways Act, 1870, may be exercised by the Local Board, with the approval of the Board of Trade, at any time after a period of seven years after the opening for traffic of the tramways or of any part of the tramways, upon six months

Modification
of provisions of
Tramways Act,
1870, as to
powers of pur-
chase.

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notice in writing being given by the Local Board to the Promoters, notwithstanding that the periods of twenty-one years or of seven years mentioned in the said section or either of them may not have elapsed: Provided that in case the Local Board exercise the power of purchase hereby given, they shall pay as consideration for such purchase such sum as may be awarded upon the ordinary principle of a compulsory sale, to be settled by arbitration in accordance with the provisions contained in the Lands Clauses Consolidation Act, 1845.

For the protection of
Samuel Bevan.

32. The construction and working of the Tramway No. 2 shall be carried on subject to such arrangements as may be made between Samuel Bevan, of Hall Street, or the person for the time being in occupation of the stores now occupied by the said Samuel Bevan in the said street, and the Promoters, so as to interfere as little as possible with or obstruct the loading and unloading of goods at the said stores; and in case any difference arise between the Promoters and the said Samuel Bevan or such person as aforesaid as to the making of any such arrangements, or with respect to the mode of carrying the same into effect, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Provisions as
to arbitration.

33. Where, under the provisions of the Tramways Act, 1870, and this Order, any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

As to further
extension of
the tramways
within the
borough of
Llanelly.

34. If the Local Board at any time give six months' notice to the Promoters requiring that the lines of the tramways shall be extended to other districts or places within the borough, the Promoters shall and they are hereby required to take all steps necessary by way of application to the Board of Trade or to Parliament to enable them to comply with such notice, and for this purpose the consent of the Local Board shall be deemed to have been given to such application: Provided always, that if in the opinion of the Promoters such request is unreasonable, and any difference thereupon arise between the Local Board and the Promoters, such difference shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Agreement
between Pro-
moters and
Local Board.

35. The Promoters and the Local Board may, subject to the provisions of this Order, from time to time enter into any contracts and agreements with respect to the construction, maintaining, removing, renewing, repairing, and using of the tramways, and the rails, plates, sleepers, and works connected therewith, and the facilitating the passage of the traffic over and along the same.

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

36. 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.

[43 & 44 VICT.] *Tramways Orders Confirmation* [Ch. clxxii.]
 (No. 1) Act, 1880.

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

A.D. 1880.

Llanelly.

Saving as to powers of borrowing on mortgage.

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

Saving for general Acts.

MERTHYR TRAMWAYS.

Merthyr.

Order authorising the construction of Tramways in the parish of Merthyr Tydfil in the county of Glamorgan.

1. This Order may be cited as "The Merthyr Tramways Order, 1880."

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;

The expression "the Local Board" shall mean the Local Board of Health for the district of Merthyr Tydfil; and

The term "person" shall include a corporation.

[Ch. clxxii.] *Tramways Orders Confirmation* [43 & 44 VICT.]
(No. 1) Act, 1880.

A.D. 1880.

Promoters.

Merthyr.
The Promoters.

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

Lands by
agreement.

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

Construction of Tramways.

Construction of
tramways.

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

The tramways authorised by this Order are,—

A Tramway (No. 1) 1 mile 7·11 chains or thereabouts in length, commencing in Graham Street, one chain fifty links from the junction of that street with the High Street, Merthyr Tydfil, passing thence along the said High Street, Penydarren Road, and High Street, Penydarren, to the point where the New Road to Dowlais joins High Street, Penydarren, thence along the said New Road to Dowlais, and terminating in the High Street, Dowlais, at or about the point where the said New Road to Dowlais joins the said High Street, Dowlais;

Tramway No. 1 shall be constructed in a straight line opposite the end of Solomon Street, in Penydarren, for a distance of three chains from and north of the point marked six furlongs on the deposited plans instead of in a curved line, as indicated on the said plan.

A Tramway (No. 2) 11·54 chains or thereabouts in length, commencing by a junction with Tramway (No. 1) at a termination thereof herein-before described, passing thence along the said High Street, Dowlais, and terminating in that street at the point of junction of that street with the south side of South Street;

The Tramway No. 2 shall be laid opposite to the house and premises at present numbered one hundred and eighty-five in High Street, Dowlais, so as to leave a space of not less than nine feet six inches between the kerb of the footpath and the outside rail of the tramway.

The said tramways shall be laid as a single line throughout, except between the following points, where there shall be passing-places as follows, each about two chains in length:

In High Street, Merthyr Tydfil:—

Tramway (No. 1A) commencing at a point seven yards or thereabouts eastward of the commencement of Tramway No. 1 herein-before described, and

[43 & 44 VICT.] *Tramways Orders Confirmation* [Ch. clxxii.]
 (No. 1) Act, 1880.

terminating at a point thirty-three yards or thereabouts eastward of the commencement of Tramway No. 1;

A.D. 1880.

In Penydarren Road:—

Merthyr.

Tramway (No. 1B) commencing at a point twenty-six yards from the north end of the cottage No. 28 in Penydarren Road, and terminating at a point two chains and fifty-four links or thereabouts to the north of the last-mentioned cottage;

In High Street, Penydarren:—

Tramway (No. 1C) commencing at a point three chains or thereabouts, measured in a north-easterly direction, from the junction of High Street, Penydarren, with the centre line of Lewis Street, Penydarren, and terminating at a point four chains and seventy-five links or thereabouts, measured in the said direction, from the said junction;

In High Street, Penydarren:—

Tramway (No. 1D) commencing at a point five chains and thirty-five links or thereabouts, measured in a north-easterly direction, from the junction of High Street, Penydarren, with the centre line of Elim Street, Penydarren, and terminating at a point six chains and fifty-five links or thereabouts, measured in the same direction, from the said junction.

7. The tramways shall not be constructed until the road in Penydarran has been widened so as to allow a space of not less than nine feet six inches between the kerb of the footpath and the outside rail of the tramway in front of the houses at present numbered two hundred and thirty-eight and two hundred and fifty-one in that road, nor until the gradient of the portion of High Street, in Penydarran, situate between the sixth and seventh furlongs, as marked on the deposited plans, has been altered to a gradient not steeper than one in fifteen.

Tramways not to be constructed until road in Penydarran has been widened.

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

Gauge of tramways.

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

Provisions as to construction of tramways.

[Ch. clxxii.] *Tramways Orders Confirmation* [43 & 44 VICT.]
(No. 1) Act, 1880.

A.D. 1880.

Merthyr.

Mode of formation of tramways.

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

Penalty for not maintaining rails and road in good condition.

11. The Promoters shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest, and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

In any case in which it is represented in writing to the Board of Trade by the Local Board, or by twenty inhabitant ratepayers of the district of the Local Board, 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 Board of Trade, 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 Board of Trade that the default mentioned in such representation has been proved to the satisfaction of the Board of Trade, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are herein-before imposed in respect of offences.

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

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

Additional passing-places and sidings may be made where necessary.

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

[43 & 44 VICT.] *Tramways Orders Confirmation* [Ch. clxxii.]
(No. 1) Act, 1880.

writing under his hand, addressed to the Promoters, express his objection thereto.

A.D. 1880.

Merthyr.

Temporary tramways may be made when necessary.

14. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are or is laid, it is in the opinion of the Local Board necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof, the Promoters shall, at their own expense, upon the request of the Local Board, remove or discontinue the same accordingly, and if the Promoters omit to remove the same within a reasonable time the same may be removed by the Local Board, and the Promoters shall forthwith repay to the Local Board the expenses incurred in and about such removal: Provided always, that the Promoters may in any such case, subject to such conditions and in accordance in all respects with such regulations as the Local Board 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 the Local Board with respect to the necessity for the removal of any tramway, or the failure to remove the same, or the reasonableness of the time within which the same is removed, or the expenses of the said Board as aforesaid, or with respect to the reasonableness of any regulations, or the mode of constructing any temporary tramway or temporary tramways under the authority of this section, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

15. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of the Local Board 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 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 the Local Board, 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 Local Board 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 the Local Board or their 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.

16. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with

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

[Ch. clxxii.] *Tramways Orders Confirmation* [43 & 44 VICT.]
(No. 1) Act, 1880.

A.D. 1880. the Tramways Act, 1870, and the Board of Trade have, by an order signed
Merthyr. by a Secretary or an Assistant Secretary of the said Board, authorised the same to be opened for such traffic.

Traffic upon Tramways.

Traffic upon tramways. 17. The tramways may be used for the purpose of conveying passengers, animals, goods, minerals, and parcels.

Promoters not bound to carry animals, goods, &c. 18. 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: Provided that no preference shall be given by the Promoters to any person or persons in respect of the carriage of any animals, goods, minerals, or parcels.

Provision as to carriage of animals, goods, &c. in separate carriages. 19. In case the Promoters carry animals, goods, minerals, or parcels, they may 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.

Breaks. 20. All carriages used on the tramways shall be provided with efficient sleigh breaks, and also with efficient ordinary breaks worked by separate handles.

Passengers not to be conveyed on roofs of carriages. 21. No passengers shall be conveyed on the roofs of the carriages used on the tramways.

Penalty for running carriages without breaks or for conveying passengers on roofs of carriages. 22. In case the Promoters or their servants, contrary to the aforesaid provisions, use on the tramways any carriage without efficient sleigh and ordinary breaks, or permit any passenger to be conveyed on the roof of any carriage used on the tramways, the Promoters shall, on information laid or complaint made, be subject to a penalty not exceeding five pounds for every day on which they shall have used any such carriage, and five pounds for every passenger conveyed on the roof of a carriage as aforesaid; and every such penalty may be recovered as by section fifty-six of the Tramways Act, 1870, is provided.

Local Board may use tramways for works free of charge. 23. The Local Board may, at such times and in such manner as they think fit (but subject to the provisions of this Order and any 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 for the works of the Local Board, free of all tolls and charges in respect of such use.

Tolls.

