



## CHAPTER viii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Bedford and Kempston Tramway, Perth and District Tramways, and Somerton, Keinton-Mandeville, and Castle Cary Tramways. [28th March 1893.]

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**W**HEREAS 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 :

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 (1892) 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, without Protection of houses of labouring classes.

A.D. 1893. the consent of the Local Government Board as regards England, or of the Secretary for Scotland as regards Scotland, purchase or acquire as regards England 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, or in Scotland in any district within the meaning of the Public Health (Scotland) Act, 1867, ten or more houses which, after the passing of this Act, have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics, artizans, 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.

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## SCHEDULE.

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### LIST OF ORDERS.

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**BEDFORD AND KEMPSTON TRAMWAY.**—Order authorising the construction of a Tramway in the Borough of Bedford and in the Parish of Kempston, in the County of Bedford.

**PERTH AND DISTRICT TRAMWAYS.**—Order authorising the construction of Tramways between the City and Burgh of Perth and New Scone.

**SOMERTON, KEINTON-MANDEVILLE, and CASTLE CARY TRAMWAYS.**—Order authorising the construction of Tramways between Somerton, Butleigh, Keinton-Mandeville, and Castle Cary, in the County of Somerset.

BEDFORD AND KEMPSTON TRAMWAY.

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*Order authorising the Construction of a Tramway in the Borough of Bedford and in the Parish of Kempston, in the County of Bedford.*

1. This Order may be cited as the Bedford and Kempston Tramway Order, Short title.  
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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 tramway" and "the undertaking" shall mean respectively the tramway and works, and the undertaking by this Order authorised.

*Promoters.*

4. The Bedford and Kempston Tramway Company, Limited, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters." The Promoters.

5. The Promoters may by agreement from time to time purchase, 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; 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 by them upon lands taken under the powers of this section. Lands by agreement.

*Construction of Tramway.*

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited for the purposes of this Order at the office of the Board of Trade (in this Order referred to respectively as "the deposited plans" and "the deposited sections"), the tramway herein-after described with all proper rails, plates, curves, points, offices, weigh bridges, carriage houses, engine sheds, warehouses, works and conveniences connected therewith, or for the purposes thereof, and may work and use the same. Construction of tramway.

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The tramway authorised by this Order will be situate in the parishes of Saint Paul and Saint Mary respectively, both in the borough of Bedford, and in the parish of Kempston, in the county of Bedford, and is as follows:—

A tramway (two miles four furlongs 4·12 chains or thereabouts in length), commencing in the parish of Saint Paul, in the borough and county of Bedford, at the gates entering at the station yard of the Midland Railway station, passing thence in an easterly direction along the Midland Road to Prebend Street, along Prebend Street in a southerly direction, crossing the River Ouse, where it enters the parish of Saint Mary, in the said borough of Bedford, along Cauldwell Road into Cauldwell Street, turning westward along Cauldwell Street, passing over the Midland Railway (Hitchin Branch), distance to the centre of such railway three furlongs 9·6 chains or thereabouts; thence along Kempston Road, continuing in a westerly direction, crossing the Midland Railway main line at a distance of six furlongs eight chains, and entering the parish of Kempston, in the county of Bedford, at a distance of about one mile. From this point the tramway continues along the Kempston Road to the corner of Upend Road, passing along Upend Road in a southerly and westerly direction, along Saint John Street in a northerly direction, into the High Street in a southerly direction, and terminating at a point opposite the west wall of the Three Fishes beerhouse, or east side of Mill Lane, in the said parish of Kempston, in the county of Bedford.

The tramway shall be laid as a single line along the centre of the roads throughout, except at the following places, where it shall be laid as a double line, the lengths being calculated in every case from points nearest to the commencement of the said tramway, and running towards its termination (that is to say):—

- (1) In the Midland Road, Bedford, from its commencement, for a length of three chains east;
- (2) In Cauldwell Road, commencing at three furlongs, for a length of 2·5 chains in a southerly direction;
- (3) In the Kempston Road, commencing at five furlongs 6·5 chains, for a length of 2·5 chains in a westerly direction;
- (4) In the Kempston Road, commencing at one mile two furlongs three chains, for a length of three furlongs in a westerly direction;
- (5) In the Kempston Road, commencing at one mile five furlongs six chains, for a length of 2·5 chains in a westerly direction;
- (6) In Saint John Street, commencing at two miles one furlong three chains, for a length of three chains in a north-westerly direction;
- (7) In the High Street, commencing at two miles four furlongs 1·12 chains, for a length of three chains in a westerly direction, terminating at the end of the tramway:

Provided always that where, according to the deposited plans, it is proposed to lay the tramway as a single line in any portion of a road other than any bridge crossing the Midland Railway, where the roadway is of a less width than twenty-three feet six inches, the Promoters shall, in lieu of such single line, lay down a double line of tramway, with all necessary cross-over roads, and every

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such double line shall be so laid that one only of such lines can be used at one and the same time: A.D. 1893.

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Provided also that, notwithstanding anything shown in the deposited plans, the Promoters shall not lay down any portion of the tramway in Cauldwell Road as a double line unless and until the roadway of the portion of the said road where such double line is, according to the said plans, proposed to be laid shall have been widened so as to give a clear width of not less than twenty-six feet.

7. In constructing the tramway the following provisions shall, in addition to the other provisions of this Order, apply and have effect:-- Provisions as to  
widening of  
roads, &c.

(A) The Promoters shall not commence to lay down the tramway in that part of the Kempston Road which is situate in the borough of Bedford, unless and until the roadway of the said road from a point at about six furlongs 3·50 chains on the deposited plans to the point marked thereon seven furlongs shall have been widened, so as to give a width of not less than twenty feet, with a footway on either side thereof of not less than five feet in width;

(B) The Promoters shall not commence to lay down the tramway in Upend Road, in the parish of Kempston, unless and until the roadway of the said road from a point at about one mile seven furlongs eight chains, marked on the deposited plans, to the point marked thereon two miles 1·50 chains shall have been widened, so as to give a width of not less than twenty feet, with a footway on either side thereof of not less than five feet in width;

(C) The Promoters shall not commence to lay down the tramway in Saint John Street, in the said parish of Kempston, unless and until the roadway of the said street from a point at about two miles 16·50 chains, marked on the deposited plans, to the point marked thereon two miles nineteen chains shall have been widened, so as to give a width of not less than twenty feet, with a footway on either side thereof of not less than five feet in width;

(D) The tramway shall not be constructed unless and until the bridge carrying the Kempston Road over the main line of the Midland Railway Company has been widened to the satisfaction of the surveyor to the council of the borough of Bedford, to a width of not less than thirty-one feet between the parapet walls, with footways on either side thereof of not less than five feet in width, nor until the surface of the road at the junction of Cauldwell Road and Cauldwell Street has been altered and relaid by and at the cost of the Promoters to the satisfaction of the said surveyor.

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

9. In constructing and maintaining so much of the tramway as will affect the property of the Midland Railway Company (herein-after called "the Midland Company"), and in constructing and maintaining the tramway where the same will pass over bridges belonging to the Midland Company, or which they are For protection  
of the Midland  
Railway Com-  
pany.

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bound to maintain and repair, the Promoters shall be subject to the following conditions:—

- (1) The tramway shall be so constructed and maintained as not to obstruct or interfere with the property of the Midland Company, or with the free access for passengers and vehicles to the Bedford station of the Midland Company;
- (2) The commencement of the tramway shall be at such a point near the said station as may be agreed on between the Promoters and the Midland Company, and the works thereof shall be carried out in such a manner as shall be prescribed by the principal engineer for the time being of the Midland Company, and according to a plan to be previously submitted to such engineer by the Promoters, and reasonably approved by him, or, in case of difference as to such plan between the Promoters and the said engineer, as shall be settled by an engineer to be appointed as herein-after provided;
- (3) The tramway shall be constructed and maintained along the centre of the roadway where such tramway will cross over bridges crossing the Midland Railway;
- (4) The Promoters shall not in any way alter or interfere with the structure of the said bridges or the approaches thereof, and they shall so construct and maintain the tramway as not injuriously to affect the said bridges or the approaches thereof;
- (5) In the event of any injury being caused to the said bridges or the approaches thereof, by the construction, maintenance, repairing, user or removal of the tramway, the Midland Company may, at the expense of the Promoters, restore such bridges and approaches to as good a state and condition as they were in before such injury was occasioned, and the Promoters shall indemnify the Midland Company against all sums, costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridges and approaches as the Promoters are liable to maintain and repair under section twenty-eight of the Tramways Act, 1870, and the Midland Company may recover from the Promoters all such sums, costs and expenses, with full costs and charges, by all and the same means as any simple contract debt of like amount may be recovered;
- (6) Whenever the Midland Company shall require to widen, lengthen, strengthen, reconstruct, alter or repair such bridges or approaches, and they shall find it necessary for effecting any of such purposes that the working and user of the tramway shall be wholly or partially stopped or delayed, or that the tramway shall be temporarily diverted, or be wholly or in part taken up or removed, and shall, except in cases of emergency, give to the Promoters seven clear days' notice in writing, requiring such stoppage, delay or diversion taking up or removal, the working and user of the tramway shall be stopped or delayed, or the tramway shall be diverted or taken up or removed accordingly at the expense of the Promoters, and under the superintendence of their engineer, but only for so long as the Midland Company may find to be absolutely necessary for effecting such purposes, and so that all works executed by them under this enactment

shall be completed with the utmost reasonable expedition; and the Midland Company shall not be liable for any compensation claims, demands, costs or expenses for or in respect of such stoppage or delay, or in any way relating thereto. And in case the principal engineer of the Midland Company shall be of opinion that any such widening or strengthening is desirable or necessary, owing to the carriages or vehicles on the tramway being or being intended to be moved by electrical power, such widening or strengthening shall be effected in all things at the expense of the Promoters, who shall also pay to the Midland Company all additional expense which they may incur or be put to in effecting any such widening, lengthening, strengthening, reconstruction, alterations, repairs, lifting or supporting, by reason of the existence of the tramway so passing, or any of the works connected therewith, the amounts of such expenditure to be recoverable as aforesaid by the Midland Company, with full costs and charges, by all and the same means as any simple contract debt of like amount may be recovered;

