



CHAPTER cxxii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Keighley Tramways, North Metropolitan Tramways, and South Birmingham Tramways. A.D. 1888.
[24th July 1888.]

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

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

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

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

1. This Act may be cited as the Tramways Orders Confirmation (No. 3) Act, 1888. 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 validity and force, 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 the consent of the Secretary of State for the Home Department as regards the Metropolis, or of the Local Government Board as Protection of houses of labouring classes.

A.D. 1888. — regards England exclusive of the Metropolis, purchase or acquire, in any parish in the Metropolis, twenty or more houses, or as regards England exclusive of the Metropolis, in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses, which 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; and the expression "the Metropolis"

18 & 19 Vict. means the Metropolis as defined by the Metropolis Management
c. 120. Act, 1855.

SCHEDULE.

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LIST OF ORDERS.

KEIGHLEY TRAMWAYS.—Order authorising the construction of tramways in the parish of Keighley in the West Riding of the county of York.

NORTH METROPOLITAN TRAMWAYS.—Order authorising the construction of tramways in the parishes of St. Mary Whitechapel, and St. John at Wapping, both in the county of Middlesex.

SOUTH BIRMINGHAM TRAMWAYS.—Order authorising the abandonment of certain of the tramways authorised by the South Birmingham Tramways Order, 1883, the South Birmingham Tramways Order, 1884, and the South Birmingham Tramways (Extension) Order, 1886, respectively, and the release of portions of the deposit funds paid into Court on the applications for the said Orders respectively ; and for other purposes.

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KEIGHLEY TRAMWAYS.

Keighley.*Order authorising the construction of Tramways in the parish of
Keighley in the West Riding of the county of York.*

Short title.

1. This Order may be cited as the Keighley Tramways Order 1888.

Incorporation
of Acts.

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

Interpretation.

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

The expression “the Corporation” means the mayor aldermen and burgesses of the borough of Keighley acting by the council;

The expression “the borough” means the said borough of Keighley;

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

The term “person” includes a corporation.

Promoters.

The Promoters.

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

Lands by
agreement.

5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell or dispose of any such lands which may not be necessary for such purposes and may erect or construct on any such lands any offices stables sheds workshops stores or other buildings yards works and conveniences for the purposes of the undertaking. Provided that they shall not at any time hold for such purposes more than five acres of land but nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused 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 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 are—

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Tramway No. 1 (6 furlongs and 0·99 chains or thereabouts in length of which 4 furlongs and 2·44 chains are single line and 1 furlong and 8·55 chains are double line) commencing in South Street at a point 350 feet to the north of the centre of Paper Mill Bridge Ingrow and passing thence in a generally northerly direction along South Street and terminating in that street at a point at the centre of Corn Mill Bridge.

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

(a.) In South Street from a point 0·70 chains north of the commencement of the tramway to a point 3·70 chains north of its commencement.

(aa.) In South Street from the termination of the last-mentioned double line to a point 4 chains north of such termination.

(b.) In South Street from a point 2·60 chains north of the south end of Hey's Gardens to a point opposite the south-west corner of Beech Mills.

(c.) In South Street from a point 0·50 chains north of the north-west corner of Woodhouse Road to a point opposite the south-east corner of Pickles Street.

(d.) In South Street from a point opposite the south-east corner of Portland Street to the termination of the tramway.

Provided always that the double portions (aa) (b) and (d) of Tramway No. 1 shall be laid as double-single lines in accordance with a plan to be submitted for the approval of the Board of Trade by the Promoters prior to commencing to lay down such portions of double line as aforesaid.

Tramway No. 2 (1 furlong 7·32 chains or thereabouts in length) commencing in South Street by a junction with Tramway No. 1 at the termination thereof thence passing along Church Street in an easterly direction and thence along Church Green and North Street in a northerly direction and terminating in North Street at a point 60 feet south of the south-east corner of Devonshire Street.

Tramway No. 2 shall be laid as a double line throughout in accordance with a plan to be submitted for the approval of the Board of Trade by the Promoters prior to commencing to lay down the said Tramway No. 2.

Tramway No. 3 (7 furlongs and 2·73 chains in length of which 6 furlongs and 3·73 chains are single line and 9 chains are double line) commencing in North Street by a junction with Tramway No. 2 at the termination thereof and passing thence in a northerly direction along North Street and terminating in that street at a point 15 feet south of the south entrance gateway to the Keighley Cemetery such point being on the boundary of the borough of Keighley.

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

(a.) In North Street between a point opposite the south-west corner of Holker Street and a point 0·25 chains south of the south-west corner of Drake Street.

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(b.) In North Street between a point 6 chains north of the north-westerly corner of the Show Field and a point 4 chains south of the south-west corner of North View Street.

(c.) In North Street between a point 2·75 chains north of the north-west corner of Pattie Street and a point 2 chains south of the east corner of Clock View Street.

Tramway No. 4 (6 furlongs and 3·45 chains in length of which 5 furlongs and 4·45 chains are single line and 9 chains are double line) commencing in North Street by a junction with Tramway No. 3 at the termination thereof and passing thence in a westerly direction along the Keighley and Skipton Road and terminating in that road at a point 4 chains west of the west front of the house called Yew Bank.

Tramway No. 4 shall be laid as a single line except at the following places where it shall be laid as a double line:—

(a.) In the Keighley and Skipton Road from the commencement of the tramway to a point 3 chains west thereof.

(b.) In the Keighley and Skipton Road from a point opposite the north-west corner of the road leading to High Utley to a point 1·25 chains easterly from the east side of the Independent Chapel.

(e.) In the Keighley and Skipton Road from a point 0·40 chains west of the west front of the house called Yew Bank to a point 0·55 chains east of the termination of this tramway.

Tramway No. 5 (6 furlongs and 1·14 chains in length of which 4 furlongs and 9·14 chains are single line and 1 furlong and 2 chains are double line) commencing in East Parade at a point 44 feet north of the north-westerly corner of Coney Lane and passing thence along East Parade in a northerly direction to its junction with Dalton Lane thence along Dalton Lane in an easterly and northerly direction and thence along Marley Street in a northerly direction and terminating at a point in Marley Street 2·70 chains south of the north end of Marley Street.