Tolls for passengers. 24. The Promoters may demand and take for every passenger travelling upon any of the tramways or any part thereof, including tolls or charges for the use of the tramways and of carriages and for motive power, and every other expense incidental to such conveyance, for any distance traversed in the same direction at one time, any tolls or charges not exceeding threepence.

Passengers luggage. 25. Every passenger travelling upon the tramways may, subject to any byelaws for the time being in force with respect to the tramways, take with him his

[43 & 44 VICT.] *Tramways Orders Confirmation* [Ch. clxxii.]
(No. 1) Act, 1880.

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.

A.D. 1880.

Merthyr.

26. 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 (Sunday, Christmas Day, and Good Friday always excepted), at such hours in the morning and in the evening respectively as the Local Board think most convenient for artizans, 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 of the hours appointed for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Cheap fares
for labouring
classes.

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

Tolls for
animals, goods,
&c.

28. 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.

Payment of
tolls.

29. 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 Board or by twenty inhabitant ratepayers of the district of the Local Board, 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 Board of Trade 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.

[Ch. clxxii.] *Tramways Orders Confirmation* [43 & 44 VICT.]
(No. 1) Act, 1880.

A.D. 1880.

Miscellaneous.

Merthyr.
Provisions as
to arbitration.

30. Where, under the provisions of the Tramways Act, 1870, and this Order, any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and
delivery of
notices.

31. 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 the Local Board shall be signed by their secretary or clerk;
- (2.) Any notice to be delivered by or to the Promoters to or by the Local Board or other body or any company may be delivered by being left at the principal office of the Local Board or of such body or company, or of the Promoters, as the case may be, or by being sent by post in a registered letter addressed to their respective clerk or secretary at such principal office.

Agreement
between Pro-
moters and
road autho-
rities.

32. The Promoters and the Local Board may, subject to the provisions of this Order, from time to time enter into any contracts and agreements with respect to the construction, maintaining, removing, renewing, repairing, and using of the tramways and the rails, plates, sleepers, and works connected therewith, and the facilitating the passage of the traffic over and along the same.

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

33. 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.

34. 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 every mortgage deed granted by the Promoters shall be indorsed 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 forty-three of the Tramways Act, 1870.

Saving for
general Acts.

35. Notwithstanding anything in this Order contained, the Promoters and any person using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls and charges authorised

by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power, steam power, or any mechanical power by any such general Act as aforesaid.

A.D. 1880.
 Merthyr.

SCHEDULE.

LIST OF TOLLS.

Animals.

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

Goods and Minerals.

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

Parcels.

For any parcel not exceeding seven pounds in weight - - - each	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - - each	0	4
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - - each	0	6
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - - - each	0	9
For any parcel exceeding fifty-six pounds in weight, such sums as the Promoters may think fit:		

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

[Ch. clxxii.] *Tramways Orders Confirmation* [43 & 44 VICT.]
(No. 1) Act, 1880.

A.D. 1880.

For the Carriage of Single Articles of Great Weight.

Any
distance.

Merthyr.

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

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

Regulations as to Tolls.

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

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

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

Peterborough.

PETERBOROUGH TRAMWAYS.

Order authorising the construction of Tramways in the city and borough of Peterborough in the county of Northampton.

Short title.

1. This Order may be cited as "The Peterborough Tramways Order, 1880."

Incorporation
of Acts.

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

Interpretation.

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

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

The expression "the borough" shall mean the city and borough of Peterborough;

The expression "the Corporation" shall mean the mayor, aldermen, citizens, and burgesses of the borough acting by the council; and

The term "person" shall include a corporation.

Promoters.

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4. John Addy, of Queen Street, Peterborough, and John Graves, of Priestgate, Peterborough, and the survivor of them, and the executors or administrators of such survivor, their or his assigns, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Peterborough.
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.

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, the tramways herein-after described, with all proper rails, points, junctions, plates, offices, weighbridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

Construction
of tramways.

The tramways authorised by this Order are—

Tramway No. 1 (two miles one furlong and two chains or thereabouts in length, of which one furlong eight chains or thereabouts is double line, and one mile seven furlongs and four chains or thereabouts is single line), commencing in Lincoln Road, one chain or thereabouts south-east of Crown Street, and passing thence south-eastward and south along Lincoln Road, Boroughbury, Westgate, Long Causeway, Market Place, Church Street, Cowgate, and terminating in Cowgate, two chains or thereabouts west of the Great Northern Railway Station approach road.

Tramway No. 1 shall be a single line, except at the following places, where it shall be a double line :

1. In Lincoln Road, at the following places, between the respective points following ; (that is to say,)

- (A.) One chain or thereabouts, and three chains or thereabouts, south-east of Crown Street ;
- (B.) Three and a half chains or thereabouts, and half a chain or thereabouts, north-westward of Newborough Road ;
- (C.) Four and a half chains or thereabouts, and one and a half chains or thereabouts, north-westward of Alma Road ;
- (D.) Five chains or thereabouts, and seven chains or thereabouts, south-eastward of Taverner's Lane ;
- (E.) Two and three-quarters chains or thereabouts, and three-quarters of a chain or thereabouts, north of Saint Mark's Street :

2. In Boroughbury, between points three chains or thereabouts, and one chain or thereabouts, north of the north side of Westgate :

3. In Long Causeway, between points one chain or thereabouts, and three chains or thereabouts, south of Midgate :

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4. In Cowgate, for one chain in length, between points one chain or thereabouts, and two chains or thereabouts, west of the Great Northern Railway Station approach road:

Provided always, that in Cowgate, from a point opposite the wall forming the eastern boundary of the burial ground to a point measuring sixty yards westward of the said wall, Tramway No. 1 shall be so laid that the distance between the outside of the footpath on the north side of that road and the rail of the tramway nearest to the said footpath shall not exceed two feet.

Tramway No. 2 (seven furlongs three chains or thereabouts in length, of which eight chains or thereabouts is double line, and six furlongs five chains or thereabouts is single line), commencing by a junction with Tramway No. 1, in Lincoln Road, three chains or thereabouts north of Cobden Street, and passing east along Lincoln Road, Lincoln Road East, Monument Street, Cemetery End, New Road, Midgate, and Long Causeway, and terminating by a junction with Tramway No. 1, in Long Causeway, half a chain or thereabouts south of Midgate.

Tramway No. 2 shall be a single line, except at the following places, where it shall be a double line:

1. In Lincoln Road East, at the following places between the respective points following; (that is to say,)

(A.) Six chains or thereabouts, and four chains or thereabouts, west of Henri Street;

(B.) Two and a half chains or thereabouts, and half a chain or thereabouts, north-westward of Park Road;

2. In Cemetery End between points half a chain or thereabouts, and two and a half chains or thereabouts, south of Whalley Street:

3. In New Road between points five chains or thereabouts, and three chains or thereabouts, north-east of Brook Street.

Tramway No. 3 (single line) (one and a quarter chains or thereabouts in length), commencing by a junction with Tramway No. 1, in Lincoln Road, one and three-quarter chains or thereabouts north of Cobden Street, and terminating by a junction with Tramway No. 2, in Lincoln Road East six chains or thereabouts north-westward of Henri Street.

Tramway No. 4 (single line) (one chain or thereabouts in length), commencing by a junction with Tramway No. 1, in Westgate, opposite the west side of Long Causeway, and terminating by a junction with Tramway No. 2, in Midgate, opposite the east side of Long Causeway.

The above tramways will pass from, through, or into, or be situate in the parish of Saint John the Baptist, Peterborough, the borough and liberty of Peterborough, in the county of Northampton.

Gauge of tramways.

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

Further provisions as to construction of tramways.

8. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall, at the same time as they give notice to the

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

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9. The rails of the tramways shall be such as the Board of Trade may approve; and the Board of Trade may from time to time, upon the application of the road authority, require the Promoters to adopt and apply such improvements in the tramways, 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.

As to rails of tramways.

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

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 herein-before imposed with respect to offences.

11. Where in any road in which a double line of tramway is laid there is less width between the outside of the footpath on either side of the street or road and the nearest rail of the tramway than nine feet six inches, the Promoters

Passing-places to be constructed where less than a cer-

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tain width
between foot-
way and tram-
ways.

Tramways to
be kept on a
level with sur-
face of road.

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

shall, and they are hereby required to construct a passing-place or passing-places connecting the one tramway with the other, and by means of such passing-place or passing-places the traffic shall, when necessary, be diverted from one tramway to the other.

12. If any road authority hereafter alter the level of any road along or across which any of the tramways is laid or authorised to be laid, the Promoters 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.

13. The Promoters may from time to time hereafter make all such crossings, passing-places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Order, as may from time to time be necessary or convenient to the efficient working of the tramways, or any of them, or for providing access to any stables or carriage-houses, sheds, or works of the Promoters, or (with the consent of the Great Northern Railway Company under their common seal) to the station and station yard of the Great Northern Railway, subject to the approval of the road authority: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if any owner or occupier of premises abutting on the place where such rail is proposed to be laid, by writing under his hand, addressed to the Promoters, express his objection thereto: Provided also, that the number and situation of such crossings, passing-places, sidings, junctions, and other works shall be determined by the road authority; and if any difference arises 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 thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

If any crossing, passing-place, siding, junction, or other work so made with the approval of the road authority, or any part thereof, is subsequently objected to by the road authority, the road authority may, by written notice to the Promoters, require them to remove the same, and, if the road authority so think fit, to remake or relay the same in some other position, to be specified in the notice, and the Promoters shall comply with such requirement: Provided that the expense of every such removal, remaking, or relaying shall be borne by the road authority.

Temporary
tramways may
be made when
necessary.

14. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways 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.

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

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15. So much of every road whereon any tramway authorised by this Order is laid as lies between the rails and extends eighteen inches beyond the rails of and on each side of such tramway shall be paved by the Promoters to the reasonable satisfaction of the road authority.

Provision as to paving roads.

16. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters, so far as may be necessary, in or towards the reinstating of such road, and the maintenance, for six months after completion of any of the tramways within the district of such road authority, of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: 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.