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- (7) There shall only be laid a single line of tramway over the said bridges and approaches, and no turn-outs or passing places shall be constructed thereon;
- (8) All works which may be necessary in constructing the tramway over the said bridges or approaches shall be constructed and for ever thereafter maintained at the expense of the Promoters, under the superintendence and to the reasonable satisfaction of the principal engineer of the Midland Company, and according to plans and specifications to be previously submitted to such engineer and reasonably approved by him in writing, and in case of difference between the Promoters and such engineer, by an engineer to be appointed by the Board of Trade, on the application of the Midland Company or the Promoters;
- (9) The Promoters shall at all times hereafter maintain the carriageway over the said bridges, so far as it is interfered with by them, for the purpose of constructing their proposed works;
- (10) The Promoters shall not acquire any estate or interest in the lands and property of the Midland Company other than an easement or right of constructing or maintaining therein the works by this Order authorised;
- (11) Nothing contained in this Order shall prejudice, lessen, take away or interfere with the lands, property, rights, powers and privileges of the Midland Company otherwise than is hereby expressly provided.

10. The following provisions for the protection and benefit of the Bedfordshire County Council (herein called "the county council") shall, notwithstanding anything herein contained, unless otherwise agreed between the county council and the Promoters, apply and have effect (that is to say):—

For the protection of the Bedfordshire County Council.

- (1) In constructing and laying down the tramway the surface of such part of the main road known as the Kempston Road, as lies between the boundary dividing the said parish of Saint Mary from the said parish of Kempston and the corner of Upend Road aforesaid, shall, for the entire length and width of the said road, be so altered, made and re-formed, by and at the cost of the Promoters, that the surface of the road shall form a true uniform segment

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of a circle, the crown of which shall be nine inches higher than the channels of the said road, and so that the footway or footways of the said road shall be of a uniform height of six inches above the said channels, and shall have a fall thereto of three-quarters of an inch per foot for the whole width of such footways ;

- (2) Such part of the main road as lies between the said corner of Upend Road and the junction of Upend Road with Saint John's Street, in Kempston aforesaid, shall also be altered, made and re-formed, by and at the cost of the Promoters, in the manner provided by sub-section (1) of this section, and the Promoters shall also do all the necessary works, provide all the requisite materials, and pay all charges or claims connected with the alteration, reconstruction or adaptation of the gates, fences, drains, steps and approaches to properties, tenements, hereditaments and holdings adjoining the said roads ;
- (3) In altering, making and re-forming the said roads, their present height above ordnance datum shall, except so far as is necessitated by the alteration of the surface in the manner herein-before described, remain unaltered ;
- (4) The base of all stone paving to be laid by the Promoters in constructing the tramway along the said roads shall have a clear layer over the whole thereof of solidly rammed concrete nine inches thick, and extending twelve inches at least beyond the said paving, and any weak places, pot or sand-holes, old drains, or any soil likely to cause a defective base for the said concrete, shall be removed and filled in with concrete ;
- (5) All the works required by this section to be executed shall be carried out to the satisfaction of the county council or their surveyor ;
- (6) The Promoters shall save harmless and indemnify the county council from all claims for damage or injury happening through the act or default of the Promoters, or through the act or default of any person in their employment or service, in respect or in consequence of such altering, making and re-forming the said main roads or any part thereof ;
- (7) Any increase in the cost of the maintenance or repair of the said main roads, which may be caused by the construction or existence of the said tramway, shall be reimbursed and paid to the county council by the Promoters ;
- (8) In case of any difference arising between the county council and the Promoters, as to the true intent and meaning of this section, or as to the mode of giving effect thereto, the difference shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in that section mentioned.

Traffic in roads  
not to be  
impeded.

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

Promoters  
to be solely  
responsible for  
maintaining  
the tramway.

12. The sole responsibility of maintaining the tramway, and so much of the surface of the road between and on each side of the rails as the Promoters are by this Order, or by any Act in whole or in part incorporated therewith, required



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to maintain, shall, subject to the provisions of this Order, rest with the Promoters, and they shall have no claim whatever for any damage that may be done thereto, or from any interruption of traffic or otherwise which may arise from any works executed or to be executed by the road authority, or from the use of any steam roller or traction engine, or other implements or things, or from any materials used in the maintenance of the roads, or by reason of any accident which may happen to any road under the control of the road authority, except where such damage or interruption of traffic results from the wilful negligence of the road authority.

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

Provisions as to construction of tramway.

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

As to rails of tramway.

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

Penalty for not maintaining rails and road in good condition.

In any case in which it is represented in writing to the Board of Trade by the road authority of any district, in which the tramway or any part thereof is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made any such default as aforesaid, the Board of Trade may, if they think fit, direct an inspection by an officer to be appointed by the said Board, and if such officer report that the default mentioned in such representation

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Local authority to have access to sewers.

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

Tramway to be kept on level with surface of roads.

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

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

18. The Promoters may, subject to the provisions of this Order, with the consent of the road authority, from time to time make, maintain, alter and remove all such crossings, passing-places, sidings, triangles, junctions, and other works, in addition to those particularly specified in and authorised by this Order, as may from time to time be necessary or convenient for the efficient working of the tramway, or for providing access to any stables, carriage-houses, sheds or works of the Promoters: 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 piece where such rail is proposed to be laid, by notice under his hand addressed to the Promoters express his objection thereto.

Temporary tramway may be made when necessary.

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

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

Application of road material excavated in construction of tramway.

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

in or towards such works, or in or towards the reinstating of such road, and the maintenance for six months after completion of the tramway within the district of such road authority of so much of the roadway on either side of such tramway as the Promoters are by section twenty-eight of the Tramways Act, 1870, or by this Order required to maintain, and the Promoters shall, if so required, deliver the surplus paving, metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person as he may appoint to receive the same: Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving, metalling or material, and notice thereof duly given to the road authority, such surplus is not removed by such surveyor or by some other person named by him for that purpose, such surplus paving, metalling or material, or so much thereof as may not have been removed by such surveyor or person, shall absolutely vest in and belong to the Promoters, and may be dealt with, removed and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority, or surveyor or other person, with reference to any of the matters aforesaid, shall be determined in manner provided by the Tramways Act, 1870, with respect to differences between the Promoters and any road authority.

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

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

*Motive Power.*

22. The carriages used on the tramway 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 means only of electrical power carried along with the carriages or placed underground (in this Order referred to as "electrical power,") and not otherwise: Provided always, that the exercise of the powers hereby conferred with respect to the use of electrical power, shall be subject to the regulations set forth in the Schedule A to this Order annexed, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may, and which they are hereby empowered to make from time to time, as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of electrical power on the tramway.

Carriages on tramway may be moved by animal or electrical power.

23. The Promoters or any person using electrical power on the tramway contrary to the provisions of this Order, or to any of the regulations set forth in the Schedule A to this Order annexed, or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order, shall, for every such offence, be subject to a penalty not exceeding ten pounds, and also, in the case of a continuing offence to a further penalty not exceeding five pounds, for every day after the first during which such offence continues after conviction therefor: Provided always, that whether any such

Penalty for using electrical power contrary to Order or regulations.

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penalty has been recovered or not, the Board of Trade, in case, in their opinion, the Promoters, or any person using electrical power on the tramway under the authority of this Order, have or has made default in complying with the provisions of this Order, or with any of the regulations set forth in the Schedule A to this Order annexed, or with any regulation which may have been added thereto or substituted therefor as aforesaid, may by order direct the Promoters or such person to cease to exercise the powers aforesaid, and thereupon the Promoters or such person shall cease to exercise the powers aforesaid, and shall not again exercise the same or any of the same unless with the authority of the Board of Trade, and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

24. Subject to the provisions of this Order, the Board of Trade may from time to time make, and when made may rescind, annul or add to byelaws with regard to the tramway in the event of their giving their consent to the use of electrical power for all or any of the following purposes (that is to say) :—

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

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

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

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

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

As to recovery of penalties.

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

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

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

Orders and byelaws to be signed, &c.

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

within the meaning of the Documentary Evidence Act, 1868, and may be proved accordingly. A.D. 1893.

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

*Bedford  
and  
Kempston.*  
As to contracts  
with road  
authorities  
where electrical  
power is used.

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

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

In case any difference arises between any such road authority and the Promoters or such person, as to the determination of any such contract, agreement or arrangement, or in case any such road authority, after request in writing by the Promoters or such person, or the Promoters or such person, after request in writing by any such road authority, during a period of one month after such request, refuse or fail to enter into any such contract, agreement, or arrangement, or to renew the same with or without modification, or to make a new contract instead thereof, or in case of any difference as to the terms of any such contract, agreement or arrangement, or any renewal thereof, with or without modification, or any new contract instead thereof, then and in every such case the difference with respect to such determination, or the reasonableness of such refusal or failure, or the terms of such contract, agreement or arrangement, or any renewal thereof, with or without modification, or any new contract instead thereof, shall from time to time, on the appeal of either of the parties to the Board of Trade, be determined in manner provided by the Tramways Act, 1870, with respect to differences between the Promoters and any road authority, and thereupon the parties shall,

A.D. 1893. *Bedford and Kempston.* in all respects, conform to such determination, and make and observe any contract, agreement or arrangement thereby prescribed: Provided always, that while any such appeal is pending, the Board of Trade may order that no electrical power shall be used on the tramway or the part thereof to which such appeal relates.

