

**CHAPTER cxcii.**

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Blackpool Corporation Tramways, Manchester Corporation Tramways, and Plymouth Corporation Tramways. A.D. 1893.
[24th August 1893.]

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

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

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

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

1. This Act may be cited as the Tramways Orders Confirmation Act, 1893. Short title.

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

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

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

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

SCHEDULE.

LIST OF ORDERS.

BLACKPOOL CORPORATION TRAMWAYS.—Order authorising the Mayor Aldermen and Burgesses of the Borough of Blackpool to construct additional Tramways in the said Borough.

MANCHESTER CORPORATION TRAMWAYS.—Order authorising the Mayor Aldermen and Citizens of the City of Manchester in the County of Lancaster to construct additional Tramways in the said City.

PLYMOUTH CORPORATION TRAMWAYS.—Order authorising the Mayor Aldermen and Burgesses of the Borough of Plymouth to construct additional Tramways in the said Borough.

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

1. This Order may be cited as the Blackpool Corporation Tramways Order 1893. 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 inconsistent with or expressly varied by this Order. Incorporation of Acts.
3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings :— Interpretation.

Provided that in this Order—

The expression “the Order of 1884” shall mean the Blackpool Corporation Tramways Order 1884 ;

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

The expression “the undertaking” shall mean the undertaking authorised by the Order of 1884 and this Order ;

The expression “the Corporation” shall mean the mayor aldermen and burgesses of the borough of Blackpool in the county palatine of Lancaster acting by the Council ; and

The expression “the borough” shall mean the said borough of Blackpool.
4. The Corporation shall be the Promoters for the purposes of this Order and are in this Order referred to as “the Promoters.” The Promoters.
5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes. Provided that they shall not at any time hold for such purposes more than five acres of land in addition to the lands which they were authorised to hold prior to the date of this Order but nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken under the powers of this section. Lands by agreement.
6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order as the same have been amended previous to the passing of the Act confirming this Order (which amended plans and sections are in this Order referred to respectively as “the deposited plans” and “the deposited sections”) the tramways herein-after Construction of tramways.

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described with all proper rails plates channels junctions turntables turnouts crossings passing-places offices stables carriage engine boiler and dynamo houses waiting-rooms sheds buildings works carriages harness tramway plant appliances machinery and conveniences connected therewith or for the purposes thereof.

The tramways authorised by this Order will be situate wholly within the borough and in the parishes of Bispham and Poulton-in-the-Fylde in the county of Lancaster and are the following :

Tramway No. 1 (1 furlong 4·54 chains or thereabouts in length) commencing in the road known as the Carriage Drive constructed under the powers of the Blackpool Improvement Act 1865 and herein-after referred to as "the Carriage Drive" by a junction with Tramway No. 4 constructed under the powers of the Order of 1884 at a point opposite the house numbered 7 in Albert Terrace fronting the Carriage Drive thence proceeding along Queen Square and Queen Street to and terminating in Dickson Road by a junction with Tramway No. 2 herein-after described ;

Tramway No. 2 (3·56 chains or thereabouts in length) commencing in Dickson Road by a junction with the termination of Tramway No. 1 thence proceeding along Dickson Road and terminating in Talbot Road opposite Talbot Road Railway Station by a junction with Tramway No. 3 herein-after described ;

Tramway No. 3 (5·72 chains or thereabouts in length) commencing in Talbot Road by a junction with the termination of Tramway No. 2 thence proceeding along Talbot Road and terminating at the northerly end of Cookson Street by a junction with Tramway No. 4 herein-after described ;

Tramway No. 4 (1 furlong 7·65 chains or thereabouts in length) commencing in Cookson Street by a junction with the termination of Tramway No. 3 thence proceeding along Cookson Street and terminating in Raikes Hill or Church Street opposite the northerly end of Regent Road by a junction with Tramway No. 5 herein-after described ;

Tramway No. 5 (2 furlongs 7·83 chains or thereabouts in length) commencing in Raikes Hill or Church Street by a junction with the termination of Tramway No. 4 thence proceeding along Raikes Hill or Church Street and Raikes Road and terminating in Whitegate Lane opposite the "Old No. 3 and Didsbury Hotel" by a junction with Tramway No. 6 herein-after described ;

Tramway No. 6 (1 furlong 8·18 chains or thereabouts in length) commencing in Whitegate Lane by a junction with the termination of Tramway No. 5 thence proceeding along Whitegate Lane and terminating in Whitegate Lane at the boundary of the townships of Layton-with-Warbreck and Marton by a junction with Tramway No. 7 herein-after described ;

Tramway No. 7 (7 furlongs 6·69 chains or thereabouts in length) commencing in Whitegate Lane by a junction with the termination of Tramway No. 6 thence proceeding along Whitegate Lane and Church Lane and terminating in Cow Gap Lane opposite the Oxford Hotel by a junction with Tramway No. 8 herein-after described ;

Tramway No. 8 (2 furlongs 8·06 chains or thereabouts in length) commencing in Cow Gap Lane by a junction with the termination of Tramway No. 7 thence proceeding along Cow Gap Lane and terminating in Cow Gap Lane

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at the boundary of the townships of Marton and Layton-with-Warbreck by a junction with Tramway No. 9 herein-after described ;

Tramway No. 9 (5 furlongs 6·27 chains or thereabouts in length) commencing in Cow Gap Lane by a junction with the termination of Tramway No. 8 thence proceeding along Cow Gap Lane and terminating in Lytham Road opposite the easterly end of Waterloo Road by a junction with Tramway No. 11 herein-after described ;

Tramway No. 10 (1 furlong 9 chains or thereabouts in length) commencing in the Carriage Drive by a junction with Tramway No. 5 constructed under the powers of the Order of 1884 at a point opposite the Foxhall Hotel thence proceeding along Foxhall Square and Princess Street to the northerly end of Tyldesley Road thence proceeding along Tyldesley Road to its junction with Lytham Road and terminating in Lytham Road by a junction with Tramway No. 11 herein-after described ;

Tramway No. 11 (1 mile 1 furlong 1·10 chains or thereabouts in length) commencing in the Carriage Drive by a junction with the said Tramway No. 5 constructed under the powers of the Order of 1884 at a point opposite the westerly end of the northerly side of Rigby Road thence proceeding along Lytham Road and terminating in Lytham Road at the boundary of the townships of Layton-with-Warbreck and Bispham-with-Norbreck (detached) by a junction with Tramway No. 12 herein-after described ;