Application of road materials excavated in construction of Promoters works.

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

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

Traffic upon Tramways.

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

Traffic upon tramways.

19. The Promoters shall not be bound to carry, unless they think fit, any parcels other than passengers luggage not exceeding twenty-eight pounds in weight.

Promoters not bound to carry parcels.

Tolls.

20. The Promoters may demand and take for every passenger travelling upon any of the tramways, or any part thereof, including tolls or charges for

Tolls for passengers.

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Peterborough.

the use of the tramways and carriages, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per mile (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 three miles not exceeding threepence.

Passengers
luggage.

21. 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.

22. 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 (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than five in the evening respectively, as the Promoters think most convenient for artizans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any toll or charge 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 as to the hours appointed by the Promoters for the running of such carriages, the said Board shall have power to fix and regulate the same from time to time.

Tolls for
parcels.

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

Payment of
tolls.

24. 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.

25. 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

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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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Miscellaneous.

26. Where under the provisions of the Tramways Act, 1870, and this Order, any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Provisions as to arbitration.

27. 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 any local authority or any road authority shall be signed by their clerk or secretary:

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

28. 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.

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

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

30. 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

Saving as to powers of borrowing on mortgage.

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A.D. 1880. *Peterborough.* undertaking, or any part thereof, to the local authority under section forty-three of the Tramways Act, 1870, and that every mortgage deed granted by the Promoters shall be indorsed 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 forty-three of the Tramways Act, 1870.

Saving for general Acts. 31. Notwithstanding anything in this Order contained, the Promoters and any person using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

SCHEDULE.

TOOLS AND CHARGES FOR PARCELS.

	Any distance.
	<i>s. d.</i>
For every parcel not exceeding seven pounds in weight - each	0 3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - - each	0 5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - - each	0 7
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - - - each	0 9
For any parcel exceeding fifty-six pounds in weight such sums as the Promoters may think fit:	

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

Staffordshire. STAFFORDSHIRE TRAMWAYS (ADDITIONAL POWERS).

Order to extend and amend the Staffordshire Tramways Order, 1879.

Short title. 1. This Order may be cited as "The Staffordshire Tramways (Additional Powers) Order, 1880."

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2. The Staffordshire Tramways Order, 1879 (in this Order referred to as "the Order of 1879"), and this Order shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

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Staffordshire.
Construction of
Order.

3. In this Order—

Interpretation.

The expression "the Promoters" shall mean the Staffordshire Tramways Company, Limited:

The expression "the Tramways" shall mean the tramways authorised by the Order of 1879:

The expression "the undertaking" shall mean the undertaking authorised by the Order of 1879, as amended by this Order:

The term "person" shall include a corporation.

4. The carriages used on the tramways may be moved by animal power, and the carriages used on the tramways Nos. 1, 1a, 1b, 1c, 1d, 1e, 1f, and 1g, as described in the Order of 1879, may, subject to the provisions of this Order, and during a period of seven years after the passing of the Act confirming this Order, and with the consent of the Board of Trade, and with the consent of the Wednesbury Local Board with respect to the roads within their jurisdiction, during such further periods of seven years as the Board of Trade may from time to time specify in any order, to be signed by a Secretary or an Assistant Secretary of the Board of Trade, be moved by steam power or any mechanical power: Provided always, that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the Schedule to this Order annexed, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time, as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam or any mechanical power on such tramways.

Carriages on
tramways
may be moved
by animal,
steam, or me-
chanical power.

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

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

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A.D. 1880. exercise the powers aforesaid, and shall not again exercise the same or any of
Staffordshire. 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.

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

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

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

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

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

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

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

As to recovery
of penalties.

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

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

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

Orders and
byelaws to be
signed, &c.

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

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

10. Where the Promoters or any person intend or intends to use steam or any
mechanical power upon any of the tramways or any part thereof under the
authority of this Order, they or he shall give two months' previous notice in

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writing of such intention to every road authority within whose district such tramways or such part thereof upon which they or he intend or intends to use such power are or is situated. A.D. 1880.
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Where at the time of giving any such notice any contract, agreement, or arrangement is in force with respect to the user by the Promoters or such person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, then and in every such case, with the consent of the Board of Trade, it shall be lawful for the Promoters or such person by such notice, or for such road authority by notice to be served upon the Promoters or such person not later than forty days after the receipt by such road authority of such first-mentioned notice, to determine such contract, agreement, or arrangement; and thereupon such contract, agreement, or arrangement shall, from and after the commencement of the use of steam or any mechanical power upon such tramways, or such part thereof, be determined and of no effect.

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

In case any difference arises between any such road authority and the Promoters or such person as to the determination of any such contract, agreement, or arrangement, or in case any such road authority, after request in writing by the Promoters or such person, or the Promoters or such person, after request in writing by any such road authority, during a period of one month after such request, refuse or fail to enter into any such contract, agreement, or arrangement, or to renew the same with or without modification, or to make a new contract instead thereof, or in case of any difference as to the terms of any such contract, agreement, or arrangement, or any renewal thereof, with or without modification, or any new contract instead thereof, then, and in every such case, the difference with respect to such determination or the reasonableness of such refusal or failure, or the terms of such contract, agreement, or arrangement, or any renewal thereof, with or without modification, or any new contract instead thereof, shall from time to time, on the appeal of either of the parties to the Board of Trade, be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Promoters and any road authority, and thereupon the parties shall, in all respects, conform to such determination, and make and observe any contract, agreement, or arrangement

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A.D. 1880. *Staffordshire.* thereby prescribed: Provided always, that while any such appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the tramways to which such appeal relates.

No steam or mechanical power shall be used on the tramways, or any portion of the tramways, unless there is in force in relation to the tramways, or such portion of such tramways, a contract, agreement, or arrangement in accordance with the provisions of this section. Any moneys which may from time to time be received by such road authority under any contract, agreement, or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing, improving, and maintaining the highways within their district, having regard, in the first instance, to the requirements of the roads upon which the tramways are laid.

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

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

Power of sale.

12. The Promoters at any time after the passing of the Act confirming this Order, notwithstanding that the tramways may not have been opened for public traffic for a period of six months or completed or commenced, may, with the consent of the Board of Trade, sell the undertaking to any person or persons, corporation, or company, or to the local authority of the district, under and in accordance with the provisions of the forty-fourth section of the Tramways Act, 1870.

Saving for general Acts.

13. Notwithstanding anything in this Order contained, the Promoters and any persons using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by the Order of 1879, and to any condition, regulation, or restriction which may be imposed on the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

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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.

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

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

With a suitable fender to push aside obstructions;

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

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

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

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

The Board of Trade shall on the application of the local authority, 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 such tramways of any such engine or carriage which, in their opinion, may not be safe for use on such tramways. Inspection of engines and carriages.

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

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

STOCKTON-ON-TEES AND DISTRICT TRAMWAYS.

Stockton-on-Tees, &c.

Order authorising the construction of Tramways in and near to the borough of Stockton in the county of Durham.

1. This Order may be cited as "The Stockton-on-Tees and District Tramways Order, 1880." 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.

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Stockton-on-
Tees, &c.
Interpretation.

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

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

The expression “the Corporation” shall mean the mayor, aldermen, and burgesses of the borough of Stockton acting by the council;

The expression “the Justices” shall mean the justices of the peace for the county of Durham;

The expression “the county surveyor” shall mean the surveyor of the county bridges for the county of Durham; and

The term “person” shall include a corporation.

Promoters.

The Promoters.

4. The Tramways Trust Company, Limited, shall be the Promoters for the purposes of this Order, and are in this Order referred to as “the Promoters.”

Lands by
agreement.

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

Construction of Tramways.

Construction
of tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and except as herein-after expressly provided, in accordance with the plans and sections deposited for the purposes of this Order, the tramways herein-after described, with all proper rails, plates, chairs, sleepers, offices, weighbridges, weighing-machines, stables, car-sheds, 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.—A tramway two miles two furlongs three chains and ninety links in length, consisting of one mile six furlongs five chains and sixty-five links of single line, and three furlongs eight chains and twenty-five links of double line, commencing in the parish and village of Norton at a point in the public roadway twenty-five yards or thereabouts measured southward from the pillar letter-box opposite the Hambletonian Inn, and terminating in Bridge Road in Stockton, opposite to the corner of Parliament Street and Whitehall Terrace, in the parish of Stockton-upon-Tees.

Tramway No. 1 shall be laid as a single line, except in the following instances, where it shall be laid as a double line; (that is to say,)

In Norton Road for a length of one chain and a half from the commencement of the tramway; and

Between points respectively thirteen chains and a quarter and sixteen chains and a quarter from its said commencement; and

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Between points respectively two chains and a quarter northward and one chain and a half southward from the southern side of the White Swan Inn; and

Between points respectively five chains and eight chains southward from Grange Terrace; and

Between points respectively one chain and a half north and one chain and a half south from the northern end of Prospect Terrace; and

For a length of three chains northward from Norton Bridge; and

For a length of three chains southward from Ware Street; and

Between points respectively one chain and four chains southward from Oxford Street.

In Norton Road and High Street (Stockton) between points respectively three chains and a quarter and five chains and three-quarters southward from Queen Street:

In High Street, Stockton, for a length of two chains and a half southward from Smith Street; and

In High Street (Market Place) for a length of three chains northward from Bishop Street; and

For a length of two chains and a half southward from the Town Hall:

In High Street for a length of three chains northward from Bridge Road:

In Bridge Road for a length of one chain and a half northward from the termination of the tramway.

Tramway No. 2.—A tramway situate wholly in Bridge Road, Stockton, one furlong and three chains in length, consisting of one furlong of single line and three chains of double line, commencing at the termination of Tramway No. 1, and terminating at a point twelve yards or thereabouts westward from the south wall of the western approach to Stockton Bridge.

Tramway No. 2 shall be laid as a single line, except in the following instances, where it shall be laid as a double line; (that is to say,)

For a length of one chain and a half from its commencement; and

For a length of one chain and a half from its termination.

