

[60 & 61 VICT.] *Tramways Orders Confirmation (No. 3)* [Ch. cliii.]
Act, 1897.



CHAPTER cliii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Middlesbrough Stockton-on-Tees and Thornaby Tramways Yarmouth and Gorleston Tramways Extension and York Tramways. A.D. 1897.
[6th August 1897.]

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 said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

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

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

1. This Act may be cited as the Tramways Orders Confirmation (No. 3) Act 1897. Short title.

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

3. The Promoters mentioned in the said Orders shall not in the exercise of the powers of this Act or of the said Orders purchase or acquire in any city borough or other urban district or in any Protection of houses of labouring class.

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A.D. 1897. — parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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

SCHEDULE.

LIST OF ORDERS.

MIDDLESBROUGH STOCKTON-ON-TEES AND THORNABY TRAMWAYS.—Order authorising the Imperial Tramways Company Limited to construct Street Tramways in Middlesbrough Stockton-on-Tees and Thornaby and the neighbourhood thereof and for other purposes.

YARMOUTH AND GORLESTON TRAMWAYS EXTENSION.—Order authorising the Yarmouth and Gorleston Tramways Company Limited to construct an Extension Tramway in the borough of Great Yarmouth and for other purposes.

YORK TRAMWAYS.—Order authorising the use of electrical and mechanical power (other than steam) on authorised and constructed Tramways and for other purposes.

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*Order authorising the Imperial Tramways Company Limited to
construct Street Tramways in Middlesbrough Stockton-on-Tees
and Thornaby and the neighbourhood thereof and for other
purposes.*

1. This Order may be cited as the Middlesbrough Stockton-on-Tees and Thornaby Tramways Order 1897. Short title.

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

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

The expressions "the tramways" and "the undertaking" shall mean respectively the tramways and works and the undertaking by this Order authorised and the undertaking shall include any tramways works and lands the Promoters may purchase acquire appropriate or hold for the purposes of the Undertaking.

Promoters.

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

5. The Promoters may by agreement from time to time purchase and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell or dispose of any such lands which may not be necessary for such purposes provided that they shall not at any time hold for such purposes more than five acres of land but nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken under the powers of this section. Lands by
agreement.

Construction of Tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates sleepers posts tubes wires apparatus works and conveniences connected therewith or incidental thereto and may work and use the same. Construction
of tramways.

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The tramways authorised by this Order are—

Tramway No. 1 wholly in the parish of Middlesbrough in the north riding of the county of York commencing in Ferry Road at or near a point in a line with the south side of Vulcan Street and proceeding thence in a southerly direction along Durham Street Cleveland Street Queen's Square Exchange Place Albert Road Grange Road West and Linthorpe Road and terminating in that road at or near a point in a line with the north side of Benson Street.

Tramway No. 1 shall be laid as a double line throughout except at the following place where it will be a single line (that is to say):—

In Grange Road West between 3 yards or thereabouts westward from the west side of Albert Road and 6 yards or thereabouts eastward from the east side of Linthorpe Road.

The total length of Tramway No. 1 is 1 mile 5 furlongs and 3·09 chains of which 1 mile 4 furlongs and 6·64 chains is double line and 6·45 chains is single line.

Tramway No. 2 wholly in the parish of Middlesbrough commencing in Albert Road by a junction with Tramway No. 1 at a point 6 yards or thereabouts measured in a northerly direction from the north side of Corporation Road and passing thence into and along Corporation Road and Newport Road and terminating in that road at a point in line with the north-east side of Heywood Street.

Tramway No. 2 shall be laid as a single line throughout except at the following places where it will be a double line (that is to say):—

(A) In Albert Road Corporation Road and Newport Road between commencement of tramway and west side of Boundary Road In Newport Road (B) between north-west corner of Farrer Street and north-east side of Calthorpe Street (C) Between 20 yards and 86 yards or thereabouts south-westward from the west side of St. Paul's Road (D) Between 13 yards and 79 yards or thereabouts south-westward from west side of Victoria Street (E) For a distance of 66 yards or thereabouts north-eastward from the termination of tramway.

The total length of Tramway No. 2 is 1 mile and 4·50 chains of which 3 furlongs and 3·61 chains is double line and 5 furlongs and 0·89 chain is single line.

Tramway No. 2 A wholly in the parish of Middlesbrough a double line 1·30 chains in length commencing in Corporation Road by a junction with Tramway No. 2 at a point 5 yards or thereabouts west of the west side of Albert Road passing thence in an easterly direction across Albert Road and terminating in Corporation Road by a junction with Tramway No. 5 herein-after described at a point 5 yards or thereabouts measured in an easterly direction from the east side of Albert Road.

Tramway No. 2 B wholly in the parish of Middlesbrough a single line 9·20 chains in length commencing in Newport Road by a junction with Tramway No. 2 at the point of termination of that tramway passing

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thence into and along Calvert Street and terminating in Samuelson Street Newport at a point 20 yards or thereabouts measured in a south-easterly direction from the south entrance to the footway leading by way of the footbridge over the North Eastern Railway to the Newport Ferry Landing Stage.

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Tramway No. 2 c wholly in the parish of Middlesbrough a single line 0·65 chain in length commencing in Newport Road by a junction with Tramway No. 2 at a point 12 yards or thereabouts measured in a westerly direction from the west side of Melbourne Street and terminating in the tramway dépôt situate in Newport Road.

Tramway No. 4 wholly in the parish of Middlesbrough commencing in Zetland Road at a point 33 yards or thereabouts measured in an easterly direction from the east side of Linthorpe Road passing thence along Zetland Road Exchange Place Marton Road and terminating in the last-named road at a point 23 yards or thereabouts measured in a southerly direction from the north side of Cargo Fleet Road.

Tramway No. 4 shall be laid as a double line throughout except at the following place where it will be a single line (that is to say) :—

Between 44 yards or thereabouts eastward of commencement of tramway and east side of Exchange Place.