Tramway No. 5 shall be laid as a single line except at the following places where it shall be laid as a double line:—

(a.) In East Parade from a point 1 chain north to a point 4 chains north of the commencement of the tramway.

(b.) In Dalton Lane from a point opposite the east end of the Queen Hotel to a point opposite the north front of Malvern Place.

(c.) In Dalton Lane from a point 0·50 chains north of the north-east corner of Beecroft Street to a point opposite the north end of Eastwood Church grounds.

(d.) In Marley Street from a point opposite the north side of Milton Street to a point 1 chain south of the termination of the tramway.

Provided always that the portion of Tramway No. 5 in Marley Street shall not be opened for public traffic unless and until the roadway of that portion of the street shall have been widened to the clear width of not less than 24 feet but a single line may be constructed on one side of such street for the purpose of obtaining an entrance to the depôt if the previous consent of the owners and occupiers of the houses shops and warehouses abutting on such side is obtained.

Tramway No. 6 (4 furlongs and 9·37 chains in length of which 4 furlongs and 6·37 chains are single line and 3 chains are double line) commencing in Bradford Road at its junction with Dalton Lane thence passing in a generally easterly direction along Bradford Road, and terminating in that road at a point 66 feet west of the north-westerly corner of Aireworth Lane such point being the boundary of the borough of Keighley.

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Tramway No. 6 shall be laid as a single line except at the following place where it shall be laid as a double line :—

In Bradford Road from a point 1 chain west of the south-west corner of Eastwood Low Lodge to a point 1 chain west of the south-west corner of Lawkholme Lane.

Tramway No. 7 (7·18 chains or thereabouts in length of which 4·18 chains are single line and 3 chains are double line) commencing in Bradford Road by a junction with Tramway No. 6 at the termination thereof thence passing in an easterly direction along the Bradford Road and terminating in that road at a point 330 feet west of the centre of Stock Bridge.

Tramway No. 7 shall be laid as a single line except at the following place where it shall be laid as a double line :—

(a.) In Bradford Road from a point 2 chains east of the north-east corner of Aireworth Lane to a point 1 chain west from the termination of the tramway.

The tramways herein-before described will all be situated in the parish of Keighley in the West Riding of the county of York.

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

Gauge of tramways.

8. The following provisions for the protection of the Corporation shall apply and have effect with respect to the tramways by this order authorised within the borough viz. :

For the protection of the Corporation.

(1.) The said tramways shall be laid at such levels as may (subject to the provisions of this Order) be prescribed by the road authority.

(Levels.)

(2.) The portions of road which by section twenty-eight of the Tramways Act 1870 the Promoters are required to maintain and repair so far as the same will form part of Tramways Nos. 2 and 3 between a point at the termination of Tramway No. 3 near to the Keighley Cemetery and a point 15 yards to the north side of the dwelling-house now occupied by the Reverend John Haigh at the bottom of Earl Street shall be paved with six-inch pavers to be approved by the Corporation and from the last-mentioned point to a point opposite the southerly end of the General Post Office in North Street shall be paved with wood to the satisfaction of the Corporation and so far as the same will form part of the rest of the tramways within the borough shall be laid with such pavers as may for the time being be prescribed by the Corporation provided that where local stone has been previously used for paving purposes the same shall be taken up and replaced with six-inch pavers to be approved by the Corporation and where granite sets have been previously used the same sets shall be taken up and relaid. The foundations

(Materials.)

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(No. 3) Act, 1888.

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(Substituted
roads.)

of every tramway within the borough shall be a bed of concrete six inches thick to be to the satisfaction of the Corporation and the pavers whether of stone or wood shall be run with pitch and tar. All such works shall be done in all respects to the satisfaction of the Corporation.

(Maintenance
of roads.)

(3.) In constructing any of the tramways within the borough the Promoters shall use their best endeavours to provide substituted roads before they temporarily obstruct any part of the streets and such substituted roads shall be made in all respects to the satisfaction of the Corporation who shall have power to require the Promoters to restore the communication temporarily interrupted within a time to be prescribed by the Corporation.

(4.) After any tramway is laid within the borough the portions of road which by section twenty-eight of the Tramways Act 1870 the Promoters are required to maintain and repair shall notwithstanding anything in the said section contained be maintained and kept in repair by the Corporation (except as to the rails bolts chairs or other appliances belonging thereto which shall be maintained and kept in repair by the Promoters) and in case the Corporation after seven days' notice in writing to them from the Promoters to effect all such repairs or acts of maintenance in and of the paving and foundation as may for the time being be necessary do not comply with such notice within such period of seven days the Promoters may execute the works required.

(Liability for
accidents &c.)

(5.) The Corporation alone shall be liable for all accidents and damage caused by any defects of maintenance or want of repair in and to the paving and foundation of such portions of roads as they are by this section required to keep in repair and the Promoters alone shall be liable for all accidents and damage caused by any defect in the original construction or laying of any of the tramways within the borough or by any defect in any of the rail bolts chairs or other appliances belonging thereto or in the rolling stock of such tramways or by reason of any want of repair in such rails bolts chairs or other appliances belonging thereto or rolling stock or by reason of the negligence or default of any of the contractors servants or workmen of the Promoters and in case the Corporation be held liable for any accidents or damage caused by any negligence or default of the Promoters in respect of matters for which by this section the Promoters are made liable any losses costs damage or expenses which the Corporation may thereby incur shall be forthwith made good to them by the Promoters and the Corporation may recover the same from the Promoters by all and the same means as any simple contract debt of the like amount may be recovered.

(Guarantee
fund.)

(6.) Before commencing to lay any tramways within the borough the Promoters shall deposit with the Corporation the sum of four hundred pounds which shall form a guarantee fund to the Corporation against all such repairs losses costs damages or expenses as the Corporation may from time to time execute or cause to be executed or incur under the preceding sub-sections (4) and (5) and in case at any time any part of the said sum of four hundred pounds has been applied by the Corporation in or towards such repairs or in payment of any such losses costs damages or expenses as aforesaid the Promoters shall forthwith on demand by notice in writing from the Corporation pay to the Corporation such sum as may be necessary to make up the full sum of four hundred pounds which shall always be left in the

hands of the Corporation who shall allow and pay half-yearly to the Promoters interest on such sum as shall for the time being be in the hands of the Corporation after the rate of three pounds ten shillings per centum per annum.