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

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

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

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

*Traffic upon Tramway.*

Traffic upon tramway.

30. The tramway may be used for the purpose of carrying passengers, animals, goods, minerals and parcels.

Railway carriages not to be used on the tramway.

31. No carriages adapted for use upon railways shall be used on the tramway.

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

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

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

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

*Tolls.*

Tolls for passengers.

34. The Promoters may demand and take, for every passenger travelling upon the tramway or any part thereof, including tolls and charges for the use of the

tramway, and of carriages, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per mile (and for this purpose the fraction of a mile beyond an integral number of miles shall be deemed a mile), but the Promoters may charge for any less distance than two miles any sum not exceeding twopence.

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*Bedford  
and  
Kempston.*

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

Passengers'  
luggage.

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

Cheap fares  
for labouring  
classes.

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

Tolls for  
animals, goods,  
&c.

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

Payment of  
tolls.

39. If at any time after three years from the opening for public traffic of the tramway, or any portion of the tramway, or after three years from the date of any order made in pursuance of this section in respect of the tramway, or any portion of the tramway, it is represented in writing to the Board of Trade, by the local authority of any district in which the tramway, or such portion of the tramway is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, or by the Promoters, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramway, or on such portion of the tramway, should be revised, the Board of Trade may, if they think fit, direct an inquiry by a referee to be appointed by the said Board, in accordance with the provisions of the Tramways Act, 1870, and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order

Periodical  
revision of  
tolls.

A.D. 1893. *Bedford and Kempston.* in writing, altering, modifying, reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramway, or on such portion of the tramway, in such manner as they may think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised: Provided also that a copy of this section shall be annexed to every table or list of tolls published or exhibited by the Promoters.

*Miscellaneous.*

Provisions as to arbitration.

40. 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 fees in respect of the said taxation.

Form and delivery of notices.

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

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

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

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

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

43. No sale or assignment of the undertaking shall have any validity or effect until the approval of the Board of Trade to such sale or assignment has been signified in writing.

Saving as to powers of borrowing on mortgage.

44. Nothing in this Order, or in the Tramways Act, 1870, contained, shall prevent the Promoters borrowing money on the security of mortgages of the



undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage : Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Promoters in the event of a compulsory sale of the undertaking, or any part thereof, to the local authority, under section 43 of the Tramways Act, 1870, and that any mortgage granted by the Promoters shall not be a charge upon the undertaking or any part thereof, in the event of the undertaking or such part being purchased by the local authority, under section 43 of the Tramways Act, 1870, and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

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*Bedford  
and  
Kempston.*

45. The following provisions shall have effect, in the event of any tramway of the Promoters being worked by electricity, otherwise than by electrical power carried along with the carriages (that is to say) :—

Provisions as  
to telegraphs  
and telephones.

(1) The Promoters shall so construct their electric circuits and other works of all descriptions, and shall so work their tramway in all respects as not injuriously to affect the working of any existing electric circuits from time to time used or intended to be used for the purpose of telegraphic, telephonic, or electric signalling communication, or the currents in such circuits, and shall use every reasonable means in the construction of their circuits, and other works of all descriptions, and in the working of their undertaking, to prevent injurious affection, whether by induction or otherwise, to any electric circuits used or intended to be used for the purposes aforesaid (whether existing at the time of the construction of the electric circuits, or other works of the Promoters, or not), or the currents in such circuits : Provided that, as regards electric circuits erected or laid down by parties other than the Promoters, after the construction of the works of the Promoters, this sub-section shall only apply if, in the erection, laying down and working of such circuits, reasonable and proper precautions against injurious interference with other electric circuits have been taken, and if they have not been erected or laid down in unreasonably close proximity to the lines or works of the Promoters ;

(2) Seven days before commencing to lay down or place any electric line, or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected, the Promoters shall, unless otherwise agreed between the parties interested, give to the owner of such wire or line notice in writing, specifying the course, nature and gauge of such electric line, and the manner in which such electric line is intended to be used, and the amount and nature of the current intended to be transmitted thereby, and the extent to and manner in which (if at all) earth returns are proposed to be used ; and any owner entitled to receive such notice may from time to time serve a requisition on the Promoters, requiring them to adopt such precautions as may be therein specified, in regard to the laying, placing or user of such electric line, for the purpose of preventing such injurious affection, and the Promoters shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid ;

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—  
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Kempston.*

If any difference arises between any such owner and the Promoters with respect to the reasonableness of any requirements so made, such difference shall be determined by arbitration ;

Provided that nothing in this subsection shall apply to repairs or removals of any electric line, so long as the course, nature and gauge of such electric line, and the amount and nature of the current transmitted thereby, are not altered ;

(3.) If any difference or question arises between the parties, or any of them, under this section, such difference or 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 ;

(4.) Nothing in this section contained shall be held to deprive the owners of such electric circuits of any existing rights to proceed against the Promoters, by indictment, action or otherwise, in relation to any matters aforesaid.

For protection  
of Postmaster-  
General.

46. In the event of any tramway of the Promoters being worked by electricity, the following provisions shall have effect :—

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

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

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

(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.

47. 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-

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and  
Kempston.*

Carrying of  
mails by Pro-  
motors.

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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:

(D) 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:

(E) 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:

(F) 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:

(G) 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.

Saving for  
general Acts.

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

SCHEDULES.

A.D. 1893.

*Bedford and Kempston.*

SCHEDULE A.

Every carriage used on the tramway shall be fitted with such mechanical appliances for preventing the motive power of such carriage from operating, and for bringing such carriage to a stand, as the Board of Trade may from time to time think sufficient. Brake power.

Every carriage used on the tramway shall have its number shown in some conspicuous part thereof, and shall be fitted:— As to fittings of carriages.

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

With a suitable fender to push aside obstructions;

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

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

Every carriage used on the tramway 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 electrical power used for propelling such carriage. As to carriages.

The Board of Trade shall, on the application of the local authority of any district in which electrical power is used on the tramway, and may, on complaint made by any person, from time to time inspect any carriage used on the tramway and the electrical power therein, and may, whenever they think fit, prohibit the use on the tramway of any such carriage which in their opinion may not be safe for use on the tramway. Inspection of carriages.

The speed at which carriages may be propelled along the tramway shall not exceed the rate of eight miles an hour. As to speed.

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

SCHEDULE B.

TOLLS AND CHARGES FOR ANIMALS, GOODS, &c.

		Per mile.
<i>Animals.</i>		<i>s. d.</i>
For any horse, mule, or other beast of draught or burden	- per head	0 4
For every ox, cow, bull or head of cattle	- - -	0 3
For every calf, sheep, pig, or other small animal	- - -	0 1½
B 3		21.

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*Bedford  
and  
Kempston.*

*Goods and Minerals.*

	Per mile.
	s. d.
For all coal, coke, culm, charcoal, cinders, dung, compost, manures, gravel, and all undressed materials for the repair of public roads or highways - - - - - per ton	0 2
For all sand, lime, limestone, all stones for building, pitching and paving, all bricks, tiles, slates, clay, chalk, marl, iron, iron stone, and iron ore - - - - - per ton	0 2½
For all pig iron, bar iron, hoop iron, and all other similar descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise - - - - - per ton	0 2½
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, metals (except iron), trimmed rails, nails, anvils, vices, and chains - - - - - per ton	0 3
For all wools, cottons, drugs, manufactured goods, fish, and all other ware, merchandise, articles, matters or things - - - - - per ton	0 4

Any  
distance.

*Parcels.*

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

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

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

FOR THE CARRIAGE OF SINGLE ARTICLES OF GREAT WEIGHT.

Per mile.  
s. d.

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

per ton 2 0

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

## REGULATIONS AS TO TOLLS.

A.D. 1893.

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

*Bedford  
and  
Kempston.*

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

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

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

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PERTH AND DISTRICT TRAMWAYS.

*Perth and District.*

*Order authorising the construction of Tramways between the City and Burgh of Perth and New Scone.*

Short title.

1. This Order may be cited as the Perth and District Tramways Order 1892.

Incorporation of Acts.

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

Interpretation.

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

Provided that in this Order—

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

The expression “the burgh” shall mean the city and royal burgh of Perth; and

The expression “the police commissioners” shall mean the lord provost magistrates and council of the burgh as commissioners of police.

*Promoters.*

The Promoters.

4. The Perth and District Tramways Company (Limited) shall be the Promoters for the purposes of this Order and are in this Order referred to as “the Promoters.”

Lands by agreement.

5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes : Provided that they shall not at any one 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 by them upon lands taken by them under the powers of this section.

*Construction of Tramways.*

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited for the purposes of this Order (in this Order referred to respectively as “the deposited plans” and “the deposited sections”) except as is herein-after expressly provided the tramways herein-after described with all proper rails plates offices engine-sheds warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same.