Tramway No. 3.—A tramway five furlongs seven chains and seventy links in length, consisting of four furlongs and five chains of single line and one furlong two chains and seventy links of double line, commencing in High Street, Stockton, by a junction with Tramway No. 1 at a point forty-three yards or thereabouts northward from the corner of Yarm Lane and Bridge Road, and terminating in Yarm Road at a point eight chains and seventy-two links or thereabouts southward from Cranbourne Terrace.

Tramway No. 3 shall be laid as a single line, except in the following instances, where it shall be laid as a double line; (that is to say,)

In High Street and Yarm Lane for a length of two chains and a quarter from the commencement of the tramway;

In Yarm Lane between points respectively half a chain and three and a half chains westward from Skinner Street;

In Yarm Lane and Yarm Road between points respectively one chain and a half westward from Outram Street and five chains and a quarter northward from Westbourne Street;

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In Yarm Road between points respectively one chain and a half northward and one chain and a half southward from the south side of Grove Street; and

For a length of one chain and a half from its termination.

Tramway No. 4.—A tramway one furlong and seven chains in length, consisting of one furlong four chains and fifty links of single line and two chains and fifty links of double line, commencing in High Street by a junction with Tramway No. 1, at a point opposite to the southern side of Smith Street, and terminating in the roadway leading from Bishopton Lane to the North Stockton Railway Station of the North-eastern Railway at or near to the entrance gates to yard of the said station.

Tramway No. 4 shall be laid as a single line, except in the following instance, where it shall be laid as a double line; (that is to say,)

In Bishopton Lane for a distance of two chains and a half westward from the eastern side of Leeds Street.

Tramway No. 5.—A tramway one chain and ninety links in length, consisting of a single line, commencing at the northern end of High Street by a junction with Tramway No. 1 at a point one chain and thirty-six links or thereabouts southward from King Street, and terminating in Bishopton Lane by a junction with Tramway No. 4 at a point one chain or thereabouts north-westward from Smith Street.

The proposed tramways will be laid in the parishes of Stockton-upon-Tees and Norton, or one of them, in the county of Durham.

Gauge of
tramways.

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

Promoters to
widen, and if
necessary
strengthen,
Norton Bridge
before laying
tramway over
same.

8. Before the Promoters commence to lay down the tramway over the bridge called Norton Bridge, in the parish of Stockton-upon-Tees, they shall, if required by the Justices, widen that bridge to such extent as shall be considered necessary by the Justices, and shall, if necessary for securing the stability of the said bridge, strengthen the same, and all works connected with the widening and strengthening of the said bridge shall be constructed and executed at the cost of the Promoters under the superintendence and to the reasonable satisfaction of the county surveyor, unless, after notice in writing to be given by the Promoters to the county surveyor seven days at least before the commencement of such works, such superintendence is refused or withheld, and in carrying out such works, and in laying down and maintaining the tramway over the said bridge, the Promoters shall interfere as little as may be with the traffic passing over the said bridge.

For repair of
damage done
to county
bridges, and
for protection
of county
justices.

9. If any damage be occasioned to any bridge or roadway or footway repairable by the Justices, or any of the fences, walls, buttresses, retaining walls, supports, culverts, or drains thereof, by any car, carriage, or other vehicle of the Promoters, or by the construction of the tramways, or by the repairing or relaying of the rails, the Promoters shall, at their own expense, repair or make

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good any such damage under the superintendence (at the cost of the Promoters) and to the reasonable satisfaction of the county surveyor, and the reasonable cost of such superintendence shall be paid by the Promoters: Provided that if within forty-eight hours after notice in writing in that behalf to the Promoters, under the hand of the county surveyor, the Promoters have not commenced to repair and make good such damage, or if, having commenced the same, they do not diligently proceed therewith so as to complete the same with all reasonable despatch, the county surveyor may, at the cost of the Promoters, execute and do all such works and things as may be reasonably necessary to repair and make good such damage.

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Stockton-on-Tees, &c.

9A. For the protection of the railways and works of the North-eastern Railway Company (in this section called "the railway company") in the construction, maintenance, and user of the tramways, the following provisions shall have effect:

For protection of the North-eastern Railway.

1. In the construction of Tramway No. 2 by this Order authorised across the rails of the quay-side branch of the North-eastern Railway now laid upon the level of the road called Bridge Road, in the borough of Stockton, the same shall be constructed and maintained in accordance with a plan to be agreed upon by the engineers for the time being of the railway company and of the Promoters, and under the superintendence (at the cost of the Promoters) and to the reasonable satisfaction of the engineer for the time being of the railway company, unless after seven days notice given by the Promoters of their intention to commence such works, such superintendence is refused or withheld, and the said tramway at the said level crossing shall be maintained and kept in constant and efficient repair to the reasonable satisfaction of the railway company's engineer for the time being.
2. The Promoters shall not stop on or otherwise interfere with or obstruct the traffic of the railway company on the said level crossing, and the traffic of the railway company shall at all times have precedence of, but shall not unreasonably delay the traffic of the Promoters, who shall be subject to such rules, byelaws, and regulations relating thereto as shall be agreed upon between the Promoters and the railway company.
3. The Promoters shall not permit their cars to wait on Tramway No. 2, so as to obstruct the access to the railway company's goods yard at the junction of Whitehall Terrace with Bridge Road.
4. If by reason of the execution of any of the works or any proceedings of the Promoters, or the failure of any such works, or any act or omission of the Promoters or of their servants, the said railway or any of the works of the railway company shall be injured or damaged, such injury or damage shall forthwith be made good by the Promoters at their own expense, or in the event of their failure so to do, the railway company may make good the same, and recover the expense thereof with full costs against the Promoters in any court of competent jurisdiction.

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Tees, &c.*

5. In the event of any difference arising between the railway company or their engineer and the Promoters, the same shall be settled by a referee to be appointed by the Board of Trade in the manner provided by section 33 of the Tramways Act, 1870.

6. The Promoters shall not, without the previous consent of the railway company in writing under their common seal, construct so much of Tramway No. 4 as lies westward of Inkerman Street.

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

Mode of forma-
tion of tram-
ways.

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

Penalty for not
maintaining
rails and road
in good con-
dition.

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 sub-structure upon which the same rest; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made any such default, the Board of Trade may, if

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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.

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Stockton-on-Tees, &c.

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

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

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

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

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 any owner or occupier of premises abutting on the place where such rail is proposed to be laid, by writing under his hand addressed to the Promoters, express his objection thereto.

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

15A. Notwithstanding anything contained in section 15 of this Order the portion of Tramway No. 4 by this Order authorised between its point of commencement and a point five chains from that point shall be constructed and at all times maintained as a single line only in the centre of the roadway.

Portion of Tramway No. 4 to be constructed as single line.

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.

Temporary tramways may be made where necessary.

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

Application of
road materials
excavated in
construction of
Promoters
works.

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: 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.

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

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

Motive Power.

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

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

Provided that nothing in this Order shall authorise the use of steam or any mechanical power on the portion of Tramway No. 1 between its commencement and Norton Bridge unless and until the road has been widened so as to leave a space of nine feet and six inches between the kerb and the nearest rail of the tramway on either side to the satisfaction of the Board of Trade:

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

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—
Stockton-on-Tees, &c.

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

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

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

Byelaws.

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:

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

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

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

As to recovery of penalties.

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

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

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

Orders and byelaws to be signed, &c.

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

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

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

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

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

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

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

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

26. Where steam or any mechanical power is used by the Promoters or any person on the tramways, or any part thereof, no contract, agreement, or arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid with respect to the user by the Promoters or such person, or the paving and keeping in repair of the whole or any part of the roadway of any

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

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road within the district of any road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or mechanical power as aforesaid, or the making of such contract, agreement, or arrangement: Provided always, that any such contract, agreement, or arrangement may from time to time be renewed with or without modification, or a new contract, agreement, or arrangement may be made instead thereof.

Traffic upon Tramways.

Traffic upon
tramways.

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

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

28. The Promoters 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.

Tolls.

Tolls for
passengers.

29. 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 expense incidental to such conveyance, any sum not exceeding threepence for any distance traversed in the same direction at one time.

Passengers
luggage.

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

Cheap fares
for labouring
classes.

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

Tolls for ani-
mals, goods,
&c.

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

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

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33. 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.

Payment of tolls.

34. If at any time after three years from the opening for public traffic of any 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 such tramways, or any portion of such tramways, it is represented in writing to the Board of Trade by the local authority of any district in which such tramways or such portion of such 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 such tramways or on such portion of such 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.

Miscellaneous.

35. Where under the provisions of the Tramways Act, 1870, and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Provisions as to arbitration.

36. 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 any local authority or any road authority, shall be signed by their clerk or secretary:

(2.) Any notice to be delivered by or to the Promoters to or by any local authority, or any road authority, or other body, or any company, may be delivered by being left at the principal office of that authority, body, or company, or of the Promoters, as the case may be, or by being

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Agreements between Promoters and road authorities.

sent by post in a registered letter, addressed to their respective clerk or secretary, at their principal office.

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

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

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

Saving rights of county authority as to main roads.

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

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

40. 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

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

Saving for general Acts.

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

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animal power, steam power, or any mechanical power, by any such general Act as aforesaid. A.D. 1880.

Stockton-on-Tees, &c.

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.

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

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

With a suitable fender to push aside obstructions ;

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

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

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

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

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

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

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

SCHEDULE B.

TOLLS AND CHARGES FOR ANIMALS, GOODS, &c.

Animals.

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

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Goods and Minerals.

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

Small Parcels.

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

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

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

For the Carriage of Single Articles of Great Weight.

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

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

Regulation of Tolls.

A fraction of a mile beyond an integral number of miles shall be deemed a mile. For a fraction of a ton the Promoters may demand and take tolls and charges according to the number of the quarters of a ton in such fraction; and if

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there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

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

Stockton-on-Tees, &c.

With respect to stone and timber, fourteen cubic feet of stone, forty cubic 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.

SUNDERLAND TRAMWAYS.
(USE OF MECHANICAL POWER.)