Tramway No. 12 (3 furlongs 4·92 chains or thereabouts in length) commencing in Lytham Road by a junction with the termination of Tramway No. 11 thence proceeding along Lytham Road and terminating in Lytham Road at the boundary of the townships of Bispham-with-Norbreck (detached) and Marton by a junction with Tramway No. 13 herein-after described ;

Tramway No. 13 (3 furlongs 7·78 chains or thereabouts in length) commencing in Lytham Road by a junction with the termination of Tramway No. 12 thence proceeding along Lytham Road and terminating in Lytham Road at the southerly boundary of the borough ;

Tramway No. 14 (2 furlongs 1·42 chains or thereabouts in length) commencing in the Carriage Drive by a junction with the said Tramway No. 5 constructed under the powers of the Order of 1884 at a point opposite the northerly side of the westerly end of Station Road thence proceeding along Station Road and terminating in Lytham Road opposite the southerly side of the easterly end of Station Road by a junction with Tramway No. 11.

The Tramways shall be laid as single lines except between the following points where they shall be laid as double lines (that is to say) :—

Tramway No. 1—In Queen Square between points respectively 0·60 chains east and 3·60 chains east of the centre of the Carriage Drive ;

Tramway No. 2—In Dickson Road between points respectively 0·15 chains south and 2·90 chains south of the centre of Queen Street ;

Tramway No. 4—In Cookson Street between points respectively 2·10 chains south and 5·10 chains south of the centre of Talbot Road ;

Tramway No. 5—In Raikes Hill or Church Street and Raikes Road between points respectively 3·10 chains east and 2 furlongs 7·79 chains east of the centre of Regent Road ;

Tramway No. 6—In Whitegate Lane

Between points respectively 0·75 chains south and 3·22 chains north of the south gable end of the house numbered 20 in Whitegate Lane ; and

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Between points respectively 1·50 chains north and 1·50 chains south of the centre of Hornby Road ;

Tramway No. 7—In Whitegate Lane

Between a point opposite the north gable end of the house numbered 15 in Whitegate Lane and a point 7 chains north of the same house ; and

Between points respectively 2 chains north and 2 chains south of the north gable end of the house numbered 23 in Whitegate Lane ; and

Between a point opposite the south-east gable end of the house numbered 51 in Whitegate Lane and a point 8 chains north of the same house ;

In Whitegate Lane or Church Lane between points respectively 1 chain north and 4 chains north of the north gable end of the Saddle Inn ; and

In Church Lane between points respectively 1·51 chains south and 6·69 chains north of the north-east gable end of the Oxford Hotel ;

Tramway No. 8—In Church Lane and Cow Gap Lane between points respectively 0·57 chains north and 2·33 chains south of the south-west gable end of the Oxford Hotel ;

In Cow Gap Lane

Between a point opposite the east gable end of the house numbered 40 in Cow Gap Lane and a point 3 chains east of the same gable end ; and

Between points respectively 1·51 chains north-east and 4·51 chains north-east of the boundary of the townships of Marton and Layton-with-Warbreck ;

Tramway No. 9—In Cow Gap Lane

Between points respectively 3 chains west and 6 chains west of the boundary of the townships of Layton-with-Warbreck and Marton ; and

Between points respectively 1 furlong 1·15 chains west and 1 furlong 4·15 chains west of the boundary of the townships of Layton-with-Warbreck and Marton ; and

Between points respectively 0·50 chains west and 3·50 chains west of the centre of Middle Lane ; and

Between points respectively 1 furlong 1·07 chains west and 1 furlong 4·07 chains west of the centre of Middle Lane ;

Tramway No. 10—In Tyldesley Road between points respectively 1 chain south and 4 chains south of the centre of Princess Street ;

Tramway No. 11—In Lytham Road

Between points respectively 1·78 chains south-east and 6 furlongs 6·47 chains south-east of the centre of the Carriage Drive ; and

Between points respectively 2·57 chains south and 0·43 chains north of the south gable end of the house numbered 283 in Lytham Road ; and

Between points respectively 0·45 chains north and 3·45 chains north of the centre of Watson's Lane ;

Tramway No. 12—In Lytham Road

Between points respectively 1 furlong 6·19 chains north and 1 furlong 9·19 chains north of the centre of Harrow Side Lane or Gipsies Lane ; and

Between points respectively 0·45 chains north and 3·45 chains north of the centre of Harrow Side Lane or Gipsies Lane ;

Tramway No. 13—In Lytham Road

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Between points respectively 2 furlongs 7·37 chains north and 3 furlongs 0·37 chains north of the south-easterly boundary of the borough ; and

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Between points respectively 3 chains north and 6 chains north of the south-easterly boundary of the borough ;

The total length of the tramways herein-before mentioned will be 5 miles 5 furlongs 2·72 chains of which the total length of double line will be 2 miles 1 furlong 7·45 chains and of single line 3 miles 3 furlongs 5·27 chains.

Provided that unless the roadway of Cookson Street be widened to a width of not less than twenty-four feet Tramway No. 4 shall be laid as a double single line with a space of six feet between the centre lines of the two lines of rails.

Provided also that the Promoters shall not lay down any portion of tramway in Tyldesley Road or Station Road respectively unless and until such roads respectively shall have been declared a highway repairable by the inhabitants at large.

7. The tramways shall be constructed on a gauge of four feet eight inches and a half Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways but no engine or carriage used on the tramways shall exceed six feet and six inches in width.

Gauge of tramways and width of carriages.

8. The following provisions of the Order of 1884 (that is to say) :—

Sections 8 to 14 (both inclusive) ;

Sections 17 to 40 (both inclusive) ;

Sections 42 to 45 (both inclusive) ; and

The Schedules A. and B. to the said Order annexed ;

shall so far as the same are applicable extend and apply to the tramways by this Order authorised in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Order of 1884 and for the purpose of such application the expression “the tramways” in the said provisions shall be construed to include the tramways as defined by this Order and section 39 shall be construed as though the Arbitration Act 1889 was therein referred to instead of the Common Law Procedure Act 1854.

Extending to this Order certain provisions of the Order of 1884.

9. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power and with the consent in writing of the Board of Trade during a period of seven years from the time specified in such consent and with the like consent during such further periods not exceeding seven years as the said Board may from time to time specify in any Order signed by a secretary or assistant secretary of the said Board by electrical power steam power or any mechanical power including haulage by means of wire ropes or other appliances placed underground.

