



CHAPTER xcv.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to the Bolton and Suburban Tramways, Hartlepool Tramways, and Liverpool Corporation 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 :

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 set out in the schedule to this Act annexed, be confirmed by Act of Parliament :

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

1. This Act may be cited as the Tramways Orders Confirmation (No. 2) Act, 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 force and validity, and the dates of the same respectively shall be the date of the passing of this Act. Confirmation of Orders in schedule.

3. The Promoters mentioned in the said Orders shall not, in the exercise of the powers of this Act, or of the said Orders, without Protection of houses of labouring classes.

A.D. 1888. — the consent of the Local Government Board, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which, 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, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any such persons who may be residing with them.

SCHEDULE.

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LIST OF ORDERS.

BOLTON AND SUBURBAN TRAMWAYS.—Order authorising the use of steam or any mechanical power on the tramways authorised by the Bolton and Suburban Tramways Order, 1878.

HARTLEPOOLS TRAMWAYS.—Order amending the Hartlepool Tramways Order, 1883, and the Hartlepoons Tramways Order, 1884, with respect to the construction and opening for public traffic of certain portions of the tramways by the said Orders respectively authorised, and authorising the abandonment of other portions of such tramways.

LIVERPOOL CORPORATION TRAMWAYS.—Order authorising the use of steam, electrical, or any mechanical power on certain portions of the tramways authorised by the Liverpool Tramways Act, 1868, and the Liverpool Tramways Act, 1871.

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BOLTON AND SUBURBAN TRAMWAYS.

*Bolton and
Suburban.*

Order authorising the use of Steam or any Mechanical Power on the Tramways authorised by the Bolton and Suburban Tramways Order 1878.

Short title.

1. This Order may be cited as "The Bolton and Suburban Tramways Order 1888."

Construction
of Order.

2. The Bolton and Suburban Tramways Order 1878 (herein-after referred to as "the Order of 1878") and this Order shall be construed together as one Order except so far as such construction would be inconsistent with or repugnant to the provisions of this Order and the Order of 1878 and this Order may be cited together as "The Bolton and Suburban Tramways Orders 1878 and 1888."

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

3. The carriages used on the Tramways may subject to the provisions of this Order be moved by animal power and with the consent in writing of the Board of Trade during a period of seven years after the passing of the Act confirming this Order and with the like consent 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 electrical power or any mechanical power including haulage by means of wire ropes or other appliances placed under ground and worked by stationary engine power. Provided as follows :

No power other than animal power shall be used on so much of Tramway No. 4 as is situate in Deansgate unless and until the Roadway in which the said portion of Tramway is laid has been widened to the satisfaction of the Board of Trade.

The Promoters shall so alter the points at the several passing places authorised by the Order of 1878 as that the entrances thereto shall be straight.

If at any time long Cars known as "Bogie Cars" be used on any of the Tramways where laid as a double line and with a sharp curvature the interspace between the curved lines shall be increased to such an extent as may in the opinion of the Board of Trade be necessary to admit of such Cars passing with safety.

In all cases in which any passing place is situate on a gradient of 1 in 30 or steeper the length of such passing place shall be made not less than 4 chains.

The exercise of the powers hereby conferred with respect to the use of any power other than animal power shall be subject to the regulations set forth in the Schedule to this Order annexed and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of any power other than animal power on the Tramways and with respect to the use of any such power as

aforesaid on that portion of Tramway No. 3 in Weston Street which will cross on the level the goods Railway of the London and North-Western Railway Company shall be further subject to any special conditions and regulations which may be prescribed with respect to such crossing 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.

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The lessees under any lease made by the Promoters shall not use any power other than animal power on the Tramways or any part thereof unless they are authorised to do so by special permission of the Promoters (which permission the Promoters are hereby authorised to give) and the Promoters may with the consent of the Board of Trade and subject to the provisions of this Order attach to such special permission such conditions and restrictions (not being inconsistent with the provisions of this Order) as they may think fit.