The total length of Tramway No. 4 is 3 furlongs and 2·50 chains of which 2 furlongs and 7·65 chains is double line and 4·85 chains is single line.

Tramway No. 4A wholly in the parish of Middlesbrough a double line 0·85 chain in length commencing in Zetland Road by a junction with Tramway No. 4 at a point in line with the west side of Exchange Place passing thence into and along Zetland Road Exchange Place and terminating in the last-named place or road by a junction with Tramway No. 1 at a point 4 yards or thereabouts measured in a southerly direction from the south side of Zetland Road.

Tramway No. 5 wholly in the parish of Middlesbrough a double line 2 furlongs and 0·58 chain in length commencing in Albert Road by a junction with Tramway No. 1 at a point 4 yards or thereabouts measured in a southerly direction from the north side of the Corporation Hotel passing thence into and along Corporation Road and terminating in the last-named road at a point in line with the west side of Beech Street.

Tramway No. 6 wholly in the parish of Middlesbrough commencing in the Corporation Road at the point of termination of Tramway No. 5 passing thence along Marton Road and the North Ormesby Road and terminating in the last-named road at a point in line with the west side of Borough Road East.

Tramway No. 6 shall be laid as a double line throughout except at the following place where it will be a single line (that is to say) :—

In North Ormesby Road between 90 yards or thereabouts south-eastward of the commencement of tramway and 40 yards south-eastward of south-east side of Fidler Street.

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The total length of Tramway No. 6 is 2 furlongs and 8.02 chains of which 1 furlong and 8.42 chains is double line and 9.60 chains is single line.

Tramway No. 7 wholly in the parish of Middlesbrough commencing in Linthorpe Road at the point of termination of Tramway No. 1 passing thence along Linthorpe Road the Avenue the Crescent and Oxford Road and terminating in the last-named road at a point in line with the east side of Thornfield Road.

Tramway No. 7 shall be laid as a single line throughout except at the following places where it will be a double line (that is to say) :—

- (A) In Linthorpe Road for a distance of 25 yards or thereabouts southward from commencement of tramway (B) In the Avenue between 2 yards or thereabouts northward and 64 yards or thereabouts southward from the south side of Devonshire Road (C) In the Crescent between 106 yards and 40 yards or thereabouts north-eastward from north-east side of Cornfield Road In Oxford Road (D) between east side of Roman Road and 66 yards or thereabouts eastward therefrom (E) Between 140 yards and 206 yards or thereabouts westward from west side of Roman Road (F) For a distance of 66 yards or thereabouts eastward from the termination of tramway.

The total length of Tramway No. 7 is 5 furlongs and 6.40 chains of which 1 furlong and 6.15 chains is double line and 4 furlongs and 0.25 chain is single line.

Tramway No. 8 wholly in the parish of Middlesbrough commencing in Linthorpe Road by a junction with Tramway No. 1 at a point 3 yards or thereabouts measured in a northerly direction from the north side of Parliament Road passing thence into and along Parliament Road Leven Street and Newport Road and terminating in the last-named road by a junction with Tramway No. 2 at a point 5 yards or thereabouts measured in a south-westerly direction from the south-west side of Laws Street.

Tramway No. 8 shall be laid as a single line throughout except at the following places where it will be a double line (that is to say) :—

- In Parliament Road (A) between 40 yards or thereabouts south-eastward and 26 yards or thereabouts north-westward from west side of cemetery (B) Between east side of Essex Street and 66 yards or thereabouts south-eastward therefrom (C) Between 38 yards or thereabouts south-eastward and 28 yards or thereabouts north-westward from public footpath leading to Holt Street and Newport Road.

The total length of Tramway No. 8 is five furlongs and 2.55 chains of which 9 chains is double line and 4 furlongs and 3.55 chains is single line.

Tramway No. 8A wholly in the parish of Middlesbrough a single line 0.65 chain in length commencing in Parliament Road by a junction with Tramway No. 8 at a point in line with the west side of the Linthorpe

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Road passing thence into Linthorpe Road and terminating therein by a junction with Tramway No. 1 at a point 3 yards or thereabouts from the west side of Parliament Road.

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Tramway No. 8B wholly in the parish of Middlesbrough a single line 0·70 chain in length commencing in Newport Road by a junction with Tramway No. 2 at a point 13 yards or thereabouts measured in a north-easterly direction from the south-west side of Laws Street and terminating in Parliament Road at a point 17 yards or thereabouts measured in a south-easterly direction from the south-west corner of Laws Street.

Tramway No. 9 to be situate in the parishes of Middlesbrough Linthorpe and Thornaby-on-Tees all in the north riding of the county of York commencing in Newport Road at the point of termination of Tramway No. 2 passing thence along Newport Road Middlesbrough Road and Mandale Road and terminating in the last-named road by a junction with Tramway No. 10 herein-after described at a point 25 yards or thereabouts measured in an easterly direction from the west side of the Bonlea Hotel at Thornaby-on-Tees.

Tramway No. 9 shall be laid as a single line throughout except at the following places where it will be a double line (that is to say):—

In Newport Road (A) between 44 yards or thereabouts north-eastward and 22 yards or thereabouts south-westward from north end of Oswald Terrace (B) Between 282 yards and 348 yards or thereabouts south-westward from north end of Oswald Terrace (C) Between 609 yards and 675 yards or thereabouts south-westward from north side of Oswald Terrace (D) Between 580 yards and 514 yards or thereabouts north-eastward from centre of bridge over old River Tees (E) Between 252 yards and 186 yards or thereabouts north-eastward from centre of bridge over old River Tees :

In Middlesbrough Road (A) between 78 yards and 144 yards or thereabouts south-westward from centre of bridge over old River Tees (B) Between 9 yards and 75 yards or thereabouts south-westward from east side of Stanton Street (C) Between 240 yards and 374 yards or thereabouts south-westward from east side of Stanton Street (D) Between 195 yards and 129 yards or thereabouts north-eastward from east side of North Riding Brewery (E) In Middlesbrough Road and Mandale Road for a distance of 90 yards or thereabouts eastward from termination of tramway.