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Provided always that the Promoters shall on demand by the Corporation repay to them by quarterly payments in each year all such sums of money as the Corporation may from time to time have expended or incurred during the previous quarter in and about such works and repairs losses costs damages and expenses as aforesaid.

(7.) The Promoters shall pay the cost of the Corporation which they have incurred or may hereafter incur in and about the construction of the scheme (including a sum not exceeding twenty pounds for the time spent by the borough surveyor for the time of the Corporation in preparing the levels and overseeing the construction of the scheme) and in and about the preparation and insertion of these clauses in this Order. (Costs.)

(8.) The obligations imposed upon the Promoters by this section shall be in addition to and not in substitution for the obligations imposed upon them under the Tramways Act 1870 and this Order. (Obligations under section to be in addition to those under Order.)

9. The following provisions for the protection and benefit of the local board for the district of Oakworth (in this section called "the board") shall apply and have effect with respect to the tramways within the district of the board :— For the protection of the Oakworth Local Board.

(1.) The said tramways shall be laid at such levels as may (subject to the provisions of this order) be prescribed by the board.

(2.) The portions of road within the district of the board which by section twenty-eight of the Tramways Act 1870 the Promoters are required to maintain and keep in repair shall at all times be maintained and kept in good condition and repair by the Promoters with the following materials that is to say six-inch pavers to be approved by the board and run with pitch and tar and laid on a bed of concrete six inches thick at the levels and to the satisfaction of the Board.

(3.) In constructing the tramways within the district of the board the Promoters shall use their best endeavours to provide substituted roads before they temporarily obstruct any part of the roads in the district of the board and such substituted roads shall be made in all respects to the satisfaction of the board who shall have power to require the Promoters to restore the communication temporarily interrupted within a time to be prescribed by the board.

(4.) After the tramways within the district of the board or any part thereof are or is laid the Promoters shall maintain and repair such tramways or such part thereof and the portions of road which they are by the Tramways Act 1870 required to maintain and keep in repair and shall make good the same and if the Promoters for seven days from the receipt of a notice in writing from the board to effect the necessary repairs fail to comply with such notice it shall be lawful for the board to execute the work required and to recover the amount of the cost thereof from the Promoters by all and the same means as any simple contract debt of the like amount may be recovered.

(5.) Before commencing to lay down any portion of the tramways within the district of the board the Promoters shall deposit with the Craven Bank or

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such other bank as the board may direct in the name of the board the sum of one hundred pounds which shall form a guarantee or security fund to the board against such expenses as the board may from time to time incur under the last preceding sub-section and in case the said sum of one hundred pounds at any time be reduced below that amount the Promoters shall forthwith on demand by notice in writing from the board make up the fund to the sum of one hundred pounds and the board shall allow and pay half-yearly to the Promoters such interest on the fund for the time being in deposit as may be allowed thereon by the said bank.

- (6.) The Promoters shall be liable for all accidents and damage caused by any want of repairs to or in the tramways within the district of the board or to or in the portions of road which they are required to maintain and keep in repair and for all accidents and damage caused by any defect in the original construction or laying down of such tramways or any part thereof or by any defect in any of the rails or rolling stock of such tramways or by reason of any want of repair in such rails or rolling stock or by reason of the negligence or default of any of the contractors servants or workmen of the Promoters.
- (7.) The Promoters shall pay to the board the costs incurred by them in connection with or incident to the negotiations between them and the Promoters in relation to this Order and the confirmation thereof such costs not to exceed the sum of ten guineas.
- (8.) The obligations and liabilities imposed upon the Promoters by this section shall be in addition to and not in substitution for the obligations and liabilities imposed upon them under the Tramways Act 1870 and this Order.

For the protection of the justices &c. of the west riding of the county of York.

10. For the protection of the justices and the inhabitants of the West Riding of the county of York or other the body or persons for the time being liable to maintain and repair the bridge across the North Beck known as Corn Mill Bridge or the roadway thereover or the approaches thereto the following provisions shall apply and have effect that is to say:—

- (a.) In this section the expression “bridge” means and includes Corn Mill Bridge and the roadway thereover and the approaches thereto repairable by the inhabitants of the said West Riding.

The expression “the justices” and “the inhabitants” respectively mean the justices of the peace for or other the body or persons for the time being liable to maintain and repair the bridges in the said West Riding and the inhabitants of the said West Riding.

The expression “bridge surveyor” means the West Riding surveyor or the surveyor of bridges for the time being of the said West Riding.

- (b.) Before the Promoters commence any work in upon or affecting the bridge they shall deposit at the office of the bridge surveyor a plan and section of the proposed work and (if the same will alter or interfere with the structure of the bridge) detailed drawings and specifications thereof and no work shall be commenced until the bridge surveyor has signified his approval thereof in writing provided that unless he signifies his disapproval within twenty-eight days after such deposit he shall be deemed to have approved thereof.
- (c.) The Promoters shall so construct and maintain the tramways on and over the bridge as not to injuriously affect the same and in the event of any injury being occasioned thereto by such construction (whether such injury occurs

either during or after the construction or in effecting the maintenance of the tramways) the bridge surveyor is hereby empowered 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 at the expense of the Promoters and the Promoters shall recoup to and indemnify the bridge surveyor and the inhabitants against all sums costs and expenses which he or they may reasonably pay or be put to in or about such restoration and the bridge surveyor or the inhabitants as the case may be may recover from the Promoters all such sums costs and expenses together with full costs and charges of and incidental to the same in like manner as any simple contract debt of the like amount may be recovered.