The tramways authorised by this Order are—

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(1) A tramway (No. 1) two furlongs, 2·34 chains in length to be situated in the East Church parish of Perth and Saint Leonard's Church parish of Perth in the city and burgh of Perth in the county of Perth commencing on the highway leading from Perth to Glasgow known as Glasgow Road 0·75 chains or thereabouts measuring eastward along that road from a point in the centre of the road opposite the south-east corner of the old Toll House at Tullylumb passing thence in an easterly direction along the said Glasgow Road and York Place and terminating in York Place aforesaid at a point 0·12 chains or thereabouts measuring eastward from the junction of the centre lines of York Place and Elibank Street ;

(2) A tramway (No. 2) one mile three furlongs and 4·08 chains in length to be situated in the parishes of East Church Saint Leonard's Church West Church Middle Church Saint Paul's Church Perth and Kinnoul in the city and burgh of Perth in the county of Perth commencing by a junction with Tramway No. 1 at the termination thereof before described passing thence in an easterly direction along York Place County Place and in a northerly direction along South Methven Street and in an easterly direction along High Street and in a northerly direction along George Street and in an easterly direction along the Perth Bridge spanning the River Tay and West Bridge Street and in a north-easterly direction along Main Street Strathmore Street and the highway from Perth to New Scone and terminating in the last-mentioned highway at or near the Parliamentary and extended burgh boundary of the city and burgh of Perth 0·20 chains or thereabouts south-westward from a point in the centre of the said highway opposite to the south-west corner of the dwelling-houses called Strathview ;

Provided always that notwithstanding anything shown on the deposited plans so much of Tramway No. 2 as is authorised to be laid on the said Perth Bridge and the approaches thereto and so much of the said tramway as is authorised to be laid in West Bridge Street shall be laid either as a single line in the centre of the roadway or shall be so laid as a double line that one only of such lines can be used at one and the same time according as the police commissioners by notice to be served upon the Promoters may require.

(3) A tramway (No. 3) seven furlongs and 0·08 chains in length to be situated in the parishes of Kinnoul and Scone in the said county of Perth commencing by a junction with Tramway No. 2 at the termination thereof before described passing thence in a north-easterly direction along the said highway from Perth to New Scone and terminating on the said highway at a point 3·35 chains or thereabouts measured in a north-easterly direction from the centre of the bridge known as Scone Bridge carrying the said highway over the Annaty Burn ;

Provided always that Tramway No. 3 shall not be constructed in any portion of road where according to the deposited plans for a distance of thirty feet and upwards a less space than nine feet six inches intervenes between the outside of the footpath on either side of such road and the nearest rail of the tramway unless and until such portion of road shall have been widened to a width of not less than twenty-two feet nine inches in the case of a single line and twenty-six feet in the case of a double line of tramway.

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(4) A tramway (No. 4) two furlongs and 8·48 chains in length to be wholly situated in the said parish of Scone and county of Perth commencing by a junction with Tramway No. 3 at the termination thereof before described passing thence in a north-easterly direction along the said highway and terminating at a point thereon 4·25 chains or thereabouts measured in a north-easterly direction from the milestone indicating two miles from Perth and ten and three-quarter miles from Coupar-Angus ;

Provided always that Tramway No. 4 shall not be constructed unless and until the roadway of the road whereon the same is to be laid shall have been widened to a width of not less than twenty-two feet nine inches where the said tramway is to be laid as a single line and not less than twenty-six feet where the said tramway is to be laid as a double line.

The before-mentioned tramways shall be laid as single lines except in the following instances where they shall be laid as double lines :—

*Tramway No. 1.*

In the highway known as Glasgow Road :—

(A) Between points respectively 1·78 chains and 5·78 chains from the commencement of Tramway No. 1.

*Tramway No. 2.*

In York Place :—

(A) Between points respectively 0·82 chains and 4·82 chains eastward from the centre of Elibank Street at the junction thereof with York Place ;

In South Methven Street :—

(B) Between points respectively 1·00 chains and 5·00 chains northward from the centre of County Place and the junction thereof with South Methven Street ;

In Main Street :—

(C) Between points respectively 0·90 chains and 4·90 chains northward from the centre of West Bridge Street at the junction thereof with Main Street ;

*Tramway No. 3.*

In the highway from Perth to New Scone :—

(A) Between points respectively 0·28 chains and 3·28 chains in a north-easterly direction from the commencement of Tramway No. 3 ;

(B) For a distance of three chains from the termination before described of Tramway No. 3.

*Tramway No. 4.*

In the highway at New Scone :—

(A) For a distance respectively of 1·75 chains and 5·75 chains south-westerly from the termination of Tramway No. 4.

7. Where Tramway No. 1 will be laid along the bridge by which the Glasgow Road is carried over the Caledonian Railway, the following provisions shall

For the protection of the Caledonian Railway Company.

apply for the protection of the Caledonian Railway Company (herein-after called "the Caledonian Company") (that is to say):—

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- (1) The Promoters shall not in any way alter or interfere with the structure of the said bridge in constructing or maintaining the tramway ;
- (2) The Promoters shall, before commencing to construct the tramway over the said bridge, submit plans, sections, and specifications of their intended works to the engineer of the Caledonian Company for his approval, and the tramway shall be constructed according to plans, sections, and specifications previously approved by, and at the sight and to the reasonable satisfaction of, such engineer, and shall thereafter be maintained and repaired by the Promoters, under his superintendence and to his reasonable satisfaction ;
- (3) All the works and operations of the Promoters affecting the said bridge shall be constructed, executed, and completed so as not to injuriously affect the structure of the bridge or other works or lands of the Caledonian Company, or cause any interruption to the passage or conduct of traffic over the said railway ;
- (4) If any such injury or interruption shall arise or be occasioned at any time to such bridge in constructing, maintaining, or repairing the tramway, the Promoters shall forthwith make good or remove such injury or interruption at their own expense, or the Caledonian Company may do so at the expense of the Promoters, and the Promoters shall repay to the Caledonian Company on demand all costs and expenses incurred by them in so doing, and all loss or damage sustained by the Caledonian Company in consequence of such injury ;
- (5) The Caledonian Company may, from time to time, and at any time, maintain, repair, and when necessary alter or reconstruct the said bridge without being liable to the Promoters, or any parties working or using the tramway, for any loss, injury, damage, expense, or interruption of traffic which may arise in connexion with the maintenance, repair, alteration, or reconstruction of such bridge, and any extra expense incurred by the Caledonian Company in the maintenance, repair, alteration, or reconstruction of such bridge, or the roadway over the same by reason or in consequence of the tramway thereon, shall from time to time be repaid to the Caledonian Company by the Promoters, provided that all such operations shall be executed by the Caledonian Company in such manner as to cause no unnecessary interruption or inconvenience to the traffic on the tramway ;
- (6) If any difference shall arise between the Promoters and the Caledonian Company, or their respective engineers, with respect to such plans, sections, and specifications, or as to the mode of constructing any works, or the subsequent maintenance or repair thereof, or as to any additional expense incurred by that Company in connexion with the repair, alteration, or reconstruction of said bridge, or as to any cost, loss, or damage provided for in this section, such difference shall be referred to and determined by an engineer to be appointed by the Board of Trade on the application of the Promoters or the Caledonian Company, and the cost of any such reference shall be borne and paid as the referee shall direct.

8. Notwithstanding anything shown on the deposited plans the Promoters shall if so required at any time by order in writing of the Board of Trade construct and lay down the double portion of Tramway No. 4 at the terminus of

Board of Trade may require Promoters to alter

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position of terminus of Tramway No. 4.

the said tramway in such altered position and in such road or place and in such manner as the Board of Trade may specify in such order or shall make such arrangements for securing the safety of the public at the said terminus as the Board of Trade may by such order require Provided always that in executing any works under this section no rail shall be so laid that a less space than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road if any owner or occupier of any house shop or warehouse abutting on the place where such rail is proposed to be laid by notice under his hand addressed to the Promoters express his objection thereto.

Gauge of tramways.

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

Provisions as to construction of tramways.

10. In addition to the requirements of section twenty-six of the Tramways Act 1870 the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the tramways lay before the Board of Trade 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 and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section twenty-six of the said Act.

As to rails of tramways.

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

Penalty for not maintaining rails and road in good condition.

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

[56 VICT.] *Tramways Orders (1892) Confirmation* [Ch. viii.]  
*Act, 1893.*

In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Promoters have made any such default as aforesaid the Board of Trade may if they think fit direct an 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 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.

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

Local authority to have access to sewers.

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

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

15. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove all such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient for the efficient working of the tramways or any of them or for providing access to any stables carriage houses sheds or works of the Promoters subject to the approval of the road authority Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it 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.

Additional crossings &c. may be made where necessary.

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

Temporary tramways may be made when necessary.

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

A.D. 1893. of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

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Application of road materials excavated in construction of tramways.

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

For protection of police commissioners.

18. The following provisions for the protection of the police commissioners (in addition to all other provisions of this Order in which the police commissioners are referred to as the local or road authority or are mentioned by name) shall apply and have effect with respect to the construction and maintenance of such of the tramways as are authorised to be constructed in the burgh (hereinafter referred to as "the burgh tramways") :—

(Police commissioners' costs for supervision of works to be repaid by Promoters.)

(1) The Promoters shall on demand repay to the police commissioners all reasonable charges and expenses incurred by them for or in connexion with the supervision and inspection of any work done by the Promoters in connexion with the burgh tramways ;

(Burgh tramways not to be commenced until two-thirds of Promoters' share capital subscribed.)

(2) The Promoters shall not commence the construction of the burgh tramways or any of them unless and until they have proved to the reasonable satisfaction of the police commissioners that shares representing at least two-thirds of their whole share capital have been issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same ;

(Police commissioners may maintain &c. parts of roads maintainable &c. by Promoters.)