The total length of Tramway No. 9 is 1 mile 6 furlongs and 7·80 chains of which 3 furlongs and 4·10 chains is double line and 1 mile 3 furlongs and 3·70 chains is single line.

Tramway No. 10 situate in the parish of Thornaby-on-Tees in the north riding of the county of York and in the parish of Stockton-on-Tees and the parish and township of Norton in the county palatine of Durham commencing in the Mandale Road Thornaby-on-Tees at the point at which the existing rails of the Stockton tramways commence and passing thence into and along Mandale Road Bridge Street (crossing the Victoria Bridge) Bridge Road High Street Market Place Norton Road and High Street

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Norton and terminating in the last-named street at a point 16 yards or thereabouts measured in a southerly direction from the south side of the "Hambletonian Inn" Norton Green.

Tramway No. 10 shall be laid as a double line throughout except at the following place where it will be a single line (that is to say):—

In Norton Road between 13 yards or thereabouts southward and 47 yards or thereabouts northward from centre of bridge carrying Norton Road over the Lustring (Lustrom) Beck.

The total length of Tramway No. 10 is 3 miles and 2·87 chains of which 3 miles and 0·27 chain is double line and 2·60 chains is single line:

Provided that no part of the said tramway outside the borough of Stockton-on-Tees shall be opened for public traffic until the Promoters shall have widened that part of the Norton Road which lies between the boundary of the borough of Stockton-on-Tees and the White Swan Inn to a width throughout of not less than thirty-four feet between the fences and shall have formed metalled and consolidated the portion of the roadway so widened on both sides of the tramway to the satisfaction of the Durham County Council.

Tramway No. 10A wholly in the parish of Stockton-on-Tees a double line 2·10 chains in length commencing in Bridge Road Stockton-on-Tees by a junction with Tramway No. 10 at a point 41 yards or thereabouts measured in a south-easterly direction from the rails of the level crossing in the above-named Bridge Road and passing thence in a south-westerly direction along Bridge Road and into and along the approach road to the sidings and goods station of the North Eastern Railway and terminating in the tramway depôt situate in the last-named road.

All the tramways herein-before described will be made or pass from in through or into the parishes townships and extra-parochial places following or some of them (that is to say)—Middlesbrough Linthorpe and Thornaby-on-Tees in the north riding of the county of York and Stockton-on-Tees and Norton in the county of Durham.

For the purposes of and in connexion with such of the tramways as are laid in and along streets or roads in which any existing tramways are situate the Promoters may take up and remove and may appropriate and use so much of the existing tramways as may be practicable or expedient:

Provided always that the Promoters shall not enter upon take up remove appropriate use or in any manner interfere with any part of the tramways works depôts or undertaking belonging to the Stockton and Darlington Steam Tramways Company Limited until they shall have purchased and acquired the same.

*Gauge of
tramways.*

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

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8. The following provisions shall have effect for the protection and benefit of the mayor aldermen and burgesses of the borough of Middlesbrough (in this section called "the corporation") :—

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(1) The Promoters shall pay to the corporation the following sums :—

(A) A sum of three thousand pounds towards the cost of raising the streets or roads or for the improvement of the levels of the streets or roads in which the tramways are authorised to be laid such sum to be due and payable on the date of the passing of the Act confirming this Order :

For the pro-
tection of the
corporation of
Middles-
brough.

(B) An annual payment of three hundred pounds as compensation to the corporation for the loss of dues at the Newport Landing Such payment shall commence to accrue as soon as the portion of the tramways from Middlesbrough to Thornaby shall be opened for public traffic.

On the first quarter day thereafter the Promoters shall pay to the corporation a sum proportionate to the period which shall have elapsed since the opening aforesaid and thenceforward on each of the four usual quarter days the Promoters shall pay to the corporation the sum of seventy-five pounds.

If the Promoters fail to make any payment under this sub-section on the day when the same shall be payable they shall pay interest from that day on the sum due at the rate of five pounds per centum per annum until the day of payment.

(2) The Promoters shall pave the portions of roadway which they are by section 28 of the Tramways Act 1870 required to maintain with granite or whinstone setts or scoriæ bricks as the corporation may determine five inches deep laid on a concrete bed not less than six inches in depth Provided that at any point or points on the portion of the main road from Middlesbrough to Thornaby within the borough of Middlesbrough where in the joint opinion of the borough surveyor and the Promoters' engineer it is necessary that a concrete foundation should be laid more than six inches in thickness such additional depth of concrete as may be requisite shall be laid by the Promoters at their own cost.

9. The following provisions shall have effect for the protection and benefit of the mayor aldermen and burgesses of the borough of Stockton-on-Tees (in this section called "the corporation") :—

For the pro-
tection of the
corporation of
Stockton-on-
Tees.

(1) The Promoters shall at their own cost pave so much of the roadway as lies in front of the east side of the Town Hall at Stockton-on-Tees for its entire width between the kerbs with wood blocks to be approved by the corporation :

(2) Such alterations of the contours and levels of the roads in the borough of Stockton-on-Tees as the laying of the tramways may necessitate shall be executed by and at the expense of the Promoters and be carried out to the satisfaction of the corporation :

(3) The Promoters shall pave the portions of roadway which they are by section 28 of the Tramways Act 1870 required to maintain (except such portions as are herein-before required to be paved with wood) with granite

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or whinstone setts five inches deep laid on a concrete bed not less than six inches in depth.