Motive power.

Provided always that no power other than animal power shall be used on Tramways Nos. 4 8 9 and 14 respectively unless and until the roadway of the streets in or along which those tramways will be respectively laid shall have been widened to not less than the following widths in all places in which they are now less than those respective widths :

In the case of Tramway No. 4 to a width of twenty-four feet in Cookson Street ;

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In the case of Tramway No. 8 to a width of twenty-four feet in streets where that tramway is laid as a single line and of twenty-seven feet where it is laid as a double line ;

In the case of Tramway No. 9 to a width of twenty-seven feet at the passing-places in Cow Gap Lane and to a width of twenty-four feet where that tramway is laid as a single line except on the bridge carrying Cow Gap Lane over the joint railway of the Lancashire and Yorkshire and London and North Western Railway Companies and the approaches to that bridge ;

In the case of Tramway No. 14 to a width of twenty-four feet where that tramway is laid in Station Road.

Provided further that the exercise of the powers hereby conferred with respect to the use of electrical steam or any mechanical power shall be subject to the regulations set forth in Schedule A. to the Order of 1884 annexed and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of electrical steam or mechanical power on the tramways.

Provided also that the lessees under any lease made by the Promoters shall not use electrical steam or any mechanical power on the tramways or any part thereof unless they are authorised to do so by special permission in such lease and the Promoters may with the consent of the Board of Trade and subject to the provisions of this Order attach to such special permission such conditions and restrictions (not being inconsistent with the provisions of this Order) as they may think fit.

For the protection of the Lancashire and Yorkshire and London and North Western Railway Companies.

10. The following provisions for the protection of the Lancashire and Yorkshire and London and North Western Railway Companies as joint owners of the Preston and Wyre Railway (in this section called "the two companies") shall at all times unless otherwise agreed between the Promoters and the two companies be observed and have effect (that is to say) :—

(1.) No crossing passing place siding junction turnout or other similar work shall be made in front of the south shore station of the two companies between the points marked with the letters Y and Z on a copy of sheet 13 of the deposited plans signed in duplicate by William Hunt on behalf of the two companies and Thomas Loftos on behalf of the Promoters and in working the said Tramways Nos. 2, 3, 11, and 14 respectively no tramcar or other carriage or vehicle used thereon shall without the consent in writing of the two companies be stopped or permitted to stop between the said points Y and Z or between the points marked with the letters W and X on sheet No. 1 of the said copies of the deposited plans except for and only for so long as may be absolutely necessary for the purpose of setting down and taking up passengers ;

(2.) Where any tramway by this Order authorised is laid along a road which is carried by means of a bridge over any railway of the two companies the Promoters shall so construct and maintain the same as not to alter or interfere with the structure of any such bridge or of the approaches thereto

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unless such alteration or interference be absolutely necessary for the construction of such tramway ;

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- (3.) In the event of any such alteration or interference the Promoters shall together with the notice required in such cases by section 26 of the Tramways Act 1870 submit to the two companies detailed drawings and specifications showing the proposed work as affecting such bridge and if any difference arise between the Promoters and the two companies as to such alteration or interference the same shall be left to the decision of the Board of Trade and the Promoters shall so construct and maintain the Tramway as not to injuriously affect the stability of such bridge and the approaches thereto ;
- (4.) In the event of any injury being caused to any such bridge or the approaches thereto by the construction laying maintenance repairing user or removal of the tramways the two companies may at the expense of the Promoters after giving two clear days' notice in writing of their intention so to do restore such bridge and approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Promoters shall indemnify the two companies against all sums costs and expenses which they may pay or be put to in restoring the said bridge and approaches in manner aforesaid and in repairing and maintaining (in case of default by the Promoters) so much of the road over such bridge and approaches as the Promoters are liable to maintain under section 28 of the Tramways Act 1870 and the two companies may recover from the Promoters all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt of like amount is recoverable ;
- (5.) All works which may be necessary in constructing laying and maintaining the tramways over any such bridge shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the engineer of the two companies or in case of difference of an engineer to be appointed by the Board of Trade on the application of the two companies or the Promoters :
- (6.) In case it shall become necessary in consequence of the existence or user of the tramways to strengthen the fabric of any such bridge the two companies may execute such works as their engineer may deem necessary but in all things at the expense of the Promoters and the two companies may recover from the Promoters all moneys expended by them in the execution of such works as aforesaid together with full costs and charges by all and the same means as any simple contract debt of like amount is recoverable ;
- (7.) If it shall become necessary for effecting such strengthening that the working and use of any portion of the tramways shall be wholly or in part stopped or delayed and the two companies shall give the Promoters three clear days notice in writing requiring such stoppage or delay the working or user of such portion of the tramways shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the two companies shall not be liable for any compensation claim demand damages costs or expenses for or in respect of such stoppage or delay ;

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(8.) The sleepers and other materials forming the substructure of the tramways where the same cross any such bridge or are laid along the approaches thereto shall subject to the provisions of this section be such as shall be reasonably approved of by the two companies ;

(9.) In constructing and maintaining any pipes and excavations under the tramways authorised by this Order in order to lay use or maintain wire-ropes or cables or any similar apparatus as a motive power for the carriages running on such tramways or any of them or in laying using or maintaining any such wire-ropes cables or apparatus in any place where such tramways cross any railway bridge carrying any road over a railway of the two companies the following provisions shall be in force and have effect and be binding upon the Promoters and their successors and assigns ;

(A.) The Promoters shall not (except with the consent in writing of the two companies) in any way alter or interfere with the structure of any such bridge or of the approaches thereto and they shall so construct lay and maintain such pipes excavations ropes cables and apparatus over such bridge and the approaches thereto as not injuriously to affect the same.

(B.) In the event of any injury being caused to any such bridge or approaches by the construction maintenance laying repairing user or removal of such pipes excavations ropes cables and apparatus the two companies may at the expense of the Promoters restore such bridge or approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Promoters shall indemnify the two companies against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over or under such bridge and approaches as the Promoters are liable to maintain and repair under the 28th section of the Tramways Act 1870 and the two companies may recover from the Promoters all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt of like amount is recoverable.