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

Penalty for using power other than animal power contrary to Order or regulations.

5. 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 bye-laws with regard to any of the Tramways upon which any power other than animal power may be used under the authority of this Order for all or any of the following purposes that is to say:—

Bye-laws.

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;

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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 bye-laws 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 bye-laws made by the Board of Trade under the authority of this Order shall be liable to a penalty not exceeding forty shillings.

As to recovery
of penalties.

6. 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 bye-law made by the Board of Trade under the authority of this Order.

Amendment of
Tramways Act
1870 as to bye-
laws by Local
authority.

7. The provisions of the Tramways Act 1870 relating to the making of bye-laws by the Local Authority with respect to the rate of speed to be observed in travelling on the Tramway shall not authorise the Promoters to make any bye-law 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 Promoters may if they think fit make bye-laws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders and
Bye-laws to be
signed &c.

8. All orders and bye-laws 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 or given in accordance with the provisions of this Order and the production of a written or printed copy of any such order bye-law or certificate purporting to be signed as aforesaid shall be *prima facie* evidence of such order bye-law or certificate in all Courts of Justice and in all legal proceedings.

Local Autho-
rities may
borrow moneys
to be repaid in
thirty years.

9. The Local Authorities respectively may under and according to the provisions contained in Section twenty of the Tramways Act 1870 borrow for the purposes of this Order in addition to any sum or sums of money they are already respectively authorised to borrow such sum or sums of money as the Board of Trade may from time to time or at any time sanction and the time for which such several sums may be borrowed shall in each case be thirty years from the respective dates of the borrowing of such moneys and for the purpose of such borrowing the Local Authorities respectively may include in any mortgage of the local rate the moneys coming to them out of the rents reserved under any lease made under the authority of the Order of 1878 and the tolls charges and sums authorised to be taken or received by them under the provisions of that Order.

Audit of
accounts.

10. The provisions of the Public Health Act 1875 with respect to the audit of the accounts of Local Authorities shall apply to the audit of the accounts of the receipts and expenditure of the Local Authorities and their officers respectively with respect to the Tramways as if such accounts related to receipts and expenditure under that Act.

11. (1.) The Lessees or persons by whom any of the Tramways may be worked (all of which persons are in this Section included in the term "the Lessees") if required by the Postmaster-General shall perform with respect to any Tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires. Provided as follows :

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Carrying of
mails by
Lessees.

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

(1.) 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

(2.) 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

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

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

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

(D) If the Lessees carry goods as well as passengers and parcels the enactments relating to the conveyance of mails by Railway shall subject to the provisions of this Section apply in like manner as if the Lessees were a Railway Company and the Tramway were a railway.

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

(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

A.D. 1888. 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.

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For protec-
tion of the
Postmaster-
General.

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

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

Saving for
General Acts.

14. The costs charges and expenses of applying for and obtaining this Order shall be paid by the Promoters out of moneys to be borrowed by them respectively for the purposes of this Order and in the following proportions (that is to say) :—

Costs of Order.

The Corporation shall pay eight-thirteenth parts ;

The Astley Bridge Local Board shall pay one-thirteenth part ;

The Farnworth Local Board shall pay two-thirteenth parts ;

The Kersley Local Board shall pay two-thirteenth parts.

SCHEDULE.

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

Break power of
engines.

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

As to fittings
of engines &c.

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

With a suitable fender to push aside obstructions ;

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

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

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

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As to carriages.

Inspection of
engines and
carriages.

As to speed.

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.

The Board of Trade shall on the application of the Promoters 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.

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

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

Hartlepoons.

HARTLEPOOLS TRAMWAYS.

Order amending the Hartlepool Tramways Order 1883 and the Hartlepoons Tramways Order 1884 with respect to the construction and opening for public traffic of certain portions of the tramways by the said Orders respectively authorised and authorising the abandonment of other portions of such tramways.