10. The following provisions shall have effect for the protection and benefit of the mayor aldermen and burgesses of the borough of Thornaby-on-Tees (in this section called "the corporation") :—

(1) If at any time the Promoters shall find it necessary to establish an additional generating station such station shall unless the corporation otherwise agree in writing be placed by them in the borough of Thornaby-on-Tees (in this section called "the borough")—

(2) Subject to the provisions of this Order the Promoters shall construct the tramways within the borough so that the upper surface of the rails shall be at a level to be approved by the corporation. Such consequent alterations of the contours and levels of the roads in the borough as the laying of the tramways may necessitate shall be executed by and at the expense of the Promoters and be carried out to the satisfaction of the corporation :

(3) Save as next herein-after provided the Promoters shall pave the portions of roadway which they are by section 28 of the Tramways Act 1870 required to maintain with granite or whinstone setts five inches deep laid on a bed of concrete not less than six inches in depth. For a distance of sixty yards extending from the eastern end of the wood pavement of the railway bridge eastward in front of and past the town hall at Thornaby the Promoters shall pave the entire width of the roadway with wood blocks of a like depth laid on a bed of concrete of the same depth as aforesaid the corporation undertaking thereafter at their own expense to maintain and repair all such wood pavement as lies outside of the tramway lines :

(4) At any point or points on the portion of the main road from Thornaby to Middlesbrough within the borough where in the joint opinion of the borough surveyor and the Promoters' engineer it is necessary that a concrete foundation should be laid more than six inches in depth such additional depth of concrete as may be requisite shall be laid by the Promoters at their own cost.

For the protec-
tion of the
North Riding
of Yorkshire
County Council
and of the
Middlesbrough
Rural District
Council.

11. The following provisions shall have effect within the districts and for the protection and benefit of the North Riding of Yorkshire County Council and of the Middlesbrough Rural District Council who are in this section called "the said councils" and their districts "the districts" :—

(1) The Promoters shall pave so much of the roadway between the rails of the tramway within the districts respectively and such portions thereof as they are required by the twenty-eighth section of the Tramways Act 1870 to maintain and where the tramway is laid as a double line the whole space between the double lines with granite or whinstone setts not less than five inches deep laid on a bed of concrete not less than six inches in depth. Provided always that at any parts of the public road between the boroughs of Thornaby and Middlesbrough within the districts respectively where in the opinion of the surveyors of the said councils or either of them and of the Promoters' engineer it is necessary that the bed of concrete should be laid of a greater depth than six inches such additional depth of

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concrete as may be requisite shall be laid by the Promoters or as in case of difference between the said surveyors or either of them and the said engineer shall be determined by the Board of Trade who shall have power to direct by whom the costs of and incident to the reference shall be paid :

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- (2) The reasonable costs and expenses incurred by the said councils respectively in directing or superintending any of the works executed by the Promoters in the district shall be paid by the Promoters and be recoverable by the said councils respectively from the Promoters in any court of competent jurisdiction.

12. The following provisions shall have effect within the district and for the protection and benefit of the Stockton Rural District Council who are in this section called "the council" and their district "the district" :—

For the protec-
tion of the
Stockton Rural
District
Council.

- (1) Such alterations of the contours and levels of the roads in the district as the laying of the tramways may necessitate shall be executed by and at the expense of the Promoters and be carried out to the satisfaction of the council or their surveyor :
- (2) The portion of the road required to be maintained by the Promoters in the district shall be paved with granite or whinstone setts not less than five inches deep as the council may direct and the setts shall be laid on a bed of concrete not less than six inches in depth :
- (3) No part of the tramways shall be opened for public traffic until the Promoters shall have widened Norton Road for a length of thirty-three yards or thereabouts southward from the White Swan Norton to a width throughout of not less than thirty-three feet eight inches and acquired the land for the purpose and shall have formed metalled and consolidated the portion of the roadway so widened on both sides of the tramway to the satisfaction of the council :
- (4) All reasonable costs incurred by the council in directing or superintending any works executed by the Promoters shall be paid to the council and be recoverable as a debt due to them from the Promoters in any court of competent jurisdiction.

13. For the protection of the North Eastern Railway Company (herein-after called "the company") the following provisions shall apply and have effect :—

For the protec-
tion of the
North Eastern
Railway
Company.

- (1) The Promoters shall not in any way alter or interfere with the structure of any bridge carrying any road over any railway of the company or of the approaches thereto and they shall so construct and maintain the tramways and all works connected therewith over such bridge and the approaches thereto as not injuriously to affect the same :
- (2) In the relaying or construction as the case may be of the Tramway No. 10 across the rails of the railway company now laid upon the level of Bridge Road at the St. John's level crossing and in the execution and maintenance of works in connexion therewith authorised by this Order the same shall be relaid constructed executed and maintained as the case may be in accordance with a plan to be agreed upon by the engineers for the time being of the company and of the Promoters and under the superintendence and to the reasonable satisfaction of the engineer for the time being of

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the company and such works shall be carried out under the superintendence of the said engineer at the cost of the Promoters unless after seven days' notice given by the Promoters of their intention to commence such works such superintendence is refused or withheld and the said tramway at the said level crossing and the said works in connexion therewith including the roadway between the rails of the tramways and so much of the road as extends eighteen inches beyond the rails of and on each side of the tramways shall be maintained and kept in constant and efficient repair by the Promoters :

- (3) The Promoters shall not stop their carriages on or otherwise interfere with or obstruct the traffic of the company on the said level crossing and the traffic of the company shall at all times have precedence of the traffic of the Promoters subject to such rules byelaws and regulations relating thereto as shall be agreed upon between the Promoters and the company and the local authority or in case of difference settled by the Board of Trade :
- (4) In the event of any injury or damage being caused to any such bridge or approaches or the railway or works of the company by the construction maintenance repairing user or removal of any of the said tramways and works the company may at the expense of the Promoters make good the same and restore such bridge and approaches railways and works or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury or damage was occasioned and the Promoters shall indemnify the company against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge and approaches as the Promoters are liable to maintain and repair under section 28 of the Tramways Act 1870 or under this section and the company may recover from the Promoters all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered :
- (5) Whenever and so often as the company shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or approaches or to widen or alter their railways or to substitute a bridge for the said level crossing or to repair renew or alter the gates of the said level crossing and their connexions and they shall find it necessary for effecting any of such purposes that the working and user of any of the said tramways over such bridge or approaches or level crossing shall be wholly or partly stopped or delayed or that such tramways shall be temporarily diverted or be wholly or in part taken up or removed and shall except in cases of emergency give to the Promoters seven clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramways shall be stopped or delayed or such tramways shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer (if such engineer shall give such superintendence) but only for so long as the company may find it to be absolutely necessary for effecting such purpose and the company shall not be liable for any compensation claims demands