(C.) All works which may be necessary in constructing laying and maintaining any of the said pipes excavations ropes cables or apparatus over any railway bridge works or other property of the two companies shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the principal engineer of the two companies or in case of difference of an engineer to be appointed by the Board of Trade on the application of the two companies or the promoters ;

(10.) If for the purpose of any future widening of any railway of the two companies under any such bridge it shall become necessary to alter the level of the roadway over such bridge or the approaches thereto and of the tramways thereon the two companies shall not be liable for any compensation claim demand damages costs or expenses for or in respect of any stoppage or delay in the work or use of the tramways which may be rendered necessary by reason of any such alteration of level as aforesaid Provided always that such alteration shall be carried out to the reasonable satisfaction of the engineer for the time being of the promoters and at the cost in all

things of the two companies and the traffic on the said tramways shall only be stopped or delayed for so long as may be reasonably necessary for carrying out such alteration.

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(11.) All differences that may arise between the Promoters and the two companies or either of them touching anything to be done or omitted to be done or not to be done or the reasonableness of any charges or in any manner in connection with this section shall be settled by a referee to be nominated by the Board of Trade under section 33 of the Tramways Act 1870 and such lastly mentioned section shall apply to all differences arising between the Promoters and the two companies touching all matters and things done or omitted to be done or not to be done by either the Promoters or the two companies or either of them under the provisions of this section.

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

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

12. If the Promoters are unable to demise the tramways or any of them upon such terms as in the opinion of the Board of Trade will yield to the Promoters an adequate rent therefor the Board of Trade may grant a license to the Promoters to work such tramways and the Promoters may thereupon work the same and may provide such horses carriages cars engines fixed and moveable plant harness materials and things (all of which are herein-after included in the word "plant") and may employ such persons as may be requisite or convenient for working the tramways and in such case all enactments relating to the working of the tramways and the taking of the tolls and charges therefor shall extend and apply mutatis mutandis to and in relation to the Promoters.

Promoters may in certain cases work tramways.

Provided that if at any time during such working by the Promoters any company make to the Promoters a tender in writing to take a lease of and to work the tramways worked by the Promoters for such period (not being less than seven years unless the Promoters otherwise agree) at such rent and upon such terms as shall in the opinion of the Board of Trade be adequate and proper and such company at the same time offer to purchase the plant of the Promoters not included in such lease at a price to be fixed (unless otherwise agreed on between such company and the Promoters) by a competent valuer to be appointed by the Board of Trade then upon payment of such price the Promoters shall demise the said tramways to such company at such rent and upon such terms and conditions as aforesaid and the powers of the Promoters to work the said tramways shall during the continuance of such lease cease and determine.

13. Nothing herein contained shall prejudice or affect in any way the provisions contained in the Blackpool Saint Anne's and Lytham Tramways Act 1893 with reference to Tramways Nos. 10 11 12 and 13 by this Order and Tramway No. 1 by that Act authorised and the leasing of the said Tramways Nos. 10 11 12 and 13 to the Blackpool Saint Anne's and Lytham Tramways Company by that Act incorporated.

Saving as to Blackpool, Saint Anne's, and Lytham Tramways Act, 1893.

14. The Corporation may under and according to the provisions contained in section 20 of the Tramways Act 1870 or in manner provided by the Local Loans Act 1875 borrow for the purposes of this Order (in addition to any sum or sums of money they are already authorised to borrow) in one or more sums

Corporation may borrow 95,000*l.* to be repaid in thirty years.

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Blackpool. Board of Trade may from time to time sanction by order in writing The times
for which such moneys may be borrowed shall be—

As to the said sum or sums amounting to ninety-five thousand pounds thirty
years from the date or respective dates of borrowing the same ; and

As to moneys borrowed with the sanction of the Board of Trade such period or
periods not exceeding thirty years as the Board of Trade shall direct.

And for the purpose of such borrowing the Corporation 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.

Certain pro-
visions of the
Public Health
Act 1875
incorporated.

15. The following sections of the Public Health Act 1875 (that is to say) :—

Section 264 (notice of action against local authority &c.) ; and

Section 265 (protection of local authority and their officers from personal
liability) ;

are hereby incorporated with this Order and in construing those sections for the
purposes of this Order the expression “ this Act ” where used in those sections
shall mean this Order.

Carrying of
mails by pro-
motors &c.

16.—(1.) The Promoters or their lessees or any company or person by whom
any of the tramways may be worked (all of which persons are in this
section included in the term “ the Promoters ”) if required by the Postmaster-
General shall perform with respect to any tramway owned or worked by
them all such reasonable services in regard to the conveyance of mails as Her
Majesty’s Postmaster-General from time to time requires Provided as follows :—

(A) Nothing in this section shall authorise the Postmaster-General to require
mails in excess of the following weights to be carried by the Promoters in or
upon any carriage (that is to say) :—

(i) If the carriage is conveying or intended to convey passengers and not
goods or parcels then in excess of the maximum weight for the time
being fixed for the luggage of ordinary passengers ; and

(ii) If the carriage is conveying or intended to convey parcels only then
in excess of such maximum weight as is for the time being fixed for
ordinary parcels or if that maximum appears to the Postmaster-General
to be so low as to exclude him from availing himself of the use of any
such carriage then as is for the time being fixed by agreement or in
default of agreement by a referee to be appointed at the request of
either party by the Lord Chief Justice of England ; and

(iii) If the carriage is conveying or intended to convey both parcels
and passengers but not goods then in excess of the maximum weight for
the time being fixed for ordinary parcels or for the luggage of ordinary
passengers whichever is the greater ;

(B) Mails when carried in or upon a carriage conveying passengers shall be so
carried as not to inconvenience the passengers but so nevertheless that the
custody of the mails by any officer of the Post Office in charge thereof shall
not be interfered with ;

(C) Nothing in this section shall authorise the Postmaster-General to require
any mails to be carried by the Promoters in or upon a carriage conveying or

intended to convey passengers but not goods or parcels except in charge of an officer of the Post Office travelling as a passenger ;

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(1) If the Promoters carry goods as well as passengers and parcels the enactments relating to the conveyance of mails by railway shall subject to the provisions of this section apply in like manner as if the Promoters were a railway company and the tramway were a railway.

Blackpool.

(2.) The remuneration for any services which have been performed by the Promoters in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the Promoters or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.

(3.) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General or a Secretary or Assistant-Secretary of the Post Office or the Inspector-General of Mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

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

For protection
of the Post-
master-
General.