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- (d.) If two lines of tramway be laid on the bridge or any part thereof such lines shall be laid at such a distance from one another as not to admit of their being used as passing places but only as alternative lines and subject thereto the rails of the tramways shall be laid in such position on the bridge as the bridge surveyor shall from time to time require for the safety of the bridge and the protection and convenience of the public and the Promoters shall comply with all requirements reasonably made by him in that behalf.
- (e.) The Promoters shall at their own cost in all things pave the whole of the roadway and approaches over the bridge with granite or good Yorkshire stone or such other material as may be approved by the bridge surveyor and shall during the construction of any of the tramways and so long as any such tramways shall continue so laid maintain and keep in good repair the whole of the said roadway and approaches so paved as aforesaid.
- (f.) The Promoters shall be answerable for all accidents damages and injuries occasioned by the acts or default of the Promoters or of their officers or of any contractor employed by them or of any servant or workman employed by them or him on or with respect to the bridge and shall indemnify and save harmless the justices inhabitants and the bridge surveyor against all damages direct or consequential costs charges expenses and penalties which may be incurred by them or any of them in respect of any such accidents or injuries.
- (g.) All works done by the Promoters in upon or in relation to the bridge shall be done under the superintendence and to the satisfaction of the bridge surveyor and with such material as he may have previously approved of in writing and the reasonable costs of his superintendence shall be paid by the Promoters.
- (h.) Only one engine and only such one tramcar or carriage as is drawn by that engine shall be on the bridge at one time and no engine tramcar or carriage shall stop on the bridge.
- (i.) No person in charge of any cart carriage or other vehicle passing over or along the bridge and on his proper side of the roadway thereof shall be compellable at the instance of any person driving or in charge of any engine tramcar or carriage used on the tramways to remove or cause to be drawn the cart carriage or other vehicle in the charge of such person from off the said side of such roadway or approach in order to allow any such engine tramcar or carriage to proceed along or across the bridge in advance of or priority to any such cart carriage or other vehicle.

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- (j.) If the Promoters commit any breach of or offend against any of the foregoing provisions they shall be liable for every such breach or offence (without prejudice to any other right or remedy of the justices or the inhabitants therefor) to a penalty not exceeding twenty pounds and in the case of a continuing breach or offence to a further penalty not exceeding ten pounds for every day during any part of which the same continues and such penalty may be recovered by the bridge surveyor in manner provided by section fifty-six of the Tramways Act 1870 and shall be paid over to the treasurer for the time being of the said West Riding.
- (k.) The foregoing provisions shall be in addition to those contained in the Tramways Act 1870 and this Order.
- (l.) In case the bridge be altered or rebuilt 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 reasonably necessary for the execution of the works and before commencing such alteration or rebuilding fourteen days' notice thereof shall be given by the justices or the bridge surveyor to the Promoters and the justices shall as 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 tramways during such alteration or rebuilding.
- (m.) Excepting as therein expressly provided nothing in the next preceding sub-section shall in any manner vary lessen or abridge any of the rights powers or remedies conferred upon or enjoyed by the justices or the inhabitants respectively in relation to the tramways by virtue of any general Act now in force or hereafter to be passed relating to tramways.
- (n.) If any dispute arises between the Promoters and the justices or the bridge surveyor as to the meaning of this section or as to the reasonableness or propriety of any of the requirements or any charges made by the bridge surveyor the matter in dispute shall on the application of either party be referred to an engineer to be appointed by the Board of Trade whose decision shall be final between the parties and the costs of and incidental to the reference shall be borne and paid as he shall direct.

For the protection of the
Midland Railway Company.

11. In constructing and maintaining the Tramway No. 5 across the bridge carrying East Parade over the Midland Railway the Promoters shall be subject to the following conditions:—

The Promoters shall not in any way alter or interfere with the structure of the said bridge or of the approaches thereto.

The Promoters shall give fourteen days' notice in writing to the engineer of the Midland Railway Company of their intention to commence the works affecting the said bridge and shall at the same time send sufficient specifications or other information showing the nature of the proposed works and such works shall be constructed to the reasonable satisfaction and under the superintendence of the said engineer and so as not in any way to impede or interfere with the traffic upon the railway.

In the event of any injury being caused to the said bridge and approaches by the construction maintenance repairing user or removal of the said tramway the Midland Railway Company may at the expense of the Promoters restore the said bridge and approaches or the part or parts thereof which may be injured to as good a state and condition as they were

in before such injury was occasioned and the Promoters shall indemnify the Midland Railway 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 the said bridge and approaches as the Promoters are liable to maintain and repair under section twenty-eight of the Tramways Act 1870 and the Midland Railway 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 the like amount may be recovered.

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12. The traffic on Tramway No. 1 shall be so worked as not to interrupt the free access of traffic to and from the works of Messieurs George Hattersley and Sons immediately adjoining Corn Mill Bridge.

For the protection of Messrs. Hattersley.

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

Provisions as to construction of tramways.

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

As to rails of tramways.

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

Penalty for not maintaining rails and road in good condition.

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

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

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

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

Local authority to have access to sewers.

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

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

18. 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.

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

19. 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 (subject to the provisions of this Order) that in substituting such double line for such single line as aforesaid no rail shall be so laid that a less space than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road if any owner or occupier of any house shop or warehouse abutting upon the place where such rail is proposed to be laid by notice in writing under his hand addressed to the Promoters express his objection thereto.

Additional crossings &c may be made where necessary.

20. The Promoters may from time to time hereafter make maintain alter and remove all such crossings passing places sidings junctions turnouts and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient for the efficient working of the tramways or any of them or for facilitating the traffic of the roads in which the same are laid or for providing access to any stables carriage-houses sheds or works 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 nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of any house shop or warehouse abutting on the place where such rail is proposed to be laid by notice in writing under his hand addressed to the Promoters express his objection thereto.

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

Road authority may require removal of additional crossings.

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

Temporary tramways may be made where necessary.

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

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

Application of road materials excavated in construction of works.

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

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

Motive Power.

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

25. 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 in writing of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board by steam power or any mechanical power. Provided always that no steam power or any mechanical power shall be used on any of the tramways within the borough of Keighley without the consent in writing of the Corporation nor upon any of the tramways within the district of the local board for the district of Oakworth without the consent in writing of the said local board which consents the Corporation and local board are hereby authorised to give nor upon Tramway No. 2 without the consent of the Board of Trade to be signified in writing under the hand of a secretary or an assistant secretary of the said Board.

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

Penalty for
using steam or
mechanical
power con-
trary to Order
or regulations.

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

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

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Byelaws.