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damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto :

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(6) In case the engineer of the company shall be of opinion that any strengthening or reconstruction of any bridge is desirable or necessary owing to the carriages or other vehicles on any of the said tramways being or being intended to be moved by electrical or any mechanical power such strengthening shall be effected in all things at the expense of the Promoters who shall also pay to the company all additional expense which they may incur or be put to in effecting any such widening lengthening strengthening reconstructions alterations repairs lifting or supporting by reason of the existence of the tramway so passing or any of the works connected therewith the amount of such expenditure to be recoverable as aforesaid by the company from the Promoters with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered :

(7) All works which may be necessary in constructing and maintaining any of the said tramways and works over any bridge works or property of the company shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the engineer of the company or in case of difference of an engineer to be appointed by the Board of Trade on the application of the company or the Promoters :

(8) If any difference shall under this Order arise between the Promoters and the company the matter in difference shall unless otherwise agreed be determined (save where by this section otherwise provided) by the Board of Trade whose decision shall be final.

14. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act.

*Provisions
to construction
of tramways.*

15. The rails of the tramways shall be such as the Board of Trade may approve and the Board of Trade may from time to time upon the application of the local authority or road authority 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.*

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

16. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of which any of the tramways for the time being consist and the sub-structure upon which the same rest and if the Promoters at any time make default in complying with this provision or with any of the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act.

In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are by this section imposed.

Road autho-
rity may repair
tramway on
default of
Promoters.

17. If and in any case where the Promoters fail to maintain the whole or any portion of the tramways and that part of the road which under this Order and the Acts incorporated herewith is by them repairable in proper and efficient repair the road authority in addition to any other remedy they may have shall have power themselves to do any necessary works on behalf of and at the expense of the Promoters and to recover the cost of such works from the Promoters as a debt due in any court of competent jurisdiction.

Sanitary autho-
rity to have
access to
sewers.

18. Every sanitary 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 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the sanitary authority as if the same were a pipe for the supply of gas or water.

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

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

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

20. The Promoters may subject to the provisions of this Order with the consent of the local authority and of the road authority from time to time hereafter make maintain alter and remove all such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient to the efficient working of the tramways or any of them or for providing access

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to any stables or carriage-houses sheds or works of the Promoters Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice in writing of their intention express their objection thereto.

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

Temporary tramways may be made when necessary.

If any difference arises between the Promoters and any road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway or temporary tramways under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

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

Application of road materials excavated in construction of Promoters' works.

23. The Promoters and any road authority may subject to the provisions of this Order from time to time enter into any agreements with respect to the construction maintaining removing renewing repairing and using of the

Agreements between Promoters and road authorities.

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A.D. 1897. tramways situated within the district of such road authority and the rails plates sleepers and works connected therewith and the facilitating of the traffic over the same.

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

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

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 by the Board of Trade.

Motive Power.

25. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power or electrical power applied on the overhead system in a manner approved by the Board of Trade or on such other system as may be approved by the Board of Trade and the local authority :

Provided that the exercise of the powers hereby conferred with respect to the use of electrical power shall be subject to the regulations set forth in the First 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 electrical power on the tramways :

Provided further that save under exceptional and temporary circumstances animal power shall not be used on the tramways.

Generating
stations.

26. The Promoters may use the lands belonging to them and herein-after described for the purposes of a station or stations for generating electrical energy and may erect maintain and use thereon such buildings engines dynamos and other machinery apparatus works and conveniences as may be necessary or suitable for those purposes (that is to say) :—

The existing depôt of the Promoters and lands held in connection therewith situate in the parish of Middlesbrough on the south side of the Newport Road and between the junction of Parliament Road and Leven Street and Melbourne Street :

The existing depôt of the Promoters and lands held in connection therewith situate in the parish of Stockton-on-Tees on the south-east side of the approach road to the North Eastern Railway Company's sidings and goods station to the north-east of the railway level crossing in Bridge Road.

Works for
applying
electrical
power.

27.—(1) The Promoters may (subject to the provisions of this Order) from time to time enter upon and open the surface of and may lay down construct erect and maintain on in under or over the surface of any road such posts or columns feeding cables wires tubes mains plates boxes and apparatus and may make and maintain such openings posts wires tubes or ways in on under or over any such surface as may be necessary or convenient either for the working of the tramways or for providing access to or forming connexions with any engines machinery or apparatus or for connecting any portions of such tramways Provided always that all such works shall for all purposes of section 30 of the Tramways Act 1870 be deemed to be works of a tramway.

(2) With regard to the said posts or columns including the arms or brackets thereof the following provisions shall have effect :—

(A) Their position and design shall be subject to the approval of the local authority.

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(B) They may be used by the local authorities for lighting and other public purposes free of charge.

(C) They shall not be used for purposes of advertising.

(3) If in any case the position of any of the works by this section authorised or of any passing place is such as to cause public danger or inconvenience the local authority may require the Promoters to move the said works or passing place nearer to or to a greater distance from the centre of any road or from one side thereof to the other or from one portion thereof to another as the case may be and the Promoters shall thereupon at their own expense and subject to the provisions of this Order as to passing places alter the position of the said works or any of them accordingly. Any difference between a local authority and the Promoters under this sub-section shall be determined in the manner by section 33 of the Tramways Act 1870 and this Order provided.

(4) If the Promoters shall discontinue the use of any posts or columns brackets or overhead electric wires placed or maintained in or over any road for supplying electrical motive power or if the right of the Promoters to use the electricity supplied by means of such columns posts brackets or overhead wires shall cease and determine the Promoters shall forthwith at their own cost remove such posts or columns brackets and wires and shall restore and make good such streets and roads to the satisfaction of the local authority and in case of default by the Promoters the local authority may do the work themselves and the cost thereof shall be a debt due from the Promoters and be recoverable by the local authority in any court of competent jurisdiction.