Short title.

1. This Order may be cited as "The Hartlepoons Tramways Order 1888."

Amendment
of Orders of
1883 and 1884.

2. Whereas certain portions of the tramways authorised by the Hartlepool Tramways Order 1883 (hereinafter called "the Order of 1883") were not completed and opened for public traffic within the prescribed period:

And whereas the tramways authorised by the Hartlepoons Tramways Order 1884 (hereinafter called "the Order of 1884") were not commenced nor completed and opened for public traffic within the prescribed periods respectively as prolonged by special direction of the Board of Trade:

And whereas the tramways and undertaking authorised by the Order of 1883 have been transferred to the Promoters of the Order of 1884 in manner provided by the Order of 1884:

And whereas it is expedient that the construction of the portions hereinafter specified of the tramways by the said Orders respectively authorised but not constructed should be abandoned and that in relation to the remaining portions of such tramways the said Orders should be amended and the provisions following should be in force and have effect: Therefore:—

Abandonment
of certain
tramways.

(1.) The Promoters of the Order of 1884 shall abandon the construction of the following tramways and portions of tramway, viz.:—

The portion of Tramway No. 5 authorised by the Order of 1883 in Stockton Street or Road West Hartlepool from its authorised point of commencement to Musgrave Street;

Tramways No. 6 and No. 8 authorised by the Order of 1883; and

Tramway No. 1 authorised by the Order of 1884.

- (2.) The powers conferred by the Order of 1883 upon the Promoters thereof shall be deemed to have been and to be unaffected by the failure to complete and open for public traffic within the prescribed period a portion of the tramways thereby authorised and the Promoters of the Order of 1884 may and shall commence the construction of Tramways No. 3 and No. 4 by the Order of 1883 authorised within one year after the passing of the Act confirming this Order and complete and open the same for public traffic within two years after the passing of the said Act and the Order of 1883 shall be read and have effect accordingly. A.D. 1888.
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Extending powers for construction of certain tramways authorised by the Order of 1883.
- (3.) The powers conferred by the Order of 1884 upon the Promoters thereof shall be deemed to have been and to be unaffected by the failure to commence the construction of the tramways thereby authorised and to complete and open the same for public traffic within the respective periods so prolonged as aforesaid and the said Promoters may and shall commence the construction of Tramway No. 4 by the Order of 1884 authorised within one year after the passing of the Act confirming this Order and complete and open the same for public traffic within two years after the passing of the said Act and the Order of 1884 shall be read and have effect accordingly. Extending powers for constructing Tramway No. 4 authorised by the Order of 1884.
- (4.) Notwithstanding the failure to complete the tramways authorised by the Orders of 1883 and 1884 the powers thereby conferred upon the Promoters thereof respectively for and incident to the maintaining and working of the said tramways shall continue and may be exercised in respect of so much of the said tramways as have already been completed. Continuance of powers of maintaining and working tramways completed.
- (5.) The sum of one hundred and six pounds nine shillings and threepence being the portion applicable to Tramways No. 3 and No. 4 authorised by the Order of 1883 of the sum of one hundred and sixty-six pounds fifteen shillings and fourpence Consolidated three pounds per centum annuities the balance now remaining deposited of the sum of eight hundred and fifty-four pounds fifteen shillings and fourpence like annuities which pursuant to the Tramways Act 1870 and to the rules made by the Board of Trade under the authority of the said Act was paid or transferred in relation to the tramways authorised by the Order of 1883 into the Chancery Division of the High Court of Justice to the credit of "Ex parte the Hartlepool Tramways 1883" together with any dividends due and payable on the said sum of one hundred and six pounds nine shillings and threepence shall notwithstanding anything in the said rules or in the Order of 1883 contained remain in the said Chancery Division to the credit aforesaid and shall be applied in the same way and shall be subject to the conditions prescribed by the said rules with respect to dividends interest repayment and forfeiture in the same manner in every respect as if the Tramways No. 3 and No. 4 authorised by the Order of 1883 were tramways authorised by this Order and as if the said sum of one hundred and six pounds nine shillings and threepence Consolidated three pounds per centum annuities had been actually paid or transferred by way of deposit in relation to tramways authorised by this Order. Application of portion of balance of deposit made in relation to Order of 1883.
- (6.) The sum of one hundred and seventy pounds fourteen shillings being the portion applicable to Tramway No. 4 authorised by the Order of 1884 Application of portion of deposit made