(3) The police commissioners may at any time and from time to time take upon themselves the repairing maintaining or repaving of such portions of any road whereon any of the burgh tramways are laid as under this Order the Promoters are bound to repair maintain or repave for the whole or any part of the length of the tramway laid upon such road and that notwithstanding that the Promoters may have theretofore repaired or maintained

the same or any part thereof Provided that the police commissioners shall by notice to the Promoters state when they intend to take upon themselves such repairing and maintaining or repaving and if they give such notice they shall execute such repairs maintenance or repaving from and after the time and for the period mentioned in that behalf in such notice. The Promoters shall on demand pay to the police commissioners the nett expenses which they shall have paid in repairing maintaining and repaving such portions of roads as aforesaid;

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- (4) The Promoters shall not in the construction alteration or relaying of any of the burgh tramways wholly stop up or interfere with any road so as to prevent the passage of traffic along the same except with the previous consent in writing of the police commissioners;
- (5) If by reason of the construction of the burgh tramways or any of them or any part thereof according to the levels shown on the deposited sections any alteration is rendered necessary in the level of any of the roads or in the levels of the footways of such roads the expense of making such alteration and of the making good all damage to any building or land by reason of such alteration shall be borne and paid by the Promoters;
- (6) In the event of the police commissioners at any time after the tramway has been laid down at the High Street Port considering it necessary by reason of congestion of traffic at that point to widen that part of High Street and South Methven Street and for that purpose purchasing the property situate at the south corner of the High Street Port the Promoters shall within one month after notice given to them by the police commissioners of the completion of the said widening make payment to the police commissioners of the sum of two hundred and fifty pounds Provided that in the event of the Promoters failing to pay the said sum of two hundred and fifty pounds within the time herein-before prescribed for the payment thereof interest shall thereafter accrue thereon at the rate of five per centum per annum and the said sum and any interest that may have accrued thereon as aforesaid shall be recoverable by the police commissioners from the Promoters Provided also that the Promoters shall not have or be entitled to claim any right or interest in or to the property that may be purchased as aforesaid in respect of the payment herein-before required to be made by them to the police commissioners;
- (7) If and whenever the police commissioners require to alter or widen any road or part of any road in the burgh in which any of the tramways or any portion of any of the tramways is laid the Promoters shall at their own expense within one month after notice given to them by the police commissioners requiring them so to do alter such tramway or portion of tramway either temporarily or permanently or remove and relay the same to and in such position in such road as the police commissioners may in such notice require and the Promoters shall not have any claim for compensation against the police commissioners in respect of such alteration removal or relaying for any loss of traffic or otherwise consequent thereon Provided always that in making any permanent alteration or removal under this section no rail shall be so laid that a less space than nine feet six inches will intervene between it and the outside of the footpath on either side of the road if any

(Promoters not to stop traffic except with consent.)

(Injury to footpaths and buildings to be borne by Promoters in certain cases.)

(Widening at High Street Port.)

(As to altering and widening part of road in which tramway is laid.)

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(Alteration of  
material of  
road.)

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 :

(8) Subject to the provisions of this Order so much of any road within the burgh whereon any of the tramways is laid as the Promoters are by section twenty-eight of the Tramways Act 1870 or this Order required to maintain and repair shall be paved or laid by the Promoters with the same paving or material as the other portions of such road and if and whenever the police commissioners resolve to alter the paving or material of the whole or any part of any road in which any of the tramways is laid they may by notice require the Promoters at their own expense to adopt the same paving or materials on so much of such road or of such part thereof as the Promoters are by the Tramways Act 1870 or this Order required to maintain and repair and to make such alterations in such tramway as are consequently necessary and thereupon the Promoters shall simultaneously with the police commissioners alter such paving or materials and make and maintain such alterations accordingly to the satisfaction of the police commissioners without any claim for compensation in respect of such alteration for any loss of traffic or otherwise consequent thereon and any obligations of the Promoters with regard to the maintenance and repair or otherwise in relation to the tramways or any part of the road shall remain and continue unaffected by such alteration ;

(Alteration of  
tramways to  
admit of  
erections in  
road.)

(9) If and whenever the police commissioners consider it necessary that any of the tramways or part of any of the tramways should be altered in order to the more convenient erection by them in any road of any rest shelter urinal or convenience the Promoters shall after one month's previous notice from the police commissioners requiring them so to do make such alterations in the position of such tramway or of such part thereof as the police commissioners may require Provided that if the Promoters contend that the alterations required are unnecessary or cannot be effected without injuring or unduly interfering with the use of such tramway they may appeal to the Board of Trade who may by order either confirm the requirement of the police commissioners with or without modification or refuse to confirm the same and in the event of the Board of Trade confirming the requirement with or without modification the Promoters shall forthwith comply with the order of the Board of Trade in that behalf ;

(As to con-  
struction of  
tramway over  
Perth Bridge.)

(10) The Promoters shall so construct and maintain Tramway No. 2 over the bridge across the River Tay known as Perth Bridge (herein-after called "the bridge") as not to injuriously affect the structure thereof and in the event of any injury being occasioned thereto by such construction (whether such injury shall occur during or after the construction or in the maintenance of the said tramway) the police commissioners are hereby authorised to restore the bridge or the part or parts which may be injured to as good a state as they were in before such injury was occasioned and the Promoters shall repay to the police commissioners all sums of money and expenses which they may reasonably pay or be put to in or about such restoration ;

(Paving of  
bridge and ap-  
proaches.)

(11) The Promoters shall at their own cost causeway so much of the roadway over the bridge and of the approaches thereto as lies between the rails of the tramway when laid thereon and extends eighteen inches beyond the



outside of the rail of and on each side of the tramway with such stone setts as the police commissioners may direct and shall form the foundation of such roadway so far as the same is hereby provided to be causewayed as aforesaid with a bed of concrete six inches thick and the said setts shall be run with pitch or grouted with cement as the police commissioners may direct in such a manner as to be rendered watertight and the whole shall thereafter be maintained by the Promoters watertight and in good repair and condition all to the satisfaction of the police commissioners. Provided that in the event of the tramway on and over the bridge and approaches being discontinued or abandoned the Promoters shall in addition to and beyond their liabilities under this Order thereupon restore the roadway of the bridge and approaches to their state and condition as existing at the date of this Order ;

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- (12) The Promoters shall if and when required by the police commissioners erect on one or both sides of the roadway of the bridge and between the roadway and the footway thereof throughout the whole length of the bridge substantial fences or railings of iron or steel as the police commissioners shall determine of the height of not less than four feet throughout and shall previously submit detailed drawings and specifications thereof as regards design and strength to the police commissioners for approval and such fences or railings shall be completed to the satisfaction of the police commissioners and subject to the approval of the Board of Trade before the tramway over the bridge shall be opened for traffic ;
- (Fences or railings to be erected between roadway and footways of bridge.)
- (13) All works done erected or performed by the Promoters in or upon or in relation to the bridge and the approaches thereto shall be done erected or performed at the sight and under the superintendence and direction and to the satisfaction of the surveyor to the police commissioners and with such material as they or he may have previously approved of in writing and the reasonable costs and charges to be incurred to such surveyor in connexion therewith shall be paid by the Promoters and may be recovered from them by the police commissioners ;
- (Works on bridge and approaches to be executed at sight of burgh surveyor.)
- (14) In the event of the bridge being at any time altered or rebuilt nothing shall be done to impede or interfere with the tramway over the same for any greater length of time or in any other manner than may be reasonably necessary for the execution of any such work of altering or rebuilding and before commencing any such work fourteen days' notice thereof shall be given by the police commissioners to the Promoters and the police commissioners shall so far as practicable afford to and at the cost of the Promoters all necessary and reasonable temporary facilities for enabling them to continue the traffic on the tramway during such alteration or rebuilding ;
- (Provision in event of alterations or rebuilding of bridge.)
- (15) No engine car or other carriage shall be propelled on the tramway on the bridge at a rate of speed exceeding four miles an hour ;
- (Speed on tramways over Perth Bridge.)
- (16) Only one carriage with any motor vehicle attached thereto shall pass over the bridge at one and the same time and no carriage shall stop on the bridge for any purpose except to avoid risk of accident and to put down or take up passengers ;
- (Only one carriage to pass over bridge at same time.)

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(Recovery of money.)

(Powers to police commissioners to suspend traffic on burgh tramways.)

(As to purchase of burgh tramways.)

For protection of sewers and water and gas apparatus.

(Definition.)

(Cost of new or substituted sewers or apparatus occasioned by tramways to be paid by Promoters.)

(17) All sums of money by this section required to be paid by the Promoters to the police commissioners may be recovered by the police commissioners from the Promoters by all and the same means as any simple contract debt of like amount may be recovered ;

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

(19) After the opening for public traffic of the burgh tramways or any of them it shall be lawful for the police commissioners to exercise the powers of purchase given by section forty-three of the Tramways Act 1870 of so much of the Undertaking as is within their district within six months after the expiration of any integral number of years from the passing of the Act confirming this Order on giving six months' previous notice to the Promoters.

19. For the protection of the police commissioners as respects their sewers and water apparatus as herein-after defined and of the Perth Gas Commissioners (herein-after called "the gas commissioners") as respects their gas apparatus as herein-after defined and in addition to the provisions of the Tramways Act 1870 with respect thereto the following provisions shall have effect (that is to say) :—

(1) The expressions "sewers" and "water apparatus" and "gas apparatus" in the following sub-sections shall respectively include all or any of the following works conveniences and apparatus of the police commissioners that is to say the present and future public and private sewers and drains manholes ventilating shafts and other works connected therewith and the water mains conduits pipes syphons plugs valves hydrants and other works and apparatus used for or in connexion with the supply of water to the burgh and the following works and apparatus of the gas commissioners that is to say the present and future gas mains pipes plugs valves and other works and apparatus connected therewith ;

(2) If by reason of the construction or maintenance of the tramways or any of them any new substituted or additional sewers or water or gas apparatus be requisite the cost of constructing providing and laying such sewers and apparatus shall on demand and subject to credit being given to the Promoters for the value of any sewers or apparatus rendered useless by the construction or maintenance of the tramways be paid by the Promoters to the police commissioners or the gas commissioners as the case may be Provided that if such substituted sewers or apparatus be of larger

dimensions or better quality than those for which the same are substituted the additional cost thereof shall unless such larger dimensions or better quality be required by reason of the tramways be borne by the police commissioners or the gas commissioners as the case may be Provided further that if any difference shall arise with respect to the necessity for any such new substituted or additional sewers or water or gas apparatus the same shall be settled in the manner provided by section thirty-three of the Tramways Act 1870 with respect to any difference therein referred to ;

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(3) Sub-sections two three and four of section twenty-six of the Tramways Act 1870 shall extend and apply to the works referred to in sections twenty-seven and twenty-eight of the said Act and to all other works of every description affecting any sewer or water or gas apparatus or other works or property of or under the control or jurisdiction of the police commissioners and gas commissioners respectively ;

(Extension of section twenty-six of Tramways Act 1870.)