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

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

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

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

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

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

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

As to recovery of penalties.

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

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

30. All orders and byelaws made 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 so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order and the production of a written or printed copy of any such order byelaw or certificate purporting to be signed as aforesaid shall be *prima facie* evidence of such order byelaw or certificate in all courts of justice and in all legal proceedings.

Orders and byelaws to be signed &c.

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

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

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

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

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

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

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

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

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

Traffic upon Tramways.

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

Traffic upon tramways.

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

Promoters not bound to carry animals goods &c.

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

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

Tolls.

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

Tolls for passengers.

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

Passengers luggage.

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(No. 3) Act, 1888.

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Cheap fares
for labouring
classes.

38. The Promoters at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than 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 running such carriages the said Board shall have power to fix and regulate the same from time to time.

Tolls for
animals goods
&c.

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

Payment of
tolls.

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

Periodical
revision of
tolls.

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

Miscellaneous.

Power to hold
patents.

42. 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 licenses to use patent rights relating to the construction or working of tramways or the engines and carriages used thereon.

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

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Keighley.
Provisions as
to arbitration.

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

Form and
delivery of
notices.

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

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

Agreements
between Pro-
moters and
road autho-
rities.

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

Approval of
Board of
Trade to sale.

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

Saving as to
powers of
borrowing on
mortgage.

48. (1.) The Promoters if required by the Postmaster-General shall perform with respect to any tramway owned or worked by them all such reasonable

Carrying of
mails by Pro-
moters.

A.D. 1888. services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires provided as follows:—
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(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.

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

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Keighley.
For protection
of the Post-
master-
General.

- (1.) It shall not be lawful for the Promoters to lay down any line or rail or to do any act or work for working the tramways by electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected and before any such line or rail is laid down or any such act or work 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 such work shall give written notice to the Postmaster-General specifying the course of the line or rail 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.
- (2.) 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 the Board of Trade 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.
- (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.

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Saving for
general Acts.

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

SCHEDULE A.

Break power
of engines.

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

As to fittings of
engines &c.

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

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

With a suitable fender to push aside obstructions ;

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

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

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

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

Inspection
of engines and
carriages.

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

As to speed.

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

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

SCHEDULE B.

A.D. 1888.

Keighley.

TOLLS AND CHARGES FOR ANIMALS GOODS &C.

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

Goods and Minerals.

For all coals coke culm charcoal cannel limestone chalk lime salt and fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways		
per ton	0	2
For all iron iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slags and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs		
per ton	0	2½
For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - - per ton	0	3
For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things - per ton	0	4
For every carriage of whatever description having two wheels -	0	6
For every carriage of whatever description having four wheels -	1	0

<i>Parcels.</i>	Any Distance.	
	<i>s.</i>	<i>d.</i>
For any parcel not exceeding in weight 7 lbs. - - - each	0	3
For any parcel exceeding 7 lbs. but not exceeding 14 lbs. in weight „	0	5
For any parcel exceeding 14 lbs. but not exceeding 28 lbs. in weight „	0	7
For any parcel exceeding 28 lbs. but not exceeding 56 lbs. in weight „	0	9
For any parcel exceeding 56 lbs. in weight such sum as the Promoters may think fit.		

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

[Ch. cxxii.] *Tramways Orders Confirmation* [51 & 52 VICT.]
(No. 3) Act, 1888.

A.D. 1888.

For the Carriage of Single Articles of Great Weight.

Keighley.

Per Mile.
—
s. d.

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

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

Regulations as to Tolls.

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

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

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

North Metropolitan.

NORTH METROPOLITAN TRAMWAYS.

Order authorising the construction of Tramways in the parishes of St. Mary Whitechapel, and St. John at Wapping, both in the County of Middlesex.

Short title.

1. This Order may be cited as the North Metropolitan Tramways Order 1888.

Incorporation of Acts.

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

Interpretation.

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

The expression “the tramway” shall mean the tramway and works authorised by this Order, and the expression “the undertaking” shall mean the undertaking of the Promoters as authorised by the existing Acts relating to the North Metropolitan Tramways Company, and by this Order.

Promoters.

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

North Metropolitan.

5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking in addition to any land which they are already authorised to acquire such lands as they may require and may from time to time sell or dispose of any such lands which may not be necessary for such purposes 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 two acres of land but nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon lands taken under the powers of this section.

The Promoters.
Lands by agreement.

Construction of Tramways.

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

Construction of tramway.

The tramway authorised by this Order is—

A tramway described on the deposited plans as Tramway No. 1 (3 furlongs and 7·5 chains or thereabouts in length of which 1 furlong and 9·5 chains are single line and 1 furlong and 8 chains are double line) commencing in High Street Whitechapel by a junction with the Tramway No. 4 authorised by the North Metropolitan Tramways Act 1887 at or near the end of Commercial Street and passing thence into and along Leman Street and Dock Street and terminating in the latter street at or near the south end thereof.

The said tramway shall subject to the provisions of this Order be laid as a single line throughout except between the following points where it shall be laid as a double line :—

Between the commencement of the tramway and a point opposite Nelson Street.

Between points respectively 1 chain north and 1 chain south of Great Alie Street.

Between Great Prescott Street and a point 5 chains north of the termination of the tramway.

The said tramway will be situate in the parishes of St. Mary Whitechapel and St. John at Wapping both in the county of Middlesex.

7. Subject to the provisions of this Order the tramway shall be constructed with two rails to be approved by the Board of Trade on a gauge of four feet eight and a half inches.

Mode of formation of tramway.

8. The following provisions for the protection of the Metropolitan and Metropolitan District Railway Companies (in this section called "the railway

For the protection of the Metropolitan

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North Metro-
politan.
and District
Railway
Companies.

companies") shall have full force and effect and be binding upon the Promoters their successors and assigns.

(1.) The Promoters shall not in any way interfere with the railway and tunnel of the railway companies situate under the roadway of the High Street Whitechapel nor with the works connected therewith nor with any property of the railway companies.

(2.) Nothing contained in this Order shall prejudice lessen take away or interfere with the lands property rights powers or privileges of the railway companies or either of them otherwise than is hereby expressly provided.

For the pro-
tection of the
Board of
Works for the
Whitechapel
district.