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in relation to
the Order of
1884.

of the sum of two hundred and ninety-three pounds which pursuant to the Tramways Act 1870 and to the rules made by the Board of Trade under the authority of the said Act was paid in relation to the tramways authorised by the Order of 1884 into the Chancery Division of the High Court of Justice to the credit of "Ex parte the Hartlepool Tramway (Extension) 1884" together with any interest and accumulations of interest due and payable on the said sum of one hundred and seventy pounds fourteen shillings shall notwithstanding anything in the said rules or in the Order of 1884 contained remain in the said Chancery Division to the credit aforesaid and shall be applied in the same way and shall be subject to the conditions prescribed by the said rules with respect to interest repayment and forfeiture in the same manner in every respect as if the Tramway No. 4 authorised by the Order of 1884 were a tramway authorised by this Order and as if the said sum of one hundred and seventy pounds fourteen shillings had been actually paid by way of deposit in relation to tramways authorised by this Order.

Release of
portions of
deposits in
respect of
tramways
abandoned.

(7.) The High Court of Justice shall subject to the provisions of the rules made by the Board of Trade under the authority of the Tramways Act 1870 for the protection of creditors on the application of the Promoters of the Order of 1884 in a summary way order the sums of sixty pounds six shillings and one penny Consolidated three pounds per centum annuities and one hundred and twenty-two pounds six shillings being the respective portions of the said sums of one hundred and sixty-six pounds fifteen shillings and fourpence Consolidated three pounds per centum annuities and two hundred and ninety-three pounds applicable to such of the Tramways by the Order of 1883 and the Order of 1884 respectively authorised as are by this Order required to be abandoned together with any dividends or interest due and payable on such portions respectively to be paid out or transferred to the said Promoters or to any person or persons whom they may appoint in that behalf and thereupon the said sums of sixty pounds six shillings and one penny Consolidated three pounds per centum annuities and one hundred and twenty-two pounds six shillings together with any such dividends or interest shall be so paid out or transferred as aforesaid.

Compensation
to be made in
respect of
tramways
abandoned.

(8.) The abandonment under the authority of this Order of the said tramways and portion of tramway by this order required to be abandoned and the payment out or transfer in manner hereinbefore provided of the said portions of the said deposits applicable in respect thereof shall not prejudice or affect the right of any road authority to compensation for any expense incurred by them in taking up any tramway or materials connected therewith placed by the Promoters of the Order of 1883 or of the Order of 1884 in or on any road vested in or maintainable by such road authority and in making good any damage caused to such roads by the construction or abandonment of such tramways and portion of tramway respectively.

For protection
of the Post-
master-
General.

3. In the event of any tramways of the Promoters of the Order of 1884 being worked by electricity the following provisions shall have effect:—

(1.) It shall not be lawful for the said Promoters to lay down any line or rail or to do any act or work for working the said 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 said 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 said 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.

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- (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 said 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 said Promoters or their agents the said 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 said 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 said 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.

4. Notwithstanding anything in this Order contained the Promoters of the Order of 1884 and any person using the tramways authorised by the Order of

Saving for
general Acts.

A.D. 1888. 1883 or by the Order of 1884 shall be subject and liable to the provisions of any general Act now in force or which may hereafter be passed during this or any future Session of Parliament relating to tramways or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon and to any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by the said Orders 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.

Liverpool Corporation.

LIVERPOOL CORPORATION TRAMWAYS.