(4) If at any time after the passing of the Act confirming this Order any sewers or water or gas apparatus of or belonging to or under the control of the police commissioners and gas commissioners respectively shall be or become injured or damaged by reason or in consequence of any act deed matter or thing of or by the Promoters or their servants it shall be lawful for the police commissioners and gas commissioners respectively immediately thereupon or at any time thereafter at the cost expense and risk of the Promoters to do what they shall respectively deem reasonably necessary in order to the thorough and efficient re-instatement of such sewers or water or gas apparatus as aforesaid and if the Promoters shall not on demand pay the police commissioners and gas commissioners respectively the cost and expense incurred by them respectively the police commissioners and the gas commissioners respectively may recover the same from the Promoters in like manner as any simple contract debt of like amount may be recovered.

(Injuries to sewers water and gas apparatus.)

20. 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.*

21. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power and during a period of seven years after the opening of the same for public traffic and with the consent of the Board of Trade during such further periods 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 electrical power Provided always that no wires or conductors shall be placed above or upon or under the surface of any street or road in the burgh for the purpose of conducting electricity as a motive power Provided also that at any time after the commencement of the use of electrical power upon any of the tramways within the district of any road authority it shall be lawful for the Board of Trade on the application of such road authority if in the opinion of the said Board the use of electrical power is attended with danger to the public by order to direct the

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

A.D. 1893. *Perth and District.* Promoters or the person so using electrical power to discontinue the use thereof either permanently or for such period or periods as the said Board may think fit and shall specify in such order and thereupon the Promoters or such person shall discontinue the use of electrical power upon such tramways accordingly Provided further that the exercise of the powers hereby conferred with respect to the use of electrical power shall be subject to the regulations set forth in the Schedule A to this Order annexed and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of electrical power on the tramways.

Penalty for using electrical power contrary to Order or regulations.

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

Byelaws.

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

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

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

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

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For providing for the due publicity of all regulations and byelaws in force for the time being in relation to such tramways by exhibition of the same in conspicuous places on the carriages and elsewhere: A.D. 1893.  
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Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Order shall be liable to a penalty not exceeding forty shillings.

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

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

26. All orders and byelaws made and consents approvals and certificates given by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board of Trade and when purporting to be so signed the same shall be deemed to have been duly made or given in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Act 1868 and may be proved accordingly. Orders and byelaws to be signed, &c.

27. Where the Promoters or any person intend or intends to use electrical power under the authority of this Order on the tramways or any part thereof they or he shall give two months' previous notice of such intention to every road authority within whose district the tramways or such part thereof are or is situate. As to contracts with road authorities where electrical power is to be used.

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

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

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

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

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

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

28. Where electrical power is used by the Promoters or any person on the tramways or any part thereof no contract agreement or arrangement made before or after the commencement of the use of electrical power as aforesaid between the Promoters or such person and any road authority with respect to the user by the Promoters or such person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority

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upon which the tramways or such part of the tramways are or is laid or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road shall continue in force for any period exceeding two years at any one time after the commencement of the use of electrical power as aforesaid or the making of such contract agreement or arrangement: Provided always that any such contract agreement or arrangement may from time to time be renewed with or without modification or a new contract agreement or arrangement may be made instead thereof.

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29. Notwithstanding anything herein-before contained, the Promoters may, with the consent in writing of the Board of Trade, and after notice to the police commissioners as regards the tramways within the burgh, and to the Perth County Council as regards the tramways beyond the burgh, use any mechanical power other than steam as a motive power on the tramways instead of electrical power, and in such case the foregoing provisions of this Order and the regulations set forth in the Schedule A hereto, with respect to the use of electrical power and the contracts, orders, byelaws, and regulations to be made with reference to such use shall, so far as the same are respectively applicable, apply to the mechanical power used or intended to be used on the tramways and be binding on the Promoters under the like limitations and penalties as are hereinbefore imposed with respect to the use of electrical power:

As to use of mechanical power other than steam.

Provided that if after a fair trial the use of any such mechanical power shall be considered objectionable by the police commissioners, the Promoters shall, within one month after notice to that effect under the hand of the clerk to the police commissioners, cease to use such mechanical power on the tramways:

Provided further, that the Promoters shall indemnify and relieve the police commissioners from all responsibility for damage or accident caused by the use of any such mechanical power, as aforesaid, on the tramways.

*Traffic upon Tramways.*

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

Traffic upon tramways.

31. No carriages adapted for use upon railways shall be used upon the tramways.

Railway carriages not to be used.

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

Promoters not bound to carry parcels.

*Tolls.*

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

Tolls for passengers.

34. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any

Passengers' luggage.

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Cheap fares for labouring classes.

charge being made for the carriage thereof all such personal luggage to be carried by hand and at the responsibility of the passenger and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers.

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

Tolls for parcels.

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

Payment of tolls.

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

Periodical revision of tolls.

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



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

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*Miscellaneous.*

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

Form and delivery of notices.

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

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

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

Agreements between Promoters and road authorities.

41. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing.

Approval of Board of Trade to sale.

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

Saving as to powers of borrowing on mortgage.

43. 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 Postmaster-General.

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

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- 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 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 this 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 ;

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(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.

44.—(1) 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 :—

Carrying of  
mails by  
Promoters.

(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 ;

(D) 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.

(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.

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(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.

Saving for general Acts.

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

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## SCHEDULES.

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### SCHEDULE A.

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Break power.

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

As to fittings of carriages.

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

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

With a suitable fender to push aside obstructions ;

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

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

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 electrical power used for propelling such carriage.

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

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 Inspection of carriages.

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

As to speed.

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

SCHEDULE B.

TOLLS AND CHARGES FOR PARCELS.

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

A.D. 1893. **SOMERTON, KEINTON-MANDEVILLE, AND CASTLE CARY TRAMWAYS.**

*Somerton,  
Keinton-  
Mandeville,  
and  
Castle Cary.*

*Order authorising the construction of Tramways between Somerton, Butleigh, Keinton-Mandeville, and Castle Cary, in the County of Somerset.*

Short title. 1. This Order may be cited as the Somerton, Keinton - Mandeville, and Castle Cary Tramways Order 1892.

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

Interpretation. 3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings : Provided that in this Order—  
The expressions “the tramways” and “the undertaking” shall mean respectively the tramways and works and the undertaking by this Order authorised.

*Promoters.*

The Promoters. 4. The Somerton, Keinton-Mandeville, Castle Cary, and Evercreech Tramway Syndicate Limited shall be the Promoters for the purposes of this Order and are in this Order referred to as “the Promoters.”

Lands by agreement. 5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes and may erect or construct on any such lands any offices stables sheds workshops stores or other buildings yards works and conveniences for the purposes of the undertaking : Provided that they shall not at any time hold for such purposes more than ten 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 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 for the purposes of this Order at the office of the Board of Trade as the same have been amended previous to the passing of the Act confirming this Order (which 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 points junctions sidings curves plates offices weigh-bridges stables carriage-houses engine-sheds warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same.

The tramways authorised by this Order will be situate in the parishes of Somerton, Charlton-Mackrell, Kingweston, Butleigh, Keinton-Mandeville, West Lydford, East Lydford, Wheathill, Lovington, Alford, Castle Cary, and Ansford, in the county of Somerset, and are as follows:—

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—  
*Somerton,  
 Keinton-  
 Mandeville,  
 and  
 Castle Cary.*

Tramway No. 1.—Two miles two furlongs and nine chains in length of which two miles two furlongs and five chains are single line and four chains are double line commencing in the parish of Somerton at a point about fifteen feet north of the north side of Horse Mill Lane six and a half chains or thereabouts west of the most westerly building of the sewage works there passing thence on the north side of and thence eastwardly along that lane and thence across land belonging or reputed to belong to Colonel Pinney and along the road leading from Somerton to Kingweston (over Cary Bridge and up Snap Hill) and terminating in the parish of Kingweston at a point in such road near Christian's Cross opposite the road leading to Butleigh:

Provided that the portion of Tramway No. 1 passing over Cary Bridge shall not be constructed until such bridge shall have been widened to the satisfaction of the Board of Trade:

Provided also that so much of Tramway No. 1 as extends from a point one mile five furlongs from its commencement to a point two miles one furlong from its commencement shall not be opened for traffic until the road upon which such portion of the tramway is to be constructed has been widened to the clear width of at least thirty feet.

Tramway No. 2.—Two furlongs and nine chains in length of which two furlongs and four chains are single line and five chains are double line wholly in the parish of Kingweston commencing in the road leading from Somerton to Kingweston by a junction with Tramway No. 1 at its termination passing thence north-eastwardly along such road and terminating therein at a point six chains or thereabouts south-westward of the junction of the road leading from Somerton to Kingweston and the road between the Lower and Middle Farms at Kingweston.

Tramway No. 3.—One mile one furlong and 5.50 chains in length of which one mile one furlong and 1.50 chains are single line and four chains are double line commencing by a junction with Tramway No. 2 at its termination passing thence west and northwardly along the road leading from Kingweston to Butleigh passing Staddlecombe Plantation and thence in a northerly direction across fields belonging or reputed to belong to and in the occupation of Robert Neville Grenville and terminating in the parish of Butleigh at a point twenty feet or thereabouts south of the road leading from Sour Down to Butleigh Cross two chains or thereabouts south-west of the most westerly building of Higher Farm.