9. For the protection of the Board of Works for the Whitechapel district (in this section called "the board") the following provisions shall have effect that is to say :—

(1.) The tramway shall be laid from Commercial Street to in and across High Street into Leman Street in such position and according to such plans as shall have been submitted to and approved by the surveyor of the board previous to the construction of the work.

(2.) The Promoters shall at their own cost in all things and under the superintendence and to the satisfaction of the board widen the carriageway in Leman Street and Dock Street so as to admit of the laying of the tramway therein as a double line for the whole distance and such widening shall be effected by reducing the width of the footway of those streets respectively between such points on both sides or on either side thereof respectively and to such extent and in such manner as the board shall by notice in writing to the Promoters in that behalf require.

For the pro-
tection of the
Whitechapel
Hay and
Straw Market,
&c.

10. For the protection of the Whitechapel Hay and Straw Market and of the persons carrying on business therein (in this section referred to as "the hay and straw salesmen") the following provisions shall have effect :

(1.) The Promoters shall construct and maintain the portion of the tramway between its point of commencement and the north end of Leman Street in such manner as may be agreed on between the Promoters and the board of works for the Whitechapel district and shall subject to the consent of the said board of works and of the Board of Trade being obtained construct the remaining portion of the tramway between the north end of Leman Street and Great Alie Street as a double line and shall construct and maintain near the northern end of Leman Street two cross-over tramways so as to admit of tramcars going in either direction along Leman Street being shunted from the one line of tramway to the other line of tramway Provided always that the northern end of such cross-overs shall not be more than 70 feet from the north-west corner of Leman Street and between the hours of seven o'clock in the forenoon and twelve o'clock noon on Tuesday Thursday and Saturday in every week the hay and straw salesmen shall as against the Promoters be entitled to occupy the site of the west line of tramway south of the said cross-over tramways with their horses carts and waggons without let or hindrance by the Promoters or their officers or servants and the east line of tramway shall be the only line which the Promoters shall be entitled to use during those hours and they shall divert their traffic accordingly.

(2.) Nothing in this section shall be construed to take away or abridge any rights powers or authorities of the board of works for the Whitechapel district.

11. In addition to the other provisions of this Order the following provisions shall be in force with respect to the tramway by this Order authorised and the powers to be exercised thereunder within the district or any part of the district of the board of works for the Limehouse district herein-after called "the district board":—

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North Metropolitan.

For protection of the Limehouse district board.

- (1.) The said tramway of the Promoters and the works connected therewith within the said district shall be constructed and from time to time repaired and maintained and all interference with roads and restoration thereof shall be done under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the district board and at the cost in all respects of the Promoters.
- (2.) The Promoters shall when required by the said surveyor while the tramway is in course of construction within any part of the said district remove all earth materials and other obstructions and temporarily restore the roadway so as to enable carts and carriages to pass along the same and shall also when and where required by the said surveyor provide and make temporary passing-places for foot passengers across and over the said works.
- (3.) Any part of the roads within the said district which may be disturbed by or in consequence of any works of the Promoters under the authority of this Order and for the repair whereof the Promoters are not or will not be permanently liable shall be repaired and made good by them and be kept by them in good repair for six months after the completion of such works to the reasonable satisfaction of the said surveyor.
- (4.) The Promoters shall not in any case without the previous consent in writing of the said surveyor stop up or interfere with any street within the said district so as to prevent the passage of traffic along such street.
- 5.) Whenever the district board at any time desires to construct or has constructed any refuge or resting place in any road along which any part of the tramway is laid or authorised to be laid under the powers of this Order the Promoters shall upon demand of the district board or the said surveyor make such alterations as may be necessary in the line and direction of the tramway to allow of the construction or maintenance of any such refuge or resting place. Provided that in making any such alteration no rail shall be so laid that a less space than nine feet six inches will 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 upon the place where such rail is proposed to be laid by notice in writing under his hand addressed to the Promoters and to the district board express his objection thereto.
- (6.) The Promoters shall before the commencement of the works purchase and pay to the district board the value of the paving and other works of the roads to be taken up by them within their district along or across which the said tramway is to be made and maintained and such value thereof shall be determined by the said surveyor and the engineer of the Promoters and in case of their differing the value shall be a matter in dispute and be settled by an arbitrator to be agreed upon or failing agreement to be appointed by the Board of Trade on the application of either party.
- (7.) Any sum of money which may be expended or costs charges and expenses which may be incurred by the district board in paving diverting altering or

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making good any road street footway sewer drain or gully or otherwise by reason of the same or any of them having been broken up opened or damaged by or for the purposes of the Promoters or any sum of money recoverable or to be recovered by the district board under this Order may be recoverable with all costs charges and expenses attending the proceedings for the recovery of the same by summons before and adjudication of any justice of the peace acting for the county of Middlesex.

(8.) Excepting only as is by this Order expressly provided this Order shall not take away alter lessen prejudice or affect any of the rights powers or authorities vested in the district board but all such rights powers and authorities shall be as valid and effectual to all intents and purposes as if this Order had not been made and confirmed.

Provisions as
to construction
of tramway.

12. 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 or any part thereof lay before the Board of Trade and the road authority a plan showing the proposed mode of constructing laying down maintaining and renewing the tramway or such part and a statement of the materials intended to be used therein together with a specification of the work proposed to be executed including a description of the rails proposed to be used and foundation on which they are to be laid and the Promoters shall not commence the construction laying down maintenance or renewal of the tramway or any part of the tramway except for the purpose of necessary repairs until such plan statement and specification have been approved by the Board of Trade and by the road authority or in case of difference between the Board of Trade and the road authority then until the same 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 statement and specification 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
tramway.

13. 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 local or 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.

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

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

penalty not exceeding five pounds for every day after the first on which such default continues and such penalty may be recovered as by section fifty-six of the said Act is provided.

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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 portion 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 inquiry by an officer to be appointed by the said Board such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act 1870 and if the Board of Trade certify under the hand of a secretary or an assistant secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said Board the Promoters shall make good such default in the manner and within the time specified in such certificate and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are herein-before imposed with respect to offences.

15. 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.