Order authorising the use of steam electrical or any mechanical power on certain portions of the Tramways authorised by the Liverpool Tramways Act 1868 and the Liverpool Tramways Act, 1871.

Short title. 1. This Order may be cited as "The Liverpool Corporation Tramways Order 1888."

Interpretation. 2. In this Order—
The expression "the Corporation" means the Mayor Aldermen and Citizens of the city of Liverpool in the county of Lancaster acting by the council:
The expression "the said Tramways" means such of the Tramways authorised and constructed under the provisions of The Liverpool Tramways Act 1868 and The Liverpool Tramways Act 1871 as are within the city of Liverpool and which Tramways were subsequently purchased and reconstructed by the Corporation : and
The expression "the Order of 1883" means the Liverpool Corporation Tramways (Extensions) Order 1883.

The Promoters. 3. The Corporation shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Motive power. 4. The carriages used on the said Tramways may subject to the provisions of this Order be moved by animal power and during such period not exceeding seven years from the passing of the Act confirming this Order as the Promoters by writing under the hand of the Town Clerk of Liverpool may specify and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any Order signed by a secretary or assistant secretary of the said Board by steam or electrical power or by any mechanical power including haulage by means of wire ropes or cables placed underground and worked by stationary engine power :

Provided always that no steam electrical or mechanical power shall be used upon the following portions of tramway without the previous consent in writing of the Board of Trade (namely) :

In Scotland Road between the intersections of Lawrence Street and Hare Place :

In Renshaw Street between the passing loop at Newington and the intersection of Benson Street : A.D. 1888.

In Great George Street between a point one hundred feet north of the intersection of Sankey Street and St. James Market : *Liverpool Corporation.*

In St. James Place between the intersection of Stanhope Street and Hill Street :

In Park Road between the intersections of Warwick Street and Ullet Road :

In Ullet Road for a distance of two hundred and seventy feet east of the intersection of Park Road :

Provided further that the exercise of the powers hereby conferred with respect to the use of steam electrical or any mechanical power shall be subject to the regulations set forth in Schedule A. to the Order of 1883 annexed and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam electrical or mechanical power on the said Tramways :

Provided also that the lessees under any lease made by the Promoters shall not use steam electrical or any mechanical power on the said Tramways or any part thereof unless they are authorised to do so by special permission of the Promoters signified by writing under the hand of the Town Clerk of Liverpool addressed to such lessees (which permission the Promoters are hereby authorised to give) and the Promoters may with the consent of the Board of Trade and subject to the provisions of this Order attach to such special permission such conditions and restrictions (not being inconsistent with the provisions of this Order) as they may in each case think fit.

5. The following provisions of the Order of 1883 (that is to say) sections seventeen to twenty-one (both inclusive) and Schedule A to the said Order annexed shall apply to the said Tramways in like manner in every respect as if the said Tramways formed part of the Tramways authorised by the Order of 1883 and as if electrical power were expressly mentioned therein as well as steam or any mechanical power and for the purposes of such application the expressions "the lessees" "the Tramways" and "this Order" in the said provisions shall be construed to mean respectively the lessees of the said Tramways under any lease made by the Promoters the said Tramways as defined by this Order and this Order. Extending to this Order certain provisions of the Order of 1883.

6. (1.) The lessees or persons by whom any of the said Tramways are worked (all of whom are in this section included in the expression "the lessees") if required by the Postmaster-General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires ; provided as follows :— Carrying of mails by lessees.

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

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

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

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

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

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

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

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

(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.

For protection of the
Postmaster-
General.

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

(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 :

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- (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.

18. Notwithstanding anything in this Order contained the Promoters and any person using the said 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

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[Ch. xcv.]

Tramways Orders Confirmation
(No. 2) Act, 1888.

[51 & 52 VICT.]

A.D. 1888.

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under the authority of Parliament of the maximum rates of tolls and charges authorised 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.

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