Tramway No. 4.—One mile three furlongs and 0.40 chain in length of which one mile and 5.40 chains are single line and two furlongs and five chains are double line commencing in the road leading from Somerton to Kingweston by a junction with Tramway No. 2 at its termination passing thence north-east and eastwardly along that road and the road leading from Kingweston to Keinton Lun's Hill and High Street Keinton-Mandeville and terminating in the parish of Keinton-Mandeville at a point in such last-named street

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and  
Castle Cary.

five chains or thereabouts westward of the junction of High Street and Castle Street with Combe Hill and Queen Street.

Tramway No. 5. Five miles five furlongs and 1·20 chains in length of which two miles six furlongs and 5·8 chains are single line and two miles six furlongs 5·40 chains are double line commencing by a junction with Tramway No. 4 at its termination passing thence eastwardly along High Street Castle Street and along the road from Keinton-Mandeville to Castle Cary Station and Shepton Mallet through the villages of West Lydford, Alford, and Clanville and terminating in the parish of Ansford at a point in such road one and a half chains or thereabouts eastward of the junction of such road with the road over the Great Western Railway leading to Castle Cary :

Provided that the last twenty chains of double line of Tramway No. 5 shall be worked as a single line only.

Tramway No. 7. One furlong and 7·50 chains in length of which 1·30 chains are single line and one furlong 6·20 chains are double line commencing in the road leading from Keinton-Mandeville to Castle Cary Station and Shepton Mallet by a junction with Tramway No. 5 at its termination passing thence north-eastwardly along such road and the road from Castle Cary to Evercreech Junction Station to and terminating at or near to the south-west side of the approach road to Castle Cary Station :

Provided that between the commencement of Tramway No. 7 and a point one furlong 1·70 chains therefrom the double line shall be worked as a single line only.

Provided that none of the tramways shall be opened for traffic until the road upon which the tramways are to be constructed has been widened throughout to the clear width of at least twenty feet.

The tramways shall be laid as single lines throughout except at the following places where they shall be laid as double lines the lengths being calculated in every case from points nearest the commencement of each tramway and running towards its termination :—

Tramway No. 1.—On the north side of Horse Mill Lane between points respectively two chains or thereabouts and six chains or thereabouts from its commencement.

Tramway No. 2.—In the road between Somerton and Kingweston between points respectively one chain or thereabouts and six chains or thereabouts from its commencement.

Tramway No. 3.—In the fields belonging or reputed to belong to and in the occupation of Robert Neville Grenville between points respectively five chains or thereabouts and one chain or thereabouts from its termination.

Tramway No. 4.—In the road leading from Somerton to Kingweston, (1) for a distance of five chains or thereabouts from its commencement, and (2) between points respectively one furlong three chains or thereabouts and two furlongs two chains or thereabouts from its commencement. In High Street Keinton-Mandeville for a distance of eleven chains or thereabouts from its termination.

Tramway No. 5.—In High Street Keinton-Mandeville for a distance of twenty-three chains or thereabouts from its commencement. In the road



leading from Keinton-Mandeville to Castle Cary Station and Shepton Mallet between points respectively (1) twenty-five and a half chains or thereabouts and twenty-one and a half chains or thereabouts westward of the road to Ilchester, (2) five chains or thereabouts westward and twenty-nine and a half chains or thereabouts eastward of the road to Ilchester, (3) ten chains or thereabouts and fourteen chains or thereabouts eastward of the road leading to East Lydford, (4) twenty-eight chains or thereabouts west of the road to Lovington and Barrow and eleven chains or thereabouts eastward of the road to Hornblotton, (5) four chains or thereabouts and forty chains or thereabouts eastward of the parish boundary dividing the parishes of Lovington and Alford, (6) 2·70 chains or thereabouts west of Dimmer Lane and the west side of that lane, (7) six chains or thereabouts east of South Cary Lane and the termination of the tramway.

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 and  
 Castle Cary.*

Tramway No. 7.—In the road from Castle Cary to Evercreech Junction Station for a distance of 16·20 chains or thereabouts from its commencement.

Provided always that except upon the waste at the side of a road or where there are houses on both sides of a road and excepting Tramway No. 7 no single line of tramway shall be constructed until so much of the road upon which such single line is to be constructed is widened so as to leave a space of not less than thirteen feet between the imaginary centre line of the tramway and the imaginary centre line of the road: Provided that Tramway No. 3 may be constructed for thirty chains from its commencement when the road is widened so as to leave a space of not less than eleven feet six inches between the imaginary centre line of tramway and the imaginary centre line of the road.

Provided also that the double line of tramway through the villages of Kingweston, Keinton-Mandeville, West Lydford, Lovington, Alford, and Clanville, shall be so constructed as to leave a space of not less than four feet six inches between the imaginary centre line of each line of tramway and the nearest kerb.

Provided also that the Promoters where it may be necessary for the public safety shall if and when required by the Board of Trade fill up or fence off any ditch on the side of any road along which any tramway is constructed: Provided that if the owner of any such ditch refuses to allow the Promoters to fill up or fence off the same or refuses except upon conditions which in the opinion of the Board of Trade are unreasonable then it shall not be obligatory upon the Promoters to fill up or fence off any ditch belonging to any such owner.

7. For the protection of the county council of the county of Somerset (in this section referred to as "the county council") the following provisions shall have effect (that is to say):—

For the protection of the Somerset County Council.

- (1) The Promoters shall construct and open for public traffic so much of Tramways Nos. 4, 5, and 7 as is situate between the east side of Kingweston Parish and Castle Cary Station before they shall commence to construct the other tramways described in and authorised by this Order.
- (2) The Promoters shall construct the tramways except where laid as double line for the whole distance traversed by them on over or along the roads belonging to or under the jurisdiction of the county council so and in such manner as to leave along all such roads a clear metalled roadway of

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Keinton-  
Mandeville,  
and  
Castle Cary.*

not less than ten feet nine inches between the outside of the carriages or trucks to be used on the tramways and the outside of the footpath or the hedge or wall on the opposite side of the metalled road to that on which the tramways shall be constructed :

Provided nevertheless that the Promoters in order to comply with the provisions of this subsection may at their own cost charges and expenses widen the roads belonging to or under the jurisdiction of the county council by using portions of the waste lands bordering on or adjoining such roads and also may for such purpose at their own cost and under the superintendence and to the reasonable satisfaction of the county surveyor widen any county bridge.

- (3) The Promoters shall not at any time pass over any county bridge belonging to the county council with carriages trucks or trains propelled by other than animal power unless and until such county bridges shall have been strengthened or rebuilt at the cost charges and expenses in all respects of the Promoters and under the superintendence and to the reasonable satisfaction of the county surveyor in such manner as to render such bridges capable to carry and support the weight of such carriages trucks or trains.
- (4) The Promoters shall if and when required by the county council provide at their own cost (in the roads belonging to or under the jurisdiction of the county council) sufficient stone depôts of a sufficient size or capacity to contain at each depôt at least forty yards of stone with approaches thereto properly metalled or paved and the Promoters shall also provide at their own cost sufficient depôts for road scrapings along the entire length of the said roads traversed by the tramways and such stone depôts shall be situate and placed along the said road at intervals not exceeding 300 yards apart. Provided that the Promoters shall only be bound to provide depôts of either class where and when there is not sufficient waste land not used or occupied by the Promoters available for the deposit of stone and road scrapings.
- (5) Nothing herein contained shall tend to lessen or control any right power or authority now vested in the county council for altering or rebuilding any bridge and the approaches thereto repairable by the inhabitants of the said county which may be crossed or affected by the works of the Promoters but all such rights powers and authorities shall remain in full force as if this Order had not been made and confirmed and the county council shall not be liable to make any compensation whatever for any damage or injury to the tramways by the altering or rebuilding of any such bridge and lengths of roadway adjacent thereto. Provided that in altering or rebuilding any such bridge or the approaches thereto nothing shall be done to impede or interfere with the tramways for any greater length of time or in any other manner than may be necessary for the execution of the works and before commencing such alteration or rebuilding fourteen days' notice thereof shall be given on behalf of the county council to the Promoters and the county council shall afford to the Promoters all necessary and reasonable temporary facilities for enabling them to continue the traffic on their tramways during such alteration or rebuilding.
- (6) If any bridge repairable by the inhabitants of the said county upon or along which any of the tramways are laid be altered widened or rebuilt by the county council the county council may require the Promoters to alter such tramways in such manner as the circumstances of the case may

reasonably require. Provided that in case of any difference between the county council and the Promoters as to such alteration widening or rebuilding the same shall be settled in manner herein-after mentioned.

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and  
Castle Cary.*

(7) The Promoters shall wherever they interfere with any drains culverts goits channels and watering places on the said roads make good reinstate or make substituted drains culverts goits channels and watering places therefor to the reasonable satisfaction of the county council.

(8) If any dispute or difference arises between the county council and the Promoters respecting the necessity for the exercise of or in any way relating to the powers or provisions of this section or otherwise such dispute or difference shall except where otherwise expressly provided be settled in manner specified in section 33 of the Tramways Act 1870 for the settlement of the differences in that section mentioned.

8. In constructing and maintaining the Tramway No. 7 by this Order authorised the Promoters shall be subject to the following conditions:—

For protection  
of Great  
Western  
Railway  
Company.

(1) Before commencing the construction of Tramway No. 7 the Promoters shall deliver to the Great Western Railway Company (herein-after called "the Great Western Company") plans drawings and specifications of such intended works and such works shall not be proceeded with until those plans and drawings shall have been approved in writing by the principal engineer for the time being of the Great Western Company or in the event of his failure for thirty days after the delivery of the plans and drawings to approve the same until they shall have been approved by an engineer to be appointed on the application of the Promoters by the Board of Trade and all the intended works shall except as herein otherwise provided be executed by the Promoters at their sole expense in all things according to such approved plans and drawings and to the reasonable satisfaction of the said engineer for the time being of the Great Western Company or in case of difference to the reasonable satisfaction of an engineer to be appointed by the Board of Trade.