28. The Promoters or any person using electrical power on any of their tramways contrary to the provisions of this Order or to any of the regulations set forth in the First Schedule to this Order annexed or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues after conviction thereof. Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters or any person using electrical power on their 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 First Schedule to this Order annexed or with any regulation which may have been added thereto or substituted therefor as aforesaid or in case the said Board is satisfied that the use of such power is a danger to the passengers or the public 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.

29. 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

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Penalty for
using electrical
power contrary
to Order or
regulations.

Byelaws by
Board of
Trade.

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A.D. 1897. regard to the tramways for all or any of the following purposes (that is to say):—

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

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

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

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

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

*As to recovery
of penalties.*

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

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

31. 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 tramways shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Order or by any regulation made by the Board of Trade under the authority of this Order at which carriages are to be driven or propelled on such tramways under the authority of this Order but the local authority may if they think fit make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

*Orders and
byelaws to be
signed &c.*

32. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board of Trade and when purporting to be so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly.

*Restrictions on
use of electri-
cal power.*

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

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

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

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- (3) The powers by this Order conferred with respect to the use of electrical power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations") and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return ;
- (4) If the Promoters use electrical power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof. Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters in the use of electrical power under the authority of this Order have made default in complying with the provisions of this Order or with any of the prescribed regulations or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electrical power and thereupon the Promoters shall cease to use electrical power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order ;
- (5) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus. Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking. Provided also that at the expiration of two years from the passing of the Act confirming this Order nothing in this sub-section shall operate to give

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any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Promoters and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be ;

- (6) The expression "the Promoters" in this section shall include their lessees and the licencees and any person owning working or running carriages over any tramways of the Promoters.

For protec-
tion of the
Postmaster-
General.

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

- (1) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Promoters have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator ;
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection ;
- (3)—(A) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made

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by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;

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

- (4) 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 ;
- (5) 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 ;
- (6) 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 ;
- (7) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section ;
- (8) The expression " electric line " has the same meaning in this section as in the Electric Lighting Act 1882 ;
- (9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 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 ;
- (10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid ;
- (11) In this section the expression " the Promoters " includes their lessees and the licencees and any person owning working or running carriages on any of the tramways of the Promoters and the expressions " tramways "

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Traffic upon
tramways.*

Promoters not
bound to carry
animals goods
&c.

Local autho-
rity may use
tramways for
certain
purposes.

Promoters to
run regular
daily services
of cars.

Tolls for
passengers.

As to fares on
Sundays and
holidays.

Passengers'
luggage.

and "undertaking" include any tramways owned worked or used by the Promoters.

Traffic upon Tramways.

35. Subject to the provisions of this Order the tramways may be used for the purpose of carrying passengers goods minerals and parcels only Provided always that goods and minerals shall not be conveyed nor shall carriages trucks or waggons adapted for use upon railways be used upon the tramways within the district of any local authority without the consent of such local authority and then only during such hours as shall be by them prescribed in writing.

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

37. The local authority of any district in which any of the tramways are laid may during the hours when passenger traffic is suspended or between the hours of midnight and five o'clock in the morning whichever period be the longer use any of the tramways for the conveyance of scavengering stuff night soil slop dust road metal and other materials or things free of all tolls and charges by the Promoters in respect of such user and the local authority may make such junctions sidings and works as they think necessary for forming connexions between any tramways they may make into their depôts and yards and the tramways.

38. The Promoters shall run over the entire system of tramways by this Order authorised to be constructed a sufficient and regular daily service of cars and if any difference arise between the local authorities or any of them and the Promoters as to the sufficiency of the service upon the system or any part of the system the same shall from time to time be determined by a fit person to be appointed by the Board of Trade upon the application of any or either of the parties and the decision of the referee shall be given effect to by the Promoters or in default the Promoters shall be liable to a penalty of five pounds for every day during which the default continues and every penalty may be recovered summarily by any local authority interested The expenses of the reference shall be borne and paid as the referee directs.

Tolls.

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

40. It shall not be lawful for the Promoters or any company or person working or using the tramways to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

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

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

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*Middlesbrough
 Stockton-on-
 Tees and
 Thornaby.*

Cheap fares
 for labouring
 classes..

42. 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 daily labourers clerks and shop assistants at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any toll or charge less than one penny) Provided also that in case of any complaint made to the Board of Trade as to the hours appointed by the Promoters for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

43. The Promoters may demand and take in respect of any goods or 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 of waggons or trucks and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding the tolls and charges specified in the Second Schedule to this Order annexed subject to the regulations in that behalf therein contained.

Tolls for
 goods &c.

44. 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 byelaws made under section 46 of the Tramways Act 1870 appoint.

Payment of
 tolls.

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

Periodical
 revision of
 tolls.

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Miscellaneous.

*Middlesbrough
Stockton-on-
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Thornaby.*

Power to hold
patents.

Power to agree
for a supply of
electrical energy
by other com-
panies &c.

As to accounts
and division
of profits.

46. 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 or any licences to use patent rights relating to electrical power.

47. The Promoters may from time to time enter into and carry into effect agreements with any local authority or person for the supply by such local authority or person of electrical energy for the purposes of this Order.

48. The Promoters shall keep at their principal office within the districts of the local authorities full and accurate accounts (both in respect of capital and revenue) of the undertaking separate from the accounts of any other undertaking with which the Promoters may be connected and such accounts with all books papers and vouchers thereto belonging or relating shall at all reasonable times be open to the inspection of any of the local authorities or of any joint committee appointed by such local authorities or of any officer or expert appointed by them or any of them or by any such joint committee. At least one-third of the capital outlay required for the undertaking shall be raised by borrowing on mortgage of the undertaking and at a rate not exceeding five per centum per annum or if not so raised shall as between the local authority and the Promoters be held to have been so raised. If in any financial year the net profits of the undertaking shall after paying or allowing for interest at a rate not exceeding five per centum on the money borrowed or held to be borrowed as aforesaid be more than sufficient to pay a dividend at the rate of eight per centum per annum on so much of the said capital outlay as shall not be raised or be deemed to be raised by borrowing as aforesaid (in this and the next following section referred to as "the capital of the undertaking") such a sum as represents the excess above eight per centum shall be carried to a separate fund. Such separate fund as to one moiety thereof shall belong to the Promoters and the other moiety shall be divided among the local authorities of the districts in and through which the tramways run in the proportion which the assessment of the undertaking to the poor rate in each district bears to the poor rate assessment of the entire undertaking.