Sunderland.

Order authorising the use of Steam Power or any Mechanical Power on the Tramways of the Sunderland Tramways Company, Limited, and on the Tramways of the Mayor, Aldermen, and Burgesses of the borough of Sunderland.

1. This Order may be cited as "The Sunderland Tramways (Use of Mechanical Power) Order, 1880." Short title.

2. In this Order, —

Interpretation.

The expression "the Order of 1878" shall mean "The Sunderland Tramways Order, 1878," the expression "the Order of 1879" shall mean "The Sunderland Tramways (Extension) Order, 1879," and the expression "the Corporation Order of 1879" shall mean "The Sunderland Corporation Tramways Order, 1879."

The expression "the tramways" shall mean the tramways authorised by the Order of 1878, by the Order of 1879, and by the Corporation Order of 1879.

The term "person" shall include a corporation.

3. The carriages used on all or any of the tramways may be moved by animal power, and the carriages used on Tramways Nos. 1, 1A, 1B, 1C, 1D, 1E, 1F, 4, 4A, and 4B, authorised by the Order of 1878, Tramways Nos. 1, 1A, 1B, 1C, 1D, 1E, and 1F, authorised by the Order of 1879, and Tramway No. 2 authorised by the Corporation Order of 1879, may, subject to the provisions of this Order, during a period of seven years after the passing of the Act confirming this Order, and with the consent of the Board of Trade, during such further periods of seven years as the said Board may from time to time specify in any order, to be signed by a Secretary or an Assistant Secretary of the said Board, be moved by steam power or any mechanical power: Provided always, that the exercise of the powers hereby conferred, with respect to the use of steam or any mechanical power, shall be subject to the regulations set forth in the Schedule to this Order annexed, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may, and which they are hereby empowered to make from time to time, as and when they may think fit, for securing to the public all reasonable protection against danger in

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

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A.D. 1880. the exercise of the powers by this Order conferred with respect to the use of steam or any mechanical power on such tramways.

Sunderland.

Part of tramway authorised by Order of 1879 not to be constructed if steam, &c. used.

4. In case of the use of steam power under the authority of this Order so much only of Tramway No. 1A authorised by the Order of 1879 as extends eastward for a distance of two and a quarter chains from its commencement, as shown upon the plans deposited for the purposes of the said Order, and westward from its termination for a like distance, shall be constructed, or if constructed shall be used.

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

5. Any person using steam or any mechanical power on any of the tramways contrary to the provisions of this Order, or to any of the regulations set forth in the Schedule 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 any person using steam or any mechanical power on the tramways under the authority of this Order has made default in complying with the provisions of this Order, or with any of the regulations set forth in the Schedule to this Order annexed, or with any regulation which may have been added thereto or substituted therefor as aforesaid, may, by order, direct such person to cease to exercise the powers aforesaid, and thereupon such person shall cease to exercise the powers aforesaid, and shall not again exercise the same or any of the same unless with the authority of the Board of Trade, and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

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

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

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

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

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

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

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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.

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—
Sunderland.

7. 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.

8. 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 byelaws sanctioning a higher rate of speed than that authorised by this Order, or by any regulation made by the Board of Trade under the authority of this Order, at which engines and carriages are to be driven or propelled on the tramways under the authority of this Order; but the local authority may, if they think fit, make byelaws, under the provisions of the said Act, for restricting the rate of speed to a lower rate than that so prescribed.

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

9. 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.

Orders and byelaws to be signed, &c.

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

Notice to be given to road authority before use of steam or mechanical power.

11. If at any time after three years from the opening for public traffic of the tramways, or any portion of the same, 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 same, 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 same, are or is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, or by the persons in receipt of the tolls and charges demanded and taken in respect of the tramways or such portion of the same, that under the circumstances then existing all or any of such tolls and charges 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 same, 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.

[Ch. clxxii.] *Tramways Orders Confirmation* [43 & 44 VICT.]
(No. 1) Act, 1880.

A.D. 1880.

Sunderland.
Saving for
general Acts.

12. Notwithstanding anything in this Order contained, the tramways, and all persons owning, using, or having any interest in the same, shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by the Order of 1878, the Order of 1879, and the Corporation Order of 1879, and to any condition, regulation, or restriction which may be imposed on the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

SCHEDULE.

Break power
of engines.

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

As to fittings
of engines, &c.

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

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

With a suitable fender to push aside obstructions ;

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

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

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

As to car-
riages.

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, 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 such tramways of any such engine or carriage which in their opinion may not be safe for use on such tramways.

As to speed.

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

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

WITHINGTON LOCAL BOARD TRAMWAYS.

A.D. 1880.
—
Withington.

Order authorising the construction of Tramways in the Local Board district of Withington in the county of Lancaster.

1. This Order may be cited as "The Withington Local Board Tramways Order, 1880." 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;

The expression "the Local Board" shall mean the Local Board for the district of Withington in the county of Lancaster;

The expression "the Local Board District" shall mean the district of the Local Board;

The expression "the Justices" shall mean the justices of the peace for the county palatine of Lancaster;

The expression "the bridge surveyor" shall mean the surveyor of county and hundred bridges for the county palatine of Lancaster acting within the hundred of Salford in the said county; and

The term "person" shall include a corporation.

Promoters.

4. The Local Board 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 under the authority of this Order. 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 (in this Order referred to as "the deposited plans" and "the deposited sections"), the tramways herein-after described, with all proper rails, plates, offices, weighbridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith or for the purposes thereof. Construction of tramways.

[Ch. clxxii.] *Tramways Orders Confirmation* [43 & 44 VICT.]
(No. 1) Act, 1880.

A.D. 1880.

Withington.

The tramways authorised by this Order are,—

Tramway No. 1, a double line 2 furlongs 5·54 chains in length, commencing at the boundary of the district of the Rusholme Local Board of Health in Wilmslow Road, in the township of Withington, parish of Manchester, and county of Lancaster, by a junction with the tramways terminating there of the Rusholme Local Board of Health, and passing thence along the said road in a south-westerly direction, through the township of Withington, and terminating by a junction with Tramway No. 2 at a point in that road opposite the Wesleyan Chapel at Withington:

Tramway No. 2, a single line 5·18 chains in length, commencing in Wilmslow Road at a termination of Tramway No. 1 at the point aforesaid, passing thence along Wilmslow Road, in the township of Withington, in a southerly direction, and terminating in that road by a junction with Tramway No. 3, at a point ·909 chains south of the point in that road where it is intersected by a line drawn along the centre of the road called Egerton Crescent:

Tramway No. 3, a double line 5 chains in length, commencing in Wilmslow Road by a junction with Tramway No. 2 at its termination in that road, and passing thence along Wilmslow Road, in the township of Withington, in a southerly direction, and terminating by a junction with Tramway No. 4 at a point in Wilmslow Road, 1·36 chains south of the point in that road where it is intersected by a line drawn along the centre of the road called Parsonage Road:

Tramway No. 4, a single line 1 furlong 7·6 chains in length, commencing in Wilmslow Road by a junction with Tramway No. 3 at its termination in that road, and passing thence along Wilmslow Road, in the township of Withington, in a southerly direction, and terminating by a junction in Wilmslow Road with Tramway No. 5 at a point in that road opposite the principal entrance gate of Groombridge House:

Tramway No. 5, a double line 1·81 chains in length, commencing in Wilmslow Road by a junction with Tramway No. 4 at its termination in that road, and passing thence along Wilmslow Road, in the township of Withington, in a southerly direction, and terminating at a junction in Wilmslow Road with Tramway No. 6 at a point in the said road distant 1·045 chains or thereabouts in a southerly direction from the south-west corner of Cotton Lane:

Tramway No. 6, a single line 8·21 chains in length, commencing in Wilmslow Road by a junction with Tramway No. 5 at its termination in that road, passing thence along Wilmslow Road, in the township of Withington, in a southerly direction, and terminating by a junction in Wilmslow Road with Tramway No. 7 at a point in the said road ·72 chains or thereabouts in a northerly direction from the north-east corner of Oak Road:

Tramway No. 7, a double line 2 chains in length, commencing in Wilmslow Road by a junction with Tramway No. 6 at its termination in that road, and passing thence along Wilmslow Road in a southerly direction in the township of Withington, and terminating by a junction in Wilmslow Road

with Tramway No. 8 at a point in the said road 72 chains or thereabouts in a southerly direction from the south-east corner of Oak Road : A.D. 1880.

Withington.

Tramway No. 8, a single line 1 furlong 5·68 chains in length, commencing in Wilmslow Road by a junction with Tramway No. 7 at its termination in that road, and passing thence along Wilmslow Road in a southerly direction in the township of Withington, and terminating in Wilmslow Road by a junction in Wilmslow Road with Tramway No. 9 at a point in the said road distant 6·81 chains or thereabouts in a northerly direction from the boundary line between the township of Withington and the adjoining township of Didsbury in the county of Lancaster, at Ball Bridge :

Tramway No. 9, a double line 2 chains in length, commencing in Wilmslow Road by a junction with Tramway No. 8 at its termination in that road, and passing thence along Wilmslow Road, in the township of Withington, in a southerly direction, and terminating by a junction in Wilmslow Road with Tramway No. 10 at a point in the said road distant 4·81 chains or thereabouts in a northerly direction from the boundary line between the townships of Withington and Didsbury, at Ball Bridge :

Tramway No. 10, a single line 1 furlong 5 chains in length, commencing in Wilmslow Road by a junction with Tramway No. 9 at its termination in that road, and passing thence along Wilmslow Road in a southerly direction in the townships of Withington and Didsbury, and terminating by a junction in Wilmslow Road with Tramway No. 11 in the said road at a point opposite the south-west corner of Fog Lane :

Tramway No. 11, a double line 2 chains in length, commencing in Wilmslow Road by a junction with Tramway No. 10 at its termination in that road, and passing thence along Wilmslow Road in a southerly direction in the township of Didsbury, and terminating by a junction in Wilmslow Road with Tramway No. 12 at a point in the said road distant 2 chains or thereabouts in a southerly direction from the south-west corner of Fog Lane :