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

(2.) (a.) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall

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give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work.

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

- (3.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.
- (4.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.
- (5.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.
- (6.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section.
- (7.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.
- (8.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.
- (9.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid.

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

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As to the use
of electric
power.

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

(2.) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances.

(3.) The exercise of the powers by this Order conferred with respect to the use of electric power shall be subject to regulations to be prescribed by the Board of Trade within nine months after the passing of the Act confirming this Order (herein-after referred to as the prescribed regulations) and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return.

(4.) The Promoters using electric power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters in the use of electric power under the authority of this Order have made default in complying with the provisions of this Order or with any of the prescribed regulations or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electric power and thereupon the Promoters shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

(5.) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always

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that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of a period of three years from the passing of the Act confirming this Order nothing in this subsection shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents Provided further that the Board of Trade may by order extend the said period of three years in respect of all or any part or parts of such wires lines and apparatus and in every such case the Board shall make a special report to Parliament notifying the making of such order and the reasons therefor If any difference arises between the Promoters and any other party with respect to anything in this subsection contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.

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

Manchester.

MANCHESTER CORPORATION.

Order authorising the Mayor Aldermen and Citizens of the City of Manchester in the County of Lancaster to construct additional Tramways in the said City.

Short title.

1. This Order may be cited as the Manchester Corporation Tramways Order 1893.

Incorporation
of Tramways
Act 1870.

2. The provisions of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order.

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—

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—
Manchester.
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 citizens of the city of Manchester in the county of Lancaster;

The expression "the city" shall mean the said city of Manchester;

The expression "the Order of 1878" shall mean the Manchester Corporation Tramways Order 1878; and

The expression "the Order of 1881" shall mean the Manchester Corporation Tramways Order 1881.

Promoters.

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

Promoters.

Construction of Tramways.

5. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited for the purposes of this Order as the same have been amended prior to the passing of the Act confirming this Order (which amended plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates offices weigh-bridges stables carriage-houses warehouses works and conveniences connected therewith or for the purposes thereof.

Construction
of tramways.

The tramways authorised by this Order are:—

Tramway No. 1 (3 furlongs 7.51 chains in length) commencing in Cheetham Hill Road opposite the end of Elizabeth Street by a junction with the existing tramways in that road and passing thence in a westerly direction along Elizabeth Street and in a northerly direction along Waterloo Road and terminating in Waterloo Road opposite the end of Cedar Street.

Tramway No. 1 shall be laid as a single line throughout.

Tramway No. 2 (3 furlongs 7.8 chains in length) commencing in Cheetham Hill Road opposite the end of Heywood Street by a junction with the existing tramways in that road and passing thence along Heywood Street Brunswick Street Cedar Street into and terminating in Waterloo Road opposite the end of Cedar Street.

Tramway No. 2 shall be laid as a single line except in Cedar Street for a length of 8.6 chains where it shall be laid as a double line.

Provided always that one carriage only shall be upon such double line at one and the same time.

Tramway No. 3 (3 furlongs 7.55 chains in length) commencing in Waterloo Road opposite the end of Cedar Street by junctions with Tramways No. 1 and No. 2 and passing thence in a northerly direction along Waterloo Road and terminating by a junction with the existing tramways in Cheetham Hill Road opposite the end of Waterloo Road.

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Tramway No. 3 shall be laid as a double line throughout.

Tramway No. 4 (5.45 chains in length) commencing in Hunt's Bank by a junction with the existing tramways at a point 50 yards or thereabouts north of Fennel Street and terminating in Hunt's Bank by a junction with the existing tramways at a point 30 yards or thereabouts north of the approach to the Victoria Railway Station.

Tramway No. 4 shall be laid as a single line throughout.

The tramways herein-before mentioned will be situate wholly in the townships of Cheetham and Manchester in the parish of Manchester in the county of Lancaster.

Tramways No. 1 and No. 3 not to be constructed until roadway widened.

6. The Promoters shall not construct Tramway No. 1 unless and until they have altered the kerb on the south-westerly side of Elizabeth Street and on the westerly side of Waterloo Road so that a space of nine feet six inches at the least shall intervene between the outside of the footpath and the nearest rail of the tramway and they shall not construct Tramway No. 3 unless and until they have altered the kerb in Waterloo Road on both sides of the road so that a space of nine feet six inches at the least shall intervene between the outside of the footpath and the nearest rail of the tramway.

Extending provisions of Order of 1881 as to construction.

7. The following provisions of the Order of 1881 (that is to say) sections 7 to 12 (both inclusive) of the said Order shall so far as the same are applicable extend and apply to the tramways and undertaking by this Order authorised in like manner in every respect as if the tramways and undertaking by this Order authorised formed part of the tramways and undertaking authorised by the Order of 1881.

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

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

Traffic and Tolls.

Tramways for purposes of tolls &c. to form part of tramways authorised by Orders of 1878 and 1881.

9. The tramways authorised by this Order shall for the purposes of traffic thereon and of the tolls and charges to be demanded and taken thereon and the opening of the same to the public be deemed to form part of the tramways authorised by the Order of 1878 and the Order of 1881 and sections 14 to 25 (both inclusive) of the Order of 1878 and the schedule to the said Order annexed shall so far as the same are applicable extend and apply to the tramways by this Order authorised in like manner in every respect as if the tramways authorised by this Order formed part of the tramways authorised by the Order of 1878 and the Order of 1881.

Periodical revision of tolls.

10. 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 city 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

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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 1878 Provided also that a copy of this section shall be annexed to every table or list of tolls published or exhibited by the lessees in connection with the tramways authorised by this Order.

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Miscellaneous.

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

Provisions as to arbitration.

12. 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 and if given by the Promoters shall be signed by the town clerk and if given by any company or by any local authority or road authority 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 at the town hall in the city 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 town clerk at the town hall.

13. The Corporation may under and according to the provisions contained in section twenty of the Tramways Act 1870 borrow for the purposes of this Order any sum or sums of money not exceeding in the whole the sum of six thousand five hundred pounds in addition to any sum or sums of money they are already authorised to borrow and the time for which the said sum of six thousand five hundred pounds may be borrowed shall be thirty years and for the purpose of such borrowing the Corporation may include in any mortgage of the city fund and city rate the rents reserved under any lease made under the authority of the Order of 1878 or of the Order of 1881 or of this Order and the tolls charges and sums authorised to be taken or received by them under the provisions of the

Corporation may borrow 6,500*l.* to be repaid in thirty years.