A copy of every half-yearly balance sheet of the accounts of the Promoters relating to the undertaking shall within seven days after the same shall have been approved at a general meeting of the Promoters be forwarded to the several local authorities by the Promoters.

As to future
joint purchase
of undertaking
by local
authorities.

49. In reference to the future joint purchase of the undertaking by the local authorities the following provisions which shall be in addition to and not in substitution for any other powers contained in the Tramways Act 1870 incorporated with this Order shall have effect:—

- (1) At the expiration of seven years from the opening of the undertaking for public traffic or from the first day of May one thousand eight hundred and ninety-nine whichever shall first happen and within six months thereafter and again at the expiration of fourteen years from the same date and within six months thereafter the corporations of Middlesbrough Stockton-on-Tees and Thornaby-on-Tees and the parish councils of Linthorpe and Norton (in this section called "the combined local authorities") may require the Promoters to sell and if they so require the Promoters shall thereupon sell the undertaking with all the rails plates sleepers posts tubes

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feeding cables wires apparatus works and conveniences connected therewith or incidental thereto and all lands buildings machinery materials carriages and plant suitable to or used by the Promoters for the purposes of the undertaking to the combined local authorities :

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Tees and
Thornaby.*

- (2) The resolutions of the combined local authorities shall be passed at special meetings of the said local authorities in the same manner and subject to the same conditions as to validity as resolutions in regard to the purchase authorised by section 43 of the Tramways Act 1870 :
- (3) The combined local authorities may pay the purchase money and all expenses incurred by them respectively in making such purchase out of the like fund or rate and for such purposes shall have all such powers and be subject to all such conditions as if such purchase were made under the authority of section 43 of the Tramways Act 1870 :
- (4) The purchase money to be paid to the Promoters in respect of any purchase under this section shall consist solely of the following sums with no allowance for goodwill compulsory sale or in any other respect whatsoever:—
 - (a) A sum equal to the entire capital outlay of the Promoters in and upon the undertaking :
 - (b) Such a sum as shall represent the difference between a dividend of five pounds per centum per annum upon the capital of the undertaking and the net profits of the undertaking (if they exceed such five per centum) to which the Promoters shall under the last preceding section of this Order be entitled and after making all proper allowance for repairs renewals and depreciation for the financial year last preceding the requisition to sell when multiplied by the number of years and fraction of a year intervening between the date of the said requisition and the date of the expiration of a term of twenty-one years calculated from the date of the opening of the undertaking for public traffic or the first day of May one thousand eight hundred and ninety-nine whichever shall have first happened :
- (5) Any difference which may arise under this section between the Promoters and the combined local authorities or any of them shall be determined by an engineer or other fit person appointed as referee by the Board of Trade as though it were a difference under section 43 of the Tramways Act 1870.

50. The Agreement set forth in the Third Schedule to this Order is hereby confirmed and made binding on the parties thereto respectively Provided that the Promoters shall pay the two several sums of nine thousand pounds and two thousand pounds mentioned in the third clause of the said agreement into the High Court to the credit of the action *Manuelle v. The Stockton and Darlington Steam Tramways Company Limited 1888 M. 2330* and *Re The Stockton and Darlington Steam Tramways Company Limited and Companies Acts* instead of to William James Carruthers Wain named in the said agreement.

Confirming
scheduled
agreement.

51. 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

Provisions as
to arbitration.

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

Form and
delivery of
notices.

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

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

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

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

Saving as to
powers of
borrowing on
mortgage.

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

Saving for
general Acts.

55. Nothing in this Order contained shall exempt the Promoters or any person using the tramways or the tramways from 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 or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by this Order or from any condition regulation or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power electric power or any other mechanical power by any such general Act as aforesaid.

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FIRST SCHEDULE.

*Middlesbrough
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Thornaby.*

As to
carriages.

Every carriage used on the tramways shall be fitted—

With such mechanical appliances for preventing the motive power of such carriages from operating and for bringing such carriages to a stand as the Board of Trade may from time to time think sufficient ;

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 carriage so placed in front thereof as to command the fullest possible view of the road before him.

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 used for propelling such carriage.

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

Inspection of
engines and
carriages.

The speed at which carriages may be propelled along the tramways shall not without the consent of the Board of Trade exceed the rate of eight miles an hour.

As to speed.

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

SECOND SCHEDULE.

TOLLS AND CHARGES FOR GOODS &c.

Goods and Minerals.

Per Mile.

s. d.

For all coal coke culm charcoal cannel limestone chalk lime salt sand 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 slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway chairs - per ton 0 2½

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	Per Mile.	
	s.	d.
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 - - - - -	1	0

Small Parcels.

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

Single Articles of Great Weight.

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

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

Regulations as to Rates.

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 quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

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

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

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THIRD SCHEDULE.

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*Middlesbrough
Stockton-on-
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Thornaby.*

THIS AGREEMENT made the fourth day of November one thousand eight hundred and ninety-six between William James Carruthers Wain of 18 Eldon Street in the City of London of the one part and the Imperial Tramways Company Limited (herein-after called the Company) of the other part Whereas the said William James Carruthers Wain is the Receiver appointed by the Court in an action brought by the Debenture Holders of the Stockton and Darlington Steam Tramways Company Limited and as such Receiver has by leave of the Court borrowed a sum of one thousand five hundred pounds for the purpose of reconstruction of portions of the permanent way and has also incurred various legal expenses in connexion with the Receivership.