Tramway No. 12, a single line, 1 furlong 4·41 chains in length, commencing in Wilmslow Road by a junction with Tramway No. 11 at its termination in that road, and passing thence along Wilmslow Road in a southerly direction in the township of Didsbury, and terminating by a junction in Wilmslow Road with Tramway No. 13 at a point in the said road 1·045 chains or thereabouts distant in a northerly direction from the centre of the bridge carrying that road over the Manchester South District Railway :

Tramway No. 13, a double line 2 chains in length, commencing in Wilmslow Road by a junction with Tramway No. 12 at its termination in that road, and passing thence along Wilmslow Road in a southerly direction in the township of Didsbury, and terminating by a junction in Wilmslow Road with Tramway No. 14 at a point in the said road distant 954 chains or thereabouts in a southerly direction from the centre of the said bridge over the Manchester South District Railway :

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- Tramway No. 14, a single line 6·74 chains in length, commencing in Wilmslow Road by a junction with Tramway No. 13 at its termination in that road, and passing thence along Wilmslow Road in a southerly direction in the township of Didsbury, and terminating by a junction in Wilmslow Road with Tramway No. 15 at a point in the said road distant ·5 chains or thereabouts in a northerly direction from the north-east corner of Barlow Moor Road :
- Tramway No. 15, a double line 2 chains in length, commencing in Wilmslow Road by a junction with Tramway No. 14 at its termination in that road, and passing thence along Wilmslow Road in a southerly direction in the township of Didsbury, and terminating by a junction in Wilmslow Road with Tramway No. 16 at a point in the said road distant ·45 chains or thereabouts in a southerly direction from the south-east corner of Barlow Moor Road :
- Tramway No. 16, a single line 1 furlong 5·21 chains in length, commencing in Wilmslow Road by a junction with Tramway No. 15 at its termination in that road, and passing thence along Wilmslow Road in a southerly direction in the township of Didsbury, and terminating by a junction in Wilmslow Road with Tramway No. 17 at a point in the said road 1·045 chains or thereabouts north of the point in that road where it is intersected by a line drawn along the centre of the road called Ford Lane :
- Tramway No. 17, a double line 2 chains in length, commencing in Wilmslow Road by a junction with Tramway No. 16 at its termination in that road, and passing thence along Wilmslow Road, in the township of Didsbury, in a southerly direction, and terminating by a junction in Wilmslow Road with Tramway No. 18 at a point in the said road ·954 chains or thereabouts south of the point in that road where it is intersected by a line drawn along the centre of the road called Ford Lane :
- Tramway No. 18, a single line 1 furlong 9·47 chains in length, commencing in Wilmslow Road by a junction with Tramway No. 17 at its termination in that road, and passing thence along Wilmslow Road, in the township of Didsbury, in a southerly direction, and terminating by a junction in Wilmslow Road with Tramway No. 19 at a point in the said road distant 2·045 chains or thereabouts measured in a northerly direction from the principal entrance of the Cock Inn, in Didsbury :
- Tramway No. 19, a double line 3 chains in length, commencing in Wilmslow Road by a junction with Tramway No. 18 at its termination in that road, and passing thence along Wilmslow Road, in the township of Didsbury, in a south-easterly direction, and terminating in Wilmslow Road to the northward of and opposite the principal entrance to the Didsbury Hotel :
- Tramway No. 20, a double line 1·22 chains in length, commencing in Wilmslow Road by a junction with Tramway No. 19 at a point ·409 chains or thereabouts from its commencement, and passing thence along Wilmslow Road, in the township of Didsbury, in a southerly direction, and terminating at a point in the said road distant ·5 chains or thereabouts measured in a northerly direction from the principal entrance of the Cock Inn, in Didsbury :

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- Tramway No. 21, a double line 2·86 chains in length, commencing in Wilmslow Road by a junction with Tramway No. 3. at a point opposite and in a line with the north-western corner of Cooper Street, and passing thence along Wilmslow Road and Palatine Road, in the township of Withington, in a south-westerly direction, and terminating by a junction in Palatine Road with Tramway No. 22 at a point opposite the south-east corner of Burton Road : A.D. 1880.
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Withington.
- Tramway No. 22, a single line 1 furlong ·73 chains in length, commencing in Palatine Road by a junction with Tramway No. 21 at its termination in that road, and passing thence along Palatine Road, in the township of Withington, in a south-westerly direction, and terminating by a junction in Palatine Road with Tramway No. 23 at a point in the said road ·63 chains or thereabouts north-east of the north-west corner of Tatton Grove :
- Tramway No. 23, a double line 1·81 chains in length, commencing in Palatine Road by a junction with Tramway No. 22 at its termination in that road, and passing thence along Palatine Road, in the township of Withington, in a south-westerly direction, and terminating by a junction in Palatine Road with Tramway No. 24 at a point in the said road ·681 chains or thereabouts south-west of the south-west corner of Tatton Grove :
- Tramway No. 24, a single line 2 furlongs 1·36 chains in length, commencing in Palatine Road by a junction with Tramway No. 23 at its termination in that road, and passing thence along Palatine Road, in the township of Withington, in a south-westerly direction, and terminating by a junction in Palatine Road with Tramway No. 25 at a point in the said road ·5909 chains or thereabouts north of the north-west corner of Circular Road :
- Tramway No. 25, a double line 1·81 chains in length, commencing in Palatine Road by a junction with Tramway No. 24 at its termination in that road, and passing thence along Palatine Road, in the township of Withington, in a south-westerly direction, and terminating by a junction in Palatine Road with Tramway No. 26 at a point 1·318 chains or thereabouts south-west at the north-west corner of Circular Road :
- Tramway No. 26, a single line 2 furlongs 8·93 chains in length, commencing in Palatine Road by a junction with Tramway No. 25 at its termination in that road, and passing thence along Palatine Road, in the township of Withington, in a south-westerly direction, and terminating by a junction in Palatine Road with Tramway No. 27 at a point 1 furlong 4·09 chains north-east of the junction of Palatine Road with Barlow Moor Road :
- Tramway No. 27, a double line 1·81 chains in length, commencing in Palatine Road by a junction with Tramway No. 26 at its termination in that road, and passing thence along Palatine Road, in the township of Withington, in a south-westerly direction, and terminating in Palatine Road at a point 1 furlong 2·27 chains or thereabouts north-east of the junction of Palatine Road and Barlow Moor Road :

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Withington.

- Tramway No 28, a single line 1 furlong 2·27 chains in length, commencing in Palatine Road by a junction with Tramway No. 27 at its termination in that road, and passing thence along Palatine Road, in the township of Withington, in a south-westerly direction, and terminating in Palatine Road aforesaid at its junction with Barlow Moor Road on the north-east side of that road :
- Tramway No. 29, a double line 1·227 chains in length, commencing in Palatine Road by a junction with Tramway No. 26 at a point 1 furlong 2·52 chains from its commencement, and passing thence in a curved line across Palatine Road, and along Lapwing Lane, in the townships of Withington and Didsbury, in a westerly direction, and terminating by a junction in Lapwing Lane with Tramway No. 30 at a point 45 chains or thereabouts north-west of the north-westerly corner of Palatine Road at its junction with Palatine Road :
- Tramway No. 30, a single line 9·5 chains in length, commencing in Lapwing Lane by a junction with Tramway No. 29 at its termination in that lane, and passing thence along Lapwing Lane, in the townships of Withington and Didsbury, in a north-westerly direction, and terminating at a point in Lapwing Lane 1·909 chains or thereabouts north-west of the northern corner of Lansdowne Road at its junction with Lapwing Lane :
- Tramway No. 31, a double line 1·81 chains in length, commencing in Lapwing Lane by a junction with Tramway No. 30 at its termination in that lane, and passing thence along Lapwing Lane, in the townships of Withington and Didsbury, in a north-westerly direction, and terminating at a point in Lapwing Lane 725 chains or thereabouts south-east of the north-eastern corner of Clyde Road at its junction with Lapwing Lane :
- Tramway No. 32, a single line 3·55 chains in length, commencing in Wilmslow Road by a junction with Tramway No. 4 at a point in that road in a line with the northern side of Marriott Street at its junction with Wilmslow Road, and passing thence along Marriott Street, in the township of Withington, in a north-westerly direction, and terminating at a point in the centre of Marriott Street 1·772 chains or thereabouts south-east of the centre line of Palatine Road :
- Tramway No. 33, a single line 1·67 chains in length, commencing in Marriott Street by a junction with Tramway No. 32 at its termination, and passing thence along Marriott Street, in the township of Withington, in a north-westerly direction, and terminating by a junction in Marriott Street with Tramway No. 34 at a point 09 chains or thereabouts south-east of the corner between Marriott Street and the eastern side of Palatine Road :
- Tramway No. 34, a single line 54 chains in length, commencing in Marriott Street by a junction with Tramway No. 33 at its termination, and passing thence in a curved line along Marriott Street and Palatine Road, in the township of Withington, in a northerly direction, and terminating by a junction with Palatine Road with Tramway No. 22 at a point 5·7 chains or thereabouts from the commencement of Tramway No. 22.

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All the tramways herein-before described will be situate within the Local Board District of Withington in the county of Lancaster.

A.D. 1880.

Withington.

The Promoters may make junctions or connections of the said tramways with the tramways authorised by the Rusholme Local Board of Health Tramways Order, 1877, at or near the boundary of the district of the Rusholme Local Board of Health in Wilmslow Road, in the township of Withington, in such manner as may be agreed upon between the Promoters and the promoters of the Rusholme Local Board of Health Tramways Order, 1877, and as may be approved by the Board of Trade.