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A.D. 1893. Order of 1878 or the Order of 1881 or this Order subject to all charges affecting
Manchester. the same at the time of the making of such mortgage.

Audit of
accounts.

14. Sections two hundred and forty-six and two hundred and fifty of the Public Health Act 1875 shall apply to the audit of the accounts of the receipts and expenditure of the Corporation and their officers with respect to the tramways as if such accounts related to receipts and expenditure under that Act.

Carrying of
mails by
lessees.

15.—(1.) The lessees or any company or person working the tramways (all of which persons are in this section included in the term “the lessees”) if required by the Postmaster-General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty’s Postmaster-General from time to time requires Provided as follows:—

(a.) Nothing in this section shall authorise the Postmaster-General to require mails in excess of the following weights to be carried by the lessees in or upon any carriage (that is to say) :—

(i.) If the carriage is conveying or intended to convey passengers and not goods or parcels then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers ; and

(ii.) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster-General to be so low as to exclude him from availing himself of the use of any such carriage then as is for the time being fixed by agreement or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England ; and

(iii.) If the carriage is conveying or intended to convey both parcels and passengers but not goods then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers whichever is the greater.

(b.) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with ;

(c.) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the lessees in or upon a carriage conveying or intended to convey passengers but not goods or parcels except in charge of an officer of the Post Office travelling as a passenger ;

(d.) If the lessees carry goods as well as passengers and parcels the enactments relating to the conveyance of mails by railway shall subject to the provisions of this section apply in like manner as if the lessees were a railway company and the tramway were a railway.

(2.) The remuneration for any services which have been performed by the lessees in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty’s Postmaster-General and the lessees or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party and this provision shall

have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section. A.D. 1893.
Manchester.

(3.) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General or a Secretary or Assistant Secretary of the Post Office or the Inspector-General of Mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

16. 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 and charges authorised by the Order of 1878 and 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.

PLYMOUTH CORPORATION.

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

1. This Order may be cited as the Plymouth Corporation Tramways Order 1893. 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 inconsistent with or expressly varied by this Order. Incorporation
of Acts.

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

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

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

The expression "the corporation" shall mean the mayor aldermen and burgesses of the borough ;

The expressions "the Act of 1882" "the Act of 1889" and "the Act of 1892" shall mean respectively the Plymouth Devonport and District Tramways Act 1882 the Plymouth Tramways Act 1889 and the Plymouth Tramways Act 1892 ;

The expression "superior court" or "court of competent jurisdiction" or any other like expression in this Order or any Act wholly or partly incorporated with this Order shall have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Promoters.

The Promoters.

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

lands by agreement.

5. The Promoters may appropriate and use for the purposes of the undertaking any lands not dedicated to the public use now vested in them and forming part of their corporate estates and they may also by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let and dispose of any such lands which may not be necessary for such purposes and may erect or construct on any such lands any offices stables sheds workshops stores or other buildings yards works and conveniences for the purposes of the undertaking provided that they shall not at any time hold for such purposes more than five acres of land but nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken under the powers of this section.

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (in this Order referred to respectively as "the deposited plans" and "the deposited sections" the tramways herein-after described with all proper rails points junctions plates offices weighbridges stables carriage-houses engine sheds warehouses works and conveniences connected therewith or for the purposes thereof. The tramways authorised by this Order will be wholly situate in the borough and are as follows (that is to say) :—

Tramway No. 1 (a double line 1 furlong 3 chains in length) commencing by a junction with the existing tramway of the Promoters in Old Town Street at a point 90 of a chain north of the junction of that street with Ebrington Street thence passing along Old Town Street and Bedford Street and terminating in the last-mentioned street at a point 41 of a chain east of its junction with Catherine Street ;

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Tramway No. 1A (a single line 1·90 chains in length) commencing by a junction with Tramway No. 1 in Old Town Street at a point ·33 of a chain south of the junction of that street with Ebrington Street thence passing along Old Town Street and terminating therein by a junction with Tramway No. 1 at a point 2·23 chains south of the junction of Old Town Street with Ebrington Street ;

Tramway No. 1B (a single line 1·90 chains in length) commencing by a junction with Tramway No. 1 in Old Town Street at a point 2·23 chains north of the junction of that street with Week Street thence passing along Old Town Street and terminating therein by a junction with Tramway No. 1 at a point ·33 of a chain north of the junction of Old Town Street with Week Street ;

Tramway No. 2 (a double line 8·41 chains in length) commencing by a junction with Tramway No. 1 in Bedford Street at a point ·41 of a chain east of the junction of that street with Catherine Street thence passing along Bedford Street Catherine Street Guildhall Square and Westwell Street and terminating by a junction with the existing tramway of the Promoters in the last-mentioned street at its junction with Guildhall Square ;

Tramway No. 3 (a double line 5 furlongs 2·80 chains in length) commencing by a junction with the existing tramway of the Promoters in Market Place at a point ·15 of a chain east of the junction of that place with Drake Street thence passing through Market Place and along Cornwall Street Frankfort Street King Street and King Street West and terminating in the last-mentioned street at a point ·37 of a chain west of its junction with Quarry Lane ;

Tramway No. 3A (a single line 1·90 chains in length) commencing by a junction with Tramway No. 3 in Cornwall Street at a point 1·21 chains east of the junction of that street with Bank Street thence passing along Cornwall Street and terminating therein by a junction with Tramway No. 3 at a point ·69 of a chain west of the junction of Cornwall Street with Bank Street ;

Tramway No. 3B (a single line 1·90 chains in length) commencing by a junction with Tramway No. 3 in Cornwall Street at a point 2·23 chains east of the junction of that street with Russell Street thence passing along Cornwall Street and terminating therein by a junction with Tramway No. 3 at a point ·33 of a chain east of the junction of Cornwall Street with Russell Street ;

Tramway No. 5 (a double line 1 mile 5 chains in length) commencing by a junction with the existing tramway of the Promoters in Market Place at a point ·59 of a chain west of the junction of that place with Old Town Street thence passing through Market Place crossing Old Town Street passing along Ebrington Street and Ham Street crossing North Street and passing along Beaumont Road Tothill Road and Embankment Road and terminating in the last-mentioned road at a point ·33 of a chain north-west of its junction with Laira Bridge Road ;

Tramway No. 6 (a double line 1 furlong 1·23 chains in length) commencing by a junction with the existing tramway of the Promoters in Tavistock Road at a point 2 chains north of the junction of that road with Portland

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Place East thence passing along Tavistock Road and terminating therein by a junction with the existing tramway of the Promoters at a point $\cdot 25$ of a chain south of a junction of Tavistock Road with Pound Street ;

Tramway No. 7 (a double line 1 furlong $4 \cdot 11$ chains in length commencing by a junction with the existing tramway of the Promoters in Grand Parade Road at a point $\cdot 50$ of a chain west of the junction of that road with Pier Street thence passing along Grand Parade Road and the Hoe Road and terminating in the last-mentioned road at a point $3 \cdot 15$ chains measured in an easterly direction from a point in Hoe Road opposite the centre of the Promenade Pier.