(2) The Great Western Company shall grant to the Promoters an easement over so much of their land at or near their Castle Cary Station as will be required for the construction of so much of Tramway No. 7 as is situate on their land between the point marked on the deposited plans of Tramway No. 7 "commencement of double line" and the point marked on the said plans "termination of double line" and for the junction referred to in this section and the Promoters shall pay to the Great Western Company for the easement so to be granted to them for the construction of the said portion of Tramway No. 7 the sum of five pounds per annum.

(3) The Promoters shall take down and remove the fence which separates the Great Western Company's goods station yard from the road from Castle Cary to Evercreech between the points where the Tramway No. 7 enters upon and leaves the Great Western Company's goods station yard and shall construct and thereafter maintain at their own expense in lieu of the existing fence a new fence to the south of Tramway No. 7 of such character and dimensions and such gate or gates as shall be reasonably required by the Great Western Company and to the reasonable satisfaction of the principal engineer for the time being of that company and in the event

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 Castle Cary.

of the Promoters failing at any time or times to repair the said fence the Great Western Company may do so at the expense of the Promoters.

(4) The Promoters shall construct and maintain a junction with all necessary sidings and conveniences for the interchange of traffic between Tramway No. 7 and the siding of the Great Western Company shown on the deposited plans and all interference with the works of the Great Western Company necessary or convenient for effecting and from time to time maintaining such junction sidings and conveniences shall be made under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Great Western Company at the expense of the Promoters.

(5) The Great Western Company may from time to time erect such signals and conveniences incident to the junction and may from time to time appoint and remove such watchmen switchmen or other persons as may be necessary for the prevention of danger to or interference with the traffic at or near the junction. The working and management of such signals and conveniences wherever situate shall be under the exclusive regulations of the Great Western Company and all the expenses of erecting and maintaining such signals and conveniences and of employing those watchmen switchmen and other persons and all incidental current expenses reasonably incurred shall at the end of every half year be repaid by the Promoters and in default thereof may be recovered from them with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered.

(6) The stopping of every engine carriage or waggon using the said tramway on the space opposite the Great Western Company's passenger station at Castle Cary shall be subject to the reasonable regulations of the Great Western Company.

Provisions  
 as to con-  
 struction of  
 tramways.

9. In addition to the requirements of section twenty-six of the Tramways Act 1870 the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining 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 and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section twenty-six of the said Act.

As to rails of  
 tramways.

10. The rails of the tramways shall be such as the Board of Trade may approve and the Board of Trade may from time to time upon the application of the road authority of any district in which the tramways or any portion thereof are or is situate require the Promoters to adopt and apply such improvements in the tramways within such district including the rails thereof as experience may from time to time suggest having regard to the greater security of the public

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

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

Penalty for not maintain-  
ing rails and  
road in good  
condition.

In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Promoters have made any such default as aforesaid the Board of Trade may if they think fit direct an 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 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.

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

Local  
authority to  
have access to  
sewers.

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

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

14. Subject as herein-after provided any of the tramways by this Order authorised to be laid as a single line may at the option and with the consent in writing of the local authority and of the road authority and of the Board of Trade be laid as a double line. Provided nevertheless that in substituting such double line for such single line as aforesaid no rail shall be so laid that a less space than ten feet six inches shall intervene between such rail and the outside of the footpath on either side of the road if any owner or occupier of any house shop or warehouse abutting upon the place where such rail is proposed to be laid by notice under his hand addressed to the Promoters express his objection thereto. And no such double line shall be substituted for a single line opposite the railway station lands and property of the Great Western Railway Company without the consent in writing of that company first had and obtained.

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

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*Somerton,  
Keinton-  
Mandeville,  
and  
Castle Cary.*  
Additional  
crossings &c.  
may be made  
where neces-  
sary.

15. 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 providing access to any stables engine-houses carriage-houses sheds or works of the Promoters subject in each case to the approval of the road authority. Provided that in the construction of any such works no rail shall be so laid that a less space than ten 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.

Temporary  
tramways  
may be made  
where neces-  
sary.

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

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

Application  
of road  
materials ex-  
cavated in  
construction  
of Promoters'  
works.

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

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provided by the Tramways Act 1870 with respect to differences between the Promoters and any road authority.

*Somerton,  
Keinton-  
Mandeville,  
and  
Castle Cary.*

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

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

*Motive Power.*

19. 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 electrical power or any mechanical power.

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

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

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

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

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

Byelaws.

A.D. 1893. power may be used under the authority of this Order for all or any of the following purposes (that is to say):—

—  
Somerton,  
Keinton-  
Mandeville,  
and  
Castle Cary.

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

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

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

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

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

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

As to re-  
covery of  
penalties.

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

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

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

Orders and  
byelaws to be  
signed &c.

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

As to con-  
tracts with  
road authori-  
ties where  
steam elec-  
trical or  
mechanical  
power used.

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

Where at the time of the giving of any such notice any contract agreement or arrangement between the Promoters or such person and such road authority is in force with respect to the user by the Promoters or such person or the paving



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

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

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

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

Any moneys which may from time to time be received by such road authority under any contract agreement or arrangement in accordance with the provisions

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and  
Castle Cary.*

of this section shall be applied by them towards the expenses of repairing improving and maintaining the highways within their district having regard in the first instance to the requirements of the roads upon which the tramways are laid.

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

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

*Traffic upon Tramways*

Traffic upon tramways.

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

Promoters not bound to carry animals goods &c.

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

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

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

*Tolls.*

Tolls for passengers.

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

Passengers' luggage.

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

Cheap fares for labouring classes.

32. The Promoters at all times after the opening of the tramways or any part thereof for public traffic shall if so required by the Board of Trade or by the

local authority run at least one carriage each way every morning in the week and every evening (except Saturday) in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning nor earlier than six in the evening respectively as the Promoters think most convenient for artisans mechanics and daily labourers at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny) provided that in case of any complaint made to the Board of Trade as to the hours appointed by the Promoters for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

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Mandeville,  
and  
Castle Cary.*

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

Tolls for  
animals goods,  
&c.

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

Payment of  
tolls.

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

Periodical  
revision of  
tolls.

*Miscellaneous.*

36. The Promoters may subject to the provisions of this Order (but only for the purposes of the undertaking and not so as to acquire any exclusive right therein) acquire hold and use any patent or other rights and any licences to

Power to hold  
patents.

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Provisions as  
to arbitration.

use patent rights relating to the construction or working of tramways or carriages used thereon or the engines and appliances used in connection therewith.

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

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

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

Agreements  
between Pro-  
motors and  
road autho-  
rities.

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

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

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

Agreements  
with adjoining  
owners &c.

41. The Promoters may from time to time enter into and carry into effect agreements and arrangements with the owners lessees or occupiers of any lands adjoining or near to the tramways or any part thereof with reference to the construction and maintenance by the Promoters or by such owners lessees or occupiers of sidings junctions works and conveniences for the accommodation or benefit of such owners lessees or occupiers on the lands so owned by leased to or occupied by them or on the lands of the Promoters and the Promoters may

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and  
Castle Cary.*

from time to time apply their corporate funds and revenues for the purposes of such agreements or arrangements.

42. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing.

Approval of  
Board of  
Trade to sale.

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

Saving as to  
powers of  
borrowing on  
mortgage.

44. 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  
Postmaster-  
General.

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

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

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

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Mandeville,  
and  
Castle Cary.*

- (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 7 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.

**Carrying of  
mails by  
Promoters.**

45.—(1) 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.

(d) 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.

(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.

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

A.D. 1893.

Somerton,  
Keinton-  
Mandeville,  
and  
Castle Cary.

Saving for  
general Acts.

A.D. 1893. 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,  
*Somerton,  
Keinton-  
Mandeville,  
and  
Castle Cary.*

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SCHEDULES.

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SCHEDULE A.

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Brake power  
of engines.

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

As to fittings  
of engines &c.

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

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

With a suitable fender to push aside obstructions ;

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

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

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

As to car-  
riages.

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

Inspection of  
engines and  
carriages.

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

As to speed.

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

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

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SCHEDULE B.

A.D. 1893.

TOLLS AND CHARGES FOR ANIMALS GOODS &c.

*Somerton,  
 Keinton-  
 Mandeville,  
 and  
 Castle Cary.*

<i>Animals.</i>	Per Mile.
	s. d.
For every horse mule or other beast of draught or burden - per head -	0 6
For every ox cow bull or head of cattle - - - - -	0 4½
For every calf pig sheep or other small animal - - - - -	0 2½

*Goods and Minerals.*

For all coals coke culm charcoal cinders dung compost manures gravel and all undressed materials for the repair of public roads or highways - - - - - per ton	0 4
For all sand lime limestone all stones for building pitching and paving all bricks tiles slates clay chalk marl iron ironstone and iron ore per ton	0 5
For all pig iron bar iron hoop iron and all other similar descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise - - - - - per ton	0 5
For all sugar grain corn flour hides dyewoods earthenware timber staves deals metals (except iron) trimmed rails nails anvils vices and chains - - - - - per ton	0 6
For all wools cottons drugs manufactured goods fish and all other ware merchandise articles matters or things - - - - - per ton	0 6

*Parcels.*

Any  
 Distance.  
 s. d.

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

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

*For the Carriage of Single Articles of Great Weight.*

Per Mile.  
 s. d.

For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the Promoters may think fit not exceeding	per ton 3 0
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*Act, 1893.*

A.D. 1893. For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons such sum as the Promoters may think fit.

*Somerton,  
Keinton-  
Mandeville,  
and  
Castle Cary.*

*Regulations as to Tolls.*

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

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

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

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

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