7. The Promoters shall so construct and maintain the following tramways, namely, tramways Nos. 12, 13, and 14 in the Wilmslow Road and tramways Nos. 26, 29, and 30 in the Palatine Road, where each of such roads is respectively carried by means of bridges over the railway of the Manchester South District Railway now belonging or reputed to belong to the Midland Railway Company, as not to injuriously affect the said bridges or any of them or the approaches thereto; and in the event of any injury being occasioned to any such bridge or bridges or approaches or any part or parts thereof respectively by the construction of the said tramways respectively on or over the same respectively, whether such injury occur either during or after the construction of or in effecting the maintenance of such tramways respectively, the Midland Railway Company may, at the expense of the Promoters, restore such bridge or bridges 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 that Company against all sums, costs, and expenses which they may pay or be put to in restoring such bridge or bridges and approaches in manner aforesaid, and in maintaining and repairing (in case of default by the Promoters) so much of the road over the said bridge or bridges and approaches as the Promoters are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870; and that Company may recover from the Promoters all such sums, costs, and expenses, together with full costs and charges, by all and the same means as any simple contract debt may be recovered.

For protection
of Midland
Railway Com-
pany.

8. In constructing any of the tramways upon any bridge or any part of the road at either end thereof under the jurisdiction of the justices, the Promoters shall not alter or interfere with the structure of such bridge or of the approaches thereto, and shall so construct and maintain the tramways on the road over such bridge and approaches as not to injuriously affect such bridge or approaches; and in the event of any injury being occasioned to any such bridge or approaches or any part or parts thereof respectively by the construction of the tramways on or over the same (whether such injury occur either during or after construction or in effecting the maintenance of the tramways), the justices may restore such bridge and approaches, or the part or parts which may be injured, to as good a state as they were in before such injury was occasioned, at the expense of the Promoters; and the Promoters shall recoup to and indemnify the justices against all sums, costs, and expenses which they may pay or be put to in restoring such bridge and in maintaining and repairing so much of the road over such bridge

For protection
of the Justices.

[Ch. clxxii.] *Tramways Orders Confirmation* [43 & 44 VICT.]
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A.D. 1880. and approaches as the Promoters are liable to maintain and repair under the
Withington. twenty-eighth section of the Tramways Act, 1870; and the justices may recover
from the Promoters all such sums, costs, and expenses, together with full
costs and charges, by all and the same means as any simple contract debt may
be recovered.

Provisions as
to construction
of tramways.

9. In addition to the requirements of section twenty-six of the Tramways
Act, 1870, the Promoters shall, before they proceed to open or break up any
road for the purpose of constructing, laying down, maintaining, and renewing
any of the tramways, lay before the Board of Trade a plan showing the pro-
posed 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.

Rails to be
such as Board
of Trade may
approve.

10. The rails of the tramways shall be such as the Board of Trade shall
approve, and the space between the rails and for eighteen inches on each side
of such rails shall be paved with granite sets or blocks, or such other material
as may from time to time be approved by the Board of Trade: Provided that
the Board of Trade may from time to time require the Promoters to adopt and
apply such improvements in the tramway, including the rails thereof, as ex-
perience may from time to time suggest, having regard to the greater security
of the public and advantage to the ordinary traffic, and the Promoters shall
with all reasonable despatch comply with any order made by the Board of Trade
for the purpose of carrying out any such improvements.

Penalty for not
maintaining
rails and road
in good condi-
tion.

11. The Promoters shall at all times maintain and keep in good condition and
repair, and so as not to be a danger or annoyance to the ordinary traffic, the
rails of which any of the tramways for the time being consist and the sub-
structure upon which the same rest; and if the Promoters at any time make
default in complying with this provision, or with any of the requirements of
section twenty-eight of the Tramways Act, 1870, they shall for every such
offence be subject, on information laid or complaint made, to a penalty not
exceeding five pounds, and in case of a continuing offence to a further penalty
not exceeding five pounds for every day after the first on which such default
continues, and such penalty may be recovered as by section fifty-six of the said
Act is provided.

In any case in which it is represented in writing to the Board of Trade
by twenty inhabitant ratepayers of the Local Board district that the Pro-
moters 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

[43 & 44 VICT.] *Tramways Orders Confirmation* [Ch. clxxii.]
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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.

A.D. 1880.
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Withington.

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

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

13. The Promoters may from time to time hereafter make all such crossings, passing-places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Order, as may from time to time be necessary or convenient to the efficient working of the tramways or any of them, or for providing access to any stables, or carriage-houses, sheds, or works of the Promoters or their lessees or licensees, but in places where the Promoters are not the road authority the same shall only be made subject to the approval of the road authority: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid, by writing under his hand, addressed to the Promoters, express his objection thereto.

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

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

Temporary tramways may be made when necessary.

15. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of the justices or any road authority, or which they are respectively by law bound to maintain and repair, 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 the justices or such road authority respectively of so much of the roadway on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the bridge surveyor or to the surveyor for the time being of such road authority, or to such person or persons as such bridge surveyor or surveyor may appoint to receive the same: Provided that if within seven days after the excavation of any such paving, metalling, or material the surplus thereof as aforesaid is not removed by such bridge surveyor or surveyor, or by some other

Application of road materials excavated in construction of Promoters works.

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person or persons named by such bridge surveyor or surveyor for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and the justices or bridge surveyor or any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Promoters and any road authority.

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

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

Motive Power.

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

17. The carriages used on the tramways may, subject to the provisions of this Order, be moved by animal power, and, during a period of seven years after the opening of the same for public traffic, and with the consent of the Board of Trade, during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a Secretary or an Assistant Secretary of the said Board, by steam power or any mechanical power: Provided always, that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical powers shall be subject to the regulations set forth in the Schedule A. to this Order annexed, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may, and which they are hereby empowered to, make from time to time, as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam or any mechanical power on the tramways.

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

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

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exercise the powers aforesaid, and shall not again exercise the same, or any of the same, unless with the authority of the Board of Trade, and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order. A.D. 1880.
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19. Subject to the provisions of this Order, the Board of Trade may from time to time make, and when made may rescind, annul, or add to, byelaws with regard to any of the tramways upon which steam or any mechanical power may be used under the authority of this Order, for all or any of the following purposes; that is to say, Byelaws.

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.

20. 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.

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

22. 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. Orders and byelaws to be signed, &c.

23. Where the lessees or any person intend or intends to use steam or any mechanical power under the authority of this Order on the tramways or any part As to contracts with road authorities

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where steam or
mechanical
power is to be
used.

thereof, they or he shall give two months previous notice of such intention to every road authority within whose district the tramways or any part thereof upon which they or he intend or intends to use such power are or is situated.

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

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

In case any difference arises between any such road authority and the lessees or such person as to the determination of any such contract, agreement, or arrangement, or in case any such road authority, after request in writing by the lessees or such person, or the lessees or such person after request in writing by any such road authority, during a period of one month after such request, refuse or fail to enter into any such contract, agreement, or arrangement, or to renew the same with or without modification, or to make a new contract instead thereof, or in case of any difference as to the terms of any such contract, agreement, or arrangement, or any renewal thereof, with or without modification, or any new contract instead thereof, then and in every such case the difference with respect to such determination or the reasonableness of such refusal or failure, or the terms of such contract, agreement, or arrangement, or any renewal thereof, with or without modification, or any new contract instead thereof, shall from time to time, on the appeal of either of the parties to the Board of Trade, be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the lessees and any road authority, and thereupon the parties shall in all respects conform to such determination, and make and observe any contract, agreement, or arrange-

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ment thereby prescribed: Provided always, that while any such appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the tramways to which such appeal relates.

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

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

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

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

Traffic upon Tramways.

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

Traffic upon tramways.

26. The lessees or licensees 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.

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

27. In case the lessees carry animals, goods, minerals, or parcels, they may, and when required by the Local Board 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.

Provisions as to carriage of animals, goods, &c.

28. Only passengers and passengers luggage not exceeding fifty-six pounds in weight, and no animals, goods, minerals, or parcels, shall be conveyed on the tramways between the hours of eight in the morning and eight in the evening without the previous consent of the Local Board.

Heavy traffic not to be carried between eight a.m. and eight p.m.

29. The Local Board may, at such times and in such manner as they think fit (but subject to the provisions of this Order and to any byelaws for the time being in force with respect to the tramways), use the tramways for sanitary

Local Board may use tramways for sanitary purposes.

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A.D. 1880. purposes, and for the conveyance of scavenging stuff, road metal, and other
Withington. materials required for any works of the Local Board, free of all tolls and charges
in respect of such use.

Tolls.

Tolls and
charges.

30. The tolls and charges authorised by this Order to be demanded and taken are as follows ; viz.,

For every passenger travelling upon any of the tramways, or any part thereof, any tolls or charges not exceeding one penny per mile (and for this purpose a fraction of a mile beyond any integral number of miles shall be deemed a mile), but for any less distance than three miles any sum not exceeding threepence may be charged :

For all animals, goods, minerals, and parcels conveyed upon the tramways, 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.

Such tolls or charges shall include all tolls and charges which may be made for the use of the tramways, carriages, waggons, or trucks, and for motive power, and for every other expense incidental to such conveyance.

Passengers
luggage.

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

Cheap fares
for labouring
classes.

32. The lessees shall at all times during the continuance of the demise of the tramways run at least two carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the lessees think most convenient for artizans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the lessees, nevertheless, not being required to take any toll or charge less than one penny) : Provided always, that in case of any complaint made to the Board of Trade of the hours appointed by the lessees for the running of such carriages, the said Board shall have power to fix and regulate the same from time to time. Every lease to be granted by the Promoters shall imply a condition of re-entry if the lessees, at any time after the expiration of twenty-one days notice requiring them to run such carriages at such times and at such tolls or charges as herein-before mentioned, make default in complying with such notice, unless such default be occasioned by unavoidable accident.

Payment of
tolls.

33. 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 persons entitled to demand and take such tolls and charges may by notice to be annexed to the list of tolls and charges appoint.

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34. 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 twenty inhabitant ratepayers of the Local Board District, or by the lessees, 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 or charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

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 Periodical
 revision of
 tolls.

Opening of Tramways to the Public.