Provided that the Promoters shall not construct Tramway No. 3 in any street the roadway whereof shall be less than eighteen feet in width and they shall not construct the portions of Tramway No. 5 situate in Ebrington Street and Ham Street respectively until those streets are respectively widened to the extent shown on the deposited plans nor the portion situate in Beaumont Road until the roadway opposite the south-west corner of No. 1 Tothill Place shall have been widened to not less than twenty feet.

Carriages not to be permitted to pass each other in certain places.

7. The carriages used on the tramways shall not pass or be permitted to pass each other in the portion of Old Town Street situate between Ebrington Street and East Street in Beaumont Road or in Tavistock Road except at places where the roadway shall not be less than twenty-two feet in width and except at the commencement and termination of Tramway No. 6 and for a distance of $1 \cdot 5$ chains from such commencement and termination respectively.

For the protection of the London and South Western Railway Company.

8. For the protection of the London and South Western Railway Company (in this section referred to as "the South Western Company") the following provisions shall apply and have effect viz. :—

(a) The promoters shall not in working Tramway No. 5 obstruct or interfere with the free ingress or egress of passengers carriages or goods at either of the entrances to or exits from the Friary Station of the South Western Company in Beaumont Street and carriages used on the said tramway shall not be permitted to stand or pull up opposite to or within thirty feet of either side of either of such entrances or exits ;

(b) The Promoters shall not commence or construct any portion of Tramway No. 5 between the points marked and measured on the deposited plan 4 furlongs $3 \frac{1}{2}$ chains and 5 furlongs and $\frac{1}{2}$ a chain respectively until plans drawings and specifications (herein-after referred to as "the said plans") describing the manner of and materials to be used in the construction of the works intended to be executed in connection with the laying of the said portion of Tramway No. 5 shall have been delivered to the South Western Company and have been examined and approved in writing by the railway engineer and such works shall not interfere with or damage the structure of the bridge of the South Western Company carrying Tothill Road over the railway ;

(c) In the event of the railway engineer failing to approve the said plans for one calendar month after the delivery thereof the same shall be referred for settlement to an engineer to be agreed upon between the Promoters and the South Western Company or failing agreement by an engineer to be appointed by the President for the time being of the Institute of Civil

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Engineers and the expenses of such reference shall be paid and the works shall be executed and subsequently maintained by the Promoters at their sole expense and under the superintendence and to the satisfaction of the railway engineer;

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- (d) If and whenever the Promoters do not maintain the said works in accordance with the said plans the South Western Company may in case such failure continues at the expiration of one month's notice in writing to the Promoters to execute the requisite repairs and maintenance (or in case of emergency without notice) make do and execute any works which they from time to time think requisite in that behalf and the sums from time to time certified by the railway engineer to be the amount of the expenditure in that behalf shall be repaid to them by the Promoters and in default of full payment the amount of such expenditure may be recovered with full costs by the South Western Company from the Promoters in any court of competent jurisdiction;
- (e) The South Western Company may if they think fit employ an inspector or watchman to inspect and watch the said works during their execution and the wages of such inspector or watchman shall be borne by the Promoters and shall be paid by them to the South Western Company and the Promoters shall indemnify the South Western Company against and compensate them for any injury which may from time to time happen to the property or works of the South Western Company or to any person or persons using their railway in consequence of or during the construction and maintenance of the said works or the working of the said Tramway No. 5 but the appointment by the South Western Company of such inspector shall not relieve the Promoters from any liability in connection with the construction of the works;
- (f) From and after the commencement of the said works any additional expense of the maintenance of the structure of Tothill Road bridge occasioned thereby shall be borne and paid by the Promoters;
- (g) The South Western Company shall be at liberty to divert or stop the tramway in Tothill Road temporarily if required for the purpose of executing repairs alterations or extension or widening of the bridge carrying that road over the railway and the Promoters shall indemnify the South Western Company against any and all claims in respect thereof;
- (h) Any difference which may arise between the South Western Company and the Promoters touching any of the matters referred to in this section and not otherwise provided for shall be decided by a single arbitrator to be appointed on the application of either party by the President for the time being of the Institute of Civil Engineers and the cost of such arbitration and of the parties thereto shall be in the discretion of the arbitrator;
- (i) Except as is by this Order otherwise provided this Order or anything therein contained shall not take away lessen or prejudicially affect any of the estates rights interests powers or privileges of the South Western Company.

9. For the protection of the Saltash Three Towns and District Steamboat Company Limited herein-after called the Steamboat Company the following provisions shall have effect:—

For the protection of the Saltash Three Towns and District Steamboat Company Limited.

- (a) The Promoters shall indemnify and make good to the Steamboat Company all the costs and expenses that the Steamboat Company may at

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any time incur or be put to by reason of any defect or insufficiency of strength in the two archways or tunnels which extend under the Grand Parade occasioned by the construction of the tramways over the said archways or tunnels;

(b) The Promoters shall make full compensation to the Steamboat Company for any damage to or subsidence of the said archways or tunnels which may be caused by the promoters in the exercise of any of the powers conferred upon them by this Order whether such damage or subsidence shall happen during the construction of the tramways or works or at any time thereafter.

Gauge of tramways.

10. The tramways shall be constructed on a gauge of three feet six inches Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramway beyond the outer edge of the wheels of such carriages shall not apply to carriages used on the tramways but no engine or carriage used on the tramways shall exceed six feet in width.

Provisions as to construction of tramways.

11. In addition to the requirements of section 26 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 or 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 or renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement.

Mode of formation of tramways.