16. If and whenever in the opinion of the Metropolitan Board of Works it is necessary or expedient for the purpose of constructing or altering any sewer or drain to interfere with the tramway or the roadway in which the same is made the said Board may without any consent or concurrence on the part of the Promoters enter upon and interfere with such tramway or roadway after having given (except in case of emergency) at least one month's previous notice in writing to the Promoters of their intention so to do and the Promoters shall during the execution of any such works either suspend the traffic upon such tramway or make provision at their own expense for carrying on the same in a manner satisfactory to the engineer of the said Board so as not to interfere with any such work and shall have no claim for compensation against the said Board

Traffic to be suspended during works of drainage.

17. If and whenever the Metropolitan Board of Works require to alter or widen any part of a street in which any part of the tramway is laid the said Board may if they think fit (having given at least one month's previous notice in writing to the Promoters of their intention so to do) require the Promoters to alter any such tramway or portion of tramway or to remove the same to such position in the same street as the said Board may require and the Promoters shall with all reasonable despatch proceed so to alter or remove such tramway or portion of tramway either temporarily or permanently accordingly at their own expense and without any claim for compensation against the said Board in respect of such alteration or removal or for any loss of traffic or otherwise consequent thereon. Provided that for the purpose of any permanent alteration or removal as aforesaid no rail shall be so laid that a less space than nine feet six inches will intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of any house shop or warehouse abutting on the place where such rail is proposed to be laid by notice in writing

Alteration of streets by Metropolitan Board of Works.

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*North Metro-
politan.*Special pro-
vision as to
penalties for
not maintain-
ing tramway in
good condition.Tramway to
be kept on a
level with
surface of road.Single lines
may be laid
as double with
consent of the
local and road
authorities
and Board of
Trade.Additional
crossings
may be made
where neces-
sary.Temporary
tramways may
be made when
necessary.

under his hand addressed to the Promoters and to the said Board express his objection thereto.

18. In addition to any other provisions of this Order the Promoters shall maintain and keep the tramway in good condition and repair to the satisfaction of the road authority of the district within which such tramway is or may be situate and if the Promoters at any time fail to maintain and keep the same in good condition and repair to such satisfaction as aforesaid they shall for every such default be subject to a penalty not exceeding five pounds for every day on which such default continues and such penalty may be recovered in manner provided by section fifty-six of the Tramways Act 1870 but by the said road authority only.

19. If any road authority hereafter alter the level of any road along or across which the tramway 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.

20. Any part of the tramway 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 (subject to the provisions of this Order) that in substituting such double line for such single line as aforesaid no rail shall be so laid that a less space than nine feet six inches will 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 in writing under his hand addressed to the Promoters express his objection thereto.

21. The Promoters may from time to time hereafter make maintain alter and remove all such crossings passing-places sidings junctions turnouts and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient to the efficient working of the tramway or for facilitating the traffic of the roads in which the same are laid or for providing access to any stables carriage-houses sheds or works of the Promoters subject in each case to the approval of the local and 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 will intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of any house shop or warehouse abutting on the place where such rail is proposed to be laid by notice in writing under his hand addressed to the Promoters express his objection thereto.

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

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

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North Metropolitan.

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

Application of
road materials
excavated in
construction of
works.

24. Nothing in this Order contained shall extend or be construed to extend to alter abridge or take away any of the rights powers and privileges conferred upon the Metropolitan Board of Works by the Metropolis Management Act 1855 or any other Act relating to that Board as to stopping for public traffic any road or street under the jurisdiction of that Board or for the purpose of constructing repairing and maintaining the sewers along or under any such road or street.

Saving rights
of Metropolitan
Board of
Works to stop
up &c.
streets.

25. Section seventeen of the North Metropolitan Tramways Act 1869 (for the protection of the sewers of the Metropolitan and other Boards etc.) shall so far as the same is applicable extend and apply to the tramway authorised by this Order and shall apply to any sewer of the Metropolitan Board of Works whether within or without the Metropolis as defined by the Metropolis Management Act 1855 and for the purposes of such application the expressions "the Company" "the Tramways" and "this Act" in the said section shall be construed to mean respectively the Promoters of this Order the tramway by this Order authorised and this Order.

Extending
section 17 of
North Metro-
politan Tram-
ways Act,
1869.

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

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

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North Metropolitan.

Traffic upon tramways.

Promoters not bound to carry parcels.

Provision as to carriage of parcels.

Tolls for passengers.

Passengers' luggage.

Cheap fares for labouring classes.

Tolls for parcels.

Traffic upon Tramways.

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

28. 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.

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

Tolls.

30. The Promoters may demand and take for every passenger travelling upon the tramway or any part thereof the tolls and charges which they are by the North Metropolitan Tramways Act 1869 authorised to demand and take with respect to the tramways by that Act authorised. Provided always that for the purpose of computing the amount of such tolls and charges the tramway shall be deemed to be continuous with and to form part of Tramway No. 4 authorised by the North Metropolitan Tramways Act 1887 and tolls and charges may be demanded and taken accordingly.

31. 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.

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

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

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34. 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.

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Payment of
tolls.

35. 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 in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramway or on such portion of the tramway in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or 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 Company.

Periodical
revision of
tolls.

36. If the Metropolitan Board of Works at any time or times hereafter give notice to the Promoters stating that in their opinion the Promoters have not made or are not carrying out proper arrangements for facilitating the interchange and forwarding of traffic coming from or destined for any tramway which belongs to any other company or person and forms an authorised junction with any tramway authorised by this Order and the Promoters do not within fourteen days after delivery of such notice to them make arrangements in that behalf to the satisfaction of the said Board the Board of Trade may and shall from time to time upon representation by the Metropolitan Board of Works appoint a referee to inquire into the truth of such representation in the manner prescribed by section sixty-three of the Tramways Act 1870 and if such referee report that such representation is true the Board of Trade may make such regulations including if that Board so think fit arrangements for booking through the traffic or any part thereof and the fixing of through fares and rates as having regard to all the circumstances of the case they may deem expedient for providing for such interchange and forwarding of traffic with as little inconvenience as may be to the public and after fourteen days from the date of the delivery of a copy of any such regulation to the Promoters the same shall be binding upon the Promoters and may be enforced in the same manner as regulations made by the local authority under section forty-six of the Tramways Act 1870. Provided always that if and whenever the Board of Trade fix any through rate or fare under this section they shall at the same time fix and determine the proportions in which such through rate or fare shall be divided between and belong to the Promoters

For facilitating
interchange
and trans-
mission of
through traffic.