35. Subject to any lease or agreement for a lease, the Promoters may from time to time by resolution declare the tramways, or any part thereof, to be open to be used by the public, and for such periods and subject to such conditions and restrictions as to motive power and otherwise as the Promoters may, subject to the provisions of this Order and the approval of the Board of Trade, think fit, and such user may be either concurrently with the lessees or otherwise; and so soon as the Promoters have passed such resolution, and the same has been approved by the Board of Trade by writing, signed by a Secretary or an Assistant Secretary of the said Board, any person may use the tramways, or any part thereof, in accordance with the terms of such resolution and the provisions of this Order, with carriages having flange wheels or other wheels suitable only to run on the rail of the tramways, and may demand and take for the like purposes for which tolls or charges are authorised to be demanded and taken by this Order any tolls or charges not exceeding the tolls or charges by this order authorised to be demanded and taken for such purposes.

As to user of
 tramways and
 tolls thereon
 when open to
 be used by the
 public.

36. If the tramways, or any part thereof, be declared to be open to be used by the public, the Promoters may demand and take from the person so using the tramways or any part thereof the following tolls and charges in respect of such user; namely,

Tolls if tram-
 ways open to
 be used by the
 public.

For every passenger travelling in or upon any of the carriages of such person, any tolls or charges not exceeding one half of the tolls and charges by this Order authorised to be demanded and taken by such person for such passenger;

For any animals, goods, minerals, and parcels conveyed in or upon the carriages of such person, any tolls or charges, not exceeding one half of

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the tolls and charges specified in the Schedule B. to this Order annexed, in respect of such animals, goods, minerals, and parcels so conveyed, subject to the regulations in that behalf therein contained ;
and the Promoters may, if they think fit, commute such tolls or charges so that the commuted sum may be as near as possible an equivalent of such tolls or charges.

Servants of the Promoters to ride in carriage, &c. free of charge.

37. Any person so using the tramways, or any part thereof, declared to be open to be used by the public, and their officers and servants, shall permit the person duly authorised for that purpose by the Promoters to ride free of charge for the whole or any part of the journey in or upon each carriage in or upon which any passengers, animals, goods, minerals, or parcels are conveyed upon the tramways or such part thereof.

Certain provisions of the Tramways Act, 1870, as to licensees extended to persons using the tramways when open to be used by the public.

38. The provisions contained in the following sections of the Tramways Act, 1870, namely,

Section 36. (In default of payment of tolls, licensees carriages may be detained and sold);

Section 37. (Licensees to give account of passengers carried by them);

Section 38. (Licensees not giving account of passengers carried liable to penalty);

Section 39. (Disputes as to amount of tolls to be settled by justices); and

Section 40. (Owners of carriages liable for damages done by their servants), shall, so far as the same are applicable in this behalf, extend and apply, mutatis mutandis, to the person or persons so using the tramways, or any part thereof, declared to be open to be used by the public; and in construing those sections for the purposes aforesaid—

The expression "licensee" or "licensees" shall mean the person or persons so using the tramways or any part thereof;

The expression "passengers" shall include animals, goods, minerals, and parcels;

The expression "number of passengers" shall include the number or quantity (as the case may require) of the animals, goods, minerals, or parcels conveyed; and

The expression "carriage" shall include any waggon, truck, or vehicle in or upon which such animals, goods, minerals, or parcels are conveyed.

Miscellaneous.

Promoters not to be liable for any damage from mining operations.

39. The Promoters or their lessees, or any person using the tramways under the authority of this Order, shall not be liable for any accident, damages, or injury arising from or consequent on the working of any mines or minerals under or in the neighbourhood of the tramways.

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

40. Any lessees or licensees on the one hand, and any person on the other hand, may, with the consent of the Board of Trade, from time to time, but subject to the provisions of this Order, enter into agreements with respect to the receiving from or forwarding to any such person any passengers, animals, goods, minerals, or parcels, and the fixing, collecting, and apportionment of tolls, charges, rents, or other receipts arising from the tramways, upon such

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terms and conditions as may be agreed upon between such lessee or licensee and such person, subject, nevertheless, to the control and supervision of the Promoters. A.D. 1880.
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41. Where, under the provisions of the Tramways Act, 1870, and this Order, any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties. Provisions as
 to arbitration.

42. 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 any local authority or any road authority shall be signed by their clerk or secretary :

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

43. The Local Board may, under and according to the provisions contained in section twenty of the Tramways Act, 1870, borrow for the purpose of this Order, in addition to any sum or sums of money they are already authorised to borrow, any sum or sums of money, not exceeding twenty-five thousand pounds, and the time for which such sum of twenty-five thousand pounds may be borrowed shall be thirty years; and for the purpose of such borrowing the Local Board may include in any mortgage of the local rate the moneys coming to them out of the rents reserved under any lease made under the authority of this Order and the tolls, charges, and sums authorised to be taken or received by them under the provisions of this Order. The Local
 Board may
 borrow 25,000/
 to be repaid in
 30 years.

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

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SCHEDULE A.

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Break power of engines.

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

As to fittings of engines, &c.

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

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

With a suitable fender to push aside obstructions ;

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

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

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

As to carriages.

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

Inspection of engines and carriages.

The Board of Trade shall on the application of the local authority, 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 tramways.

As to speed.

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

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

SCHEDULE B.

TOLLS AND CHARGES FOR ANIMALS, GOODS, &c.

Animals.

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

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<i>Goods and Minerals.</i>	Per mile.	A.D. 1880.
	£	s. d.
		<i>Withington.</i>
For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton - - - - -	0	0 3
For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron, not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, per ton - - - - -	0	0 4
For all sugar, grain, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton - - - - -	0	0 6
For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton - - - - -	0	0 6
For every carriage of whatever description - - - - -	0	1 0

Parcels.

	Any distance.
For any parcel not exceeding seven pounds in weight - - - - -	0 0 3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - -	0 0 5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - -	0 0 7
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight - - - - -	0 0 9
For any parcel exceeding fifty-six pounds in weight such sums as the person conveying the same may think fit.	

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

For the carriage of single articles of great weight :—

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 weights of which, including the carriage, exceed four tons but do not exceed eight tons, such sums as the person conveying the same may think fit, not exceeding per ton per mile - 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 person conveying the same may think fit.

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Regulations as to Tolls.

Withington.

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

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

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

Wolverhampton.

WOLVERHAMPTON TRAMWAYS.

(USE OF MECHANICAL POWER.)

Order authorising the use of Steam Power or any Mechanical Power on the Tramways of the Wolverhampton Tramways Company, Limited.

Short title.

1. This Order may be cited as "The Wolverhampton Tramways (Mechanical Power) Order, 1880."

Construction of Order.

2. The Wolverhampton Tramways Order, 1877 (in this Order referred to as "the Order of 1877"), the Wolverhampton Tramways (Extension) Order, 1878 (in this Order referred to as "the Order of 1878"), and this Order shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Interpretation.

3. In this Order—

The expression "the Promoters" shall mean the Wolverhampton Tramways Company, Limited:

The expression "the tramways" shall mean the tramways authorised by the Order of 1877 and the Order of 1878:

The term "person" shall include a corporation.

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

4. The carriages used on the tramways may be moved by animal power, and the carriages used on the following tramways authorised by the Order of 1877, that is to say, Tramways Nos. 1 and 2 and the portion of No. 3 from its commencement for a distance of two miles and twelve chains, and on Tramway No. 1 authorised by the Order of 1878, may, subject to the provisions of this Order, and during a period of seven years after the passing of the Act confirming this Order, and with the consent of the Board of Trade, during such further periods of seven years as the said Board may from

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time to time specify in any order, to be signed by a Secretary or an Assistant Secretary of the said Board, be moved by steam power or any mechanical power: Provided always, that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the Schedule to this Order annexed, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time, as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam or any mechanical power on such tramways: And provided also, that the powers in this Order contained as to the use on the tramways of steam or mechanical power shall not be exercised within the district of any road authority until the consent of such road authority to the exercise of such powers has been signified in writing to the Promoters and to the Board of Trade; and that the Promoters or any person using steam or other mechanical power on any of the tramways on which such use is by this Order authorised within the district of any road authority shall cease to exercise the powers aforesaid on the expiration of one calendar month from the service, at the chief or other office of the Promoters, of a notice, under the common seal of such road authority, requiring the Promoters or any other person to cease the exercise of the aforesaid powers; provided always, that if the notice of discontinuance is, in the opinion of the Promoters, given unreasonably or without sufficient cause, the Promoters shall have the right to appeal to the Board of Trade, who may, if they think fit, refuse to confirm such notice, and thereupon the same shall be deemed to be withdrawn, and the decision of the Board of Trade in the matter shall be final and binding on both parties.

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

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

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Byelaws.

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

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

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

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

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

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

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

As to recovery
of penalties.

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

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

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

Orders and
byelaws to be
signed, &c.

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

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

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

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

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

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

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hampton.

No steam or mechanical power shall be used on the tramways, or any portion of the tramways, unless there is in force in relation to the tramways, or such portion of such tramways, a contract, agreement, or arrangement in accordance with the provisions of this section. Any moneys which may from time to time be received by such road authority under any contract, agreement, or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing, improving, and maintaining the highways within their district, having regard, in the first instance, to the requirements of the roads upon which the tramways are laid.

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

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

Periodical revision of tolls.

12. 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 authorised by the Order of 1877 and the Order of 1878.

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13. Notwithstanding anything in this Order contained, the Promoters and any persons using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by the Order of 1877 and the Order of 1878, and to any condition, regulation, or restriction which may be imposed on the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

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Saving for general Acts.

SCHEDULE.

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.

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

As to fittings of engines.

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

With a suitable fender to push aside obstructions ;

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

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

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

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

As to carriages.

The Board of Trade shall on the application of the local authority, 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 such tramways of any such engine or carriage which, in their opinion, may not be safe for use on such tramways.

Inspection of engines and carriages.

The speed at which engines and carriages may be driven or propelled along the tramways shall not exceed the rate of eight miles an hour. The speed at which engines and carriages may pass through moveable facing-points shall not exceed the rate of four miles an hour.

As to speed.