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

Penalty for not maintaining rails and road in good condition.

13. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of which any of the tramways for the time being consist and the substructure upon which the same rest and if the Promoters at any time make default in complying with this provision or with any of the requirements of section 28 of the Tramways Act 1870 they shall for every such offence be subject on information laid or complaint made to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues and such penalty may be recovered as by section 56 of the said Act is provided.

In any case in which it is represented in writing to the Board of Trade by 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 inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a Secretary or an Assistant Secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are imposed by this section.

Additional passing places may be made

14. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove all such crossings passing places sidings

junctions turnouts and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient for the efficient working of the tramways or any of them or for facilitating the traffic of the roads in which the same are laid or for providing access to any warehouses stables carriage-houses sheds or works of the Promoters or their lessees or licensees. Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of any house shop or warehouse abutting on the place where such rail is proposed to be laid by notice under his hand addressed to the Promoters express his objection thereto.

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 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 Promoters necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Promoters may from time to time construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway in lieu of the tramway or part of a tramway so removed or discontinued.

Temporary tramways may be made where necessary.

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

Application of road materials excavated in construction of works.

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

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

Motive Power.

18. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power and with the consent in writing of the Board of Trade during a period of seven years from the time specified in such consent and with the like consent during such further periods not exceeding seven years as the said Board may from time to time specify in any order to be signed by a Secretary or an Assistant Secretary of the said Board by steam power or any mechanical power including haulage by wires ropes cables chains or other appliances placed underground in connection with stationary engines or otherwise and electrical power used under or upon or applied to the rails.

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 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.

Provided also that the lessees under any lease granted by the Promoters shall not use steam or any mechanical power on the tramways or any part thereof

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unless they are authorised to do so by special permission in such lease and the Promoters may with the consent of the Board of Trade and subject to the provisions of this Order attach to such special permission such conditions and restrictions as they may think fit.

Applying certain provisions of Act of 1882 and Act of 1892 as to use of mechanical power.

19. The following sections of the Act of 1882 (that is to say) :—
Section 36 (penalty for using steam or mechanical power contrary to order or regulations);
Section 37 (byelaws by Board of Trade);
Section 38 (penalty for breach of byelaws);
Section 39 (as to recovery of penalties);
Section 40 (amendment of the Tramways Act 1870 as to byelaws by local authority);
Section 42 (authentication of byelaws); and
Section 43 (orders and byelaws);
And section 15 (provision for protection of the Postmaster-General) of the Act of 1892 ;

shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Order extend and apply to and in relation to the tramways by this Order authorised and for the purposes of such application the expressions "the Company" and "this Act" in the said sections shall be construed to mean respectively the Promoters and this Order and the expression "mechanical power" to include any power other than animal power by this Order authorised to be used on the tramways.

Restriction in the use of electricity.

20. Section 63 of the Act of 1889 is hereby repealed and the following provisions shall apply and have effect in the event of any tramways of the Promoters being worked by electric power :

- (1.) The Promoters shall in the use of electric power under the provisions of the Acts of 1882 and 1889 and this Order unless such power is entirely contained in and carried along with the carriages employ either insulated returns or uninsulated metallic returns of low resistance.
- (2.) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances.
- (3.) The exercise of the powers by the said Acts and this Order conferred with respect to the use of electric power shall be subject to regulations to be prescribed by the Board of Trade within nine months after the passing of the Act confirming this Order (herein-after referred to as the prescribed regulations) and to any regulations which may be added thereto or substituted therefor respectively by any Order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus

of other parties and the currents therein whether such lines do or do not use the earth as a return.

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(4.) The Promoters using electric power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof. Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters in the use of electric power under the authority of the said Acts or this Order have made default in complying with the provisions of this Order or with any of the prescribed regulations or with any regulation which may have been added thereto or substituted therefor as aforesaid may by Order direct the Promoters to cease to use electric power and thereupon the Promoters shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such Order.

(5.) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus. Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking. Provided also that at the expiration of a period of three years from the passing of the Act confirming this Order nothing in this subsection shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents. Provided further that the Board of Trade may by order extend the said period of three years in respect of all or any part or parts of such wires lines and apparatus and in every such case the Board shall make a special report to Parliament notifying the making of such Order and the reasons therefor. If any difference [arises between the Promoters and any other party with respect to anything in this subsection contained such difference shall unless the parties otherwise agree be determined by

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the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.

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

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

Traffic and Tolls.

Applying provisions of Acts of 1882 and 1892 as to traffic tolls &c.

21. The tramways by this Order authorised shall for the purposes of traffic thereon and of the tolls and charges to be demanded and taken thereon and of the working thereof be deemed to form part of the tramways authorised by the Act of 1882 and the Act of 1889 and sections 71 to 78 (both inclusive) of the Act of 1882 and section 14 of the Act of 1892 shall so far as the same are applicable extend and apply to the tramways by this Order authorised and to the traffic thereon and to the tolls and charges authorised to be demanded and taken in respect of such traffic and to the working thereof in certain events by the Promoters in like manner and in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Act of 1882 and the Act of 1889 and for the purposes of such application the expression "the Company" in the said sections shall be construed to include the Promoters and their lessees and any company or person working any of the tramways and the expression "this Act" to mean this Order.

Miscellaneous.

Provisions as to arbitration.

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 Arbitration Act 1889 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Form and delivery of notices.

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

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

(2) Any notice to be delivered by or to the Promoters to or by any body or company may be delivered by being left at the principal office of such body

or company or at the said town clerk's office 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 town clerk at his office.

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24. The Corporation may under and according to the provisions contained in section 20 of the Tramways Act 1870 borrow for the purposes 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 in the whole twenty-four thousand pounds and the time for which such sum or sums may be borrowed shall be thirty years and for the purpose of such borrowing the Corporation 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.

Borrowing
powers.

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

Audit of
accounts.

26. Section 53 (carrying of mails by Company) of the Act of 1889 shall extend and apply to and in relation to the tramways by this Order authorised and for the purposes of such application the expression "the Company" in the said section shall be construed to mean the Promoters or their lessees or any company or person working any of the tramways.

Carrying of
mails by
Promoters.

27. 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 and charges authorised by the Act of 1882 and this Order and to any condition regulation or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power steam power electrical power or any mechanical power by any such general Act as aforesaid.

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 tramway 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 ;

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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 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.

As to speed.

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

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

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