A.D. 1888. and the other company or person interested and in fixing and determining such proportions the said Board shall take into account all the circumstances of the case including the actual and relative cost of construction and maintenance of the respective tramways and works of the Promoters and other companies or persons and the said Board may from time to time rescind alter or vary any order which they may make under this section.

North Metropolitan.

Miscellaneous.

Provisions as to arbitration.

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

Form and delivery of notices.

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

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

Agreements between Promoters and road authorities.

39. The Promoters and any road authority may subject to the provisions of this Order from time to time enter into and carry into effect contracts and agreements with respect to the alteration of the widths or levels of any road along which any part of the tramway is laid and with respect to the construction maintaining removing renewing repairing working and using of any part of the tramway situate within the district of such road authority and the rails plates sleepers and works connected therewith and the facilitating the passage of the traffic over and along the same and over and along the roads in which such part of the tramway is laid.

Acquisition of patent rights.

40. 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 patents or patent rights and any licenses to use patent rights in connection with tramways or the carriages to be used thereon.

Approval of Board of Trade to sale, &c.

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

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

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 Saving as to
 powers of
 borrowing on
 mortgage.

43. (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

A.D. 1888. *North Metropolitan.* 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.

Saving for
general Acts.

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

SCHEDULE.

TOLLS AND CHARGES FOR PARCELS.

	Any Distance.	
	s.	d.
For any parcel not exceeding 7 lbs. in weight	0	3
For any parcel exceeding 7 lbs. and not exceeding 14 lbs. in weight	0	5
For any parcel exceeding 14 lbs. and not exceeding 28 lbs. in weight	0	7
For any parcel exceeding 28 lbs. but not exceeding 56 lbs. in weight	0	9
For any parcel exceeding 56 lbs. in weight such sum as the Promoters may think fit.		

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

SOUTH BIRMINGHAM TRAMWAYS.

A.D. 1888.

South Birmingham.

Order authorising the Abandonment of certain of the Tramways authorised by the South Birmingham Tramways Order, 1883, the South Birmingham Tramways Order, 1884, and the South Birmingham Tramways (Extension) Order, 1886, respectively, and the release of portions of the Deposit Funds paid into Court on the applications for the said Orders respectively ; and for other purposes.

1. This Order may be cited as the South Birmingham Tramways (Abandonment and Release of Deposit) Order, 1888. Short title.

2. The South Birmingham Tramways Company, Limited, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters." Promoters.

3. From and after the passing of the Act confirming this Order, the South Birmingham Tramways Order, 1883, (in this Order referred to as "the Order of 1883"), the South Birmingham Tramways Order, 1884, (in this Order referred to as "the Order of 1884"), and the South Birmingham Tramways (Extension) Order, 1886, (in this Order referred to as "the Order of 1886"), shall be read and construed as if in section four of each of the said Orders the Birmingham Central Tramways Company, Limited, (herein-after referred to as "the Company") were substituted for the Promoters in such section mentioned, and from and after the passing of the Act confirming this Order all the rights, powers, authorities, obligations and liabilities of the Promoters in respect of the tramways and undertakings authorised by the said Orders respectively, shall, subject to the provisions of this Order, be transferred to and vested in the Company, and the same may be exercised by and shall attach to the Company in like manner as if such tramways had been authorised to be constructed by the Company. Substitution of Birmingham Central Tramways Company, Limited, for Promoters in respect to Orders of 1883 1884 and 1886.

Within three months after the passing of the Act confirming this Order the Company shall produce to the Commissioners of Inland Revenue a deed or deeds of conveyance of the tramways and undertakings by this section transferred to the Company duly stamped in respect of the consideration for each conveyance, and if such deed or deeds be not so produced, the ad valorem stamp duty, together with interest at the rate of five pounds per centum per annum, shall be recoverable from the Company with full costs of suit and all costs and charges attending the same.

4. The Company shall abandon the construction of the following tramways :— Abandonment of tramways.
Tramway No. 2 authorised by the Order of 1883.

The whole of Tramways Nos. 4, 5, and 6 authorised by the Order of 1884.

Tramways Nos. 2, 3, 4, 22, 23, 24, and 25 authorised by the Order of 1886.

5. On the production of a certificate signed by a secretary or an assistant secretary of the Board of Trade, specifying the respective lengths of the said tramways and portions of tramway by the Order of 1883, the Order of 1884, and the Order of 1886 respectively authorised, which by this Order are required to be Release of deposits in respect of tramways abandoned.

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abandoned, and the portions of the sums of three hundred and twenty-seven pounds, ten shillings, seven hundred and eighty-eight pounds, eighteen shillings, and one thousand and ninety-four pounds, which, in pursuance of the Tramways Act, 1870, and of the rules made by the Board of Trade under the authority of the said Act, were paid into the Chancery Division of the High Court of Justice in respect of the applications for the said Orders respectively to the credit of "Ex parte The South Birmingham Tramways Order, 1883," "Ex parte The South Birmingham Tramways Order, 1884," and "Ex parte The South Birmingham Tramways (Extension) Order, 1886," respectively, which bear to the whole of the said sums respectively the same proportions as the lengths of the said tramways and portions of tramway by the said Orders respectively authorised and by this Order required to be abandoned bear to the entire lengths of the tramways authorised by the said Orders respectively, the High Court of Justice shall, subject to the provisions of the said rules relating to compensation to road authorities and for the protection of creditors on the application of the persons named in the warrants of the Board of Trade authorising such payments, or of the majority or survivors of such person respectively, their executors, administrators or assigns, order such portions of the said sums so specified in such certificate as aforesaid, together with any interest or dividends due and payable thereon respectively, to be paid out or transferred to the persons so applying, or to any other person or persons whom they may appoint in that behalf, and thereupon such portions of the said sums, together with any such dividends or interest, shall be so paid out or transferred as aforesaid.

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