Now it is hereby agreed as follows :—

1. The said William James Carruthers Wain subject to the consent of the debenture holders and of the Court being obtained agrees to sell and the company agrees to buy the whole of the undertakings of the Stockton and Darlington Steam Tramways Company together with the depôts connected therewith and all stock plant horses engines &c. belonging thereto for the sum of nine thousand pounds.

2. The said William James Carruthers Wain will forthwith call a meeting of the debenture holders for the purpose of obtaining their approval of the terms of this agreement and will immediately thereafter take all necessary steps to obtain the consent of the Court to the same being carried into effect.

3. The purchase shall be completed within six months after the Parliamentary sanction herein-after referred to has been obtained by the Company and on the completion of the said purchase the Company shall pay to the said William James Carruthers Wain the sum of two thousand pounds to cover the amount borrowed as aforesaid and in or towards payment of the legal expenses incurred by him as receiver and the costs of the proceedings in the action of *Manuelle v. the Stockton and Darlington Steam Tramways Company Limited* (1888 M No. 2330).

4. The undertaking shall be carried on by the receiver and manager for the benefit of the debenture holders of the Stockton and Darlington Steam Tramways Company Limited and subject to the lines depôts plant horses engines and stock being kept in a proper state of repair the profits shall belong to them up to the completion of the purchase All outgoings shall be discharged by the receiver up to the date of completion and any that are current and not due shall be apportioned.

5. The Company will in the ensuing session make the necessary applications to the Board of Trade for powers to purchase the said undertakings to connect the Stockton lines with the Middlesbrough tramways and to convert the whole or such part of the said tramways as they may think fit as an electric line and the said William James Carruthers Wain consents to the use of the name of the Stockton and Darlington Steam Tramways Company Limited if and when necessary in connection therewith.

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6. This agreement is entered into subject to the powers herein-before mentioned being obtained by the Company and to the consents of the local authorities being granted on such terms as may be agreed on with the Company but not inconsistent with Articles 1 3 and 4 hereof and the Company shall be at liberty at any time to withdraw from proceeding with the application for such powers if they deem it expedient so to do. If the said powers shall not be so obtained in the ensuing session this agreement shall thereupon become absolutely void and the Company and the said William James Carruthers Wain shall not in any way be prejudiced thereby.

As witness the respective hands of the said William James Carruthers Wain and of the secretary of the Company the day and year first above written.

Witness

Hugh C. Godfray.

W. J. CARRUTHERS WAIN

Receiver

Stockton and Darlington Steam
Tramways Co.

Witness

T. A. Trotman

Clare Street House Bristol
Clerk.

SAMUEL WHITE

Secretary

Imperial Tramways Co. Ltd.

*Yarmouth and
Gorleston.*

YARMOUTH AND GORLESTON EXTENSION.

Order authorising the Yarmouth and Gorleston Tramways Company Limited to construct an Extension Tramway in the Borough of Great Yarmouth and for other purposes.

Short title.

1. This Order may be cited as the Yarmouth and Gorleston Tramways Extension Order 1897.

Incorporation
of Acts.

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

Interpretation.

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

Provided that in this Order—

The expressions “the tramway” and “the undertaking” shall mean respectively the tramway and works and the undertaking by this Order authorised.

The expression “the Promoters’ tramways” shall mean the tramways and works by the Order of 1871 the Order of 1883 and this Order authorised.

The expressions “the Order of 1871” and “the Order of 1883” shall mean respectively the East Anglian Tramway Order 1871 and the Yarmouth and Gorleston Tramways Extension Order 1883.

The expression “the borough” shall mean the county borough of Great Yarmouth.

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The expression "the corporation" shall mean the mayor aldermen and burgesses of the said borough. A.D. 1897.

The expression "mechanical power" or "mechanical appliances" shall include the posts brackets wires fittings and all other works appliances or things which shall form part of or be required for or be used in connexion with the electrical or other mechanical power by this Order authorised. Yarmouth and
Gorleston.

Promoters.

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

5. The Promoters may by agreement from time to time purchase and acquire for the purposes of the undertaking such land as they may require and may from time to time sell or dispose of any such lands which may not be necessary for such purposes Provided that they shall not at any time hold for such purposes more than five acres of land Provided always that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken under the powers of this section. Purchase of
land by agree-
ment.

Construction of Tramway.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (in this Order referred to as "the deposited plans" and "the deposited sections") the tramway hereinafter described with all proper rails plates sleepers points cross-overs offices weighbridges turntables engine-houses stables carriage-houses warehouses 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 (8 chains and 71 links in length) of which 6 chains and 71 links is single and 2 chains is double line commencing by a junction with an existing tramway of the Promoters at the termination thereof in Pier Walk near and westward of the junction of Pier Walk and Bells Marsh Road and passing thence eastward along Pier Walk into and south-eastward along Pier Road and terminating in Pier Road at a point opposite to and about 140 feet eastward of the "William the Fourth" public-house The said tramway will be wholly situate in the parish of Gorleston within the borough and the double line or passing place will be situate between a point about 2 chains from the termination and the point of termination thereof in Pier Road aforesaid.

7. Save as by this Order otherwise expressly provided the provisions of sections 11 to 28 inclusive and 30 to 35 inclusive of the Order of 1883 and the schedule to that Order annexed shall so far as applicable extend and apply to the whole of the Promoters' tramways in like manner in every respect as if the tramway authorised by the Order of 1871 and the tramway by this Order Extending to
this Order cer-
tain sections of
the Order of
1883.

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A.D. 1897. authorised were part of the tramways authorised by the Order of 1883 and
Yarmouth and for the purposes of such application the expressions "the tramway" "the
Gorleston. tramways" and "this Order" in the said provisions shall be construed to mean
respectively the Promoters' tramways as defined by this Order and this Order
Sections 8 9 12 13 and 15 of the Order of 1871 are hereby repealed.

Motive Power.

Carriages may
be moved by
animal electri-
cal or me-
chanical power
other than
steam power.

8. The carriages used upon the Promoters' 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 not exceeding seven years from the time specified in such consent and with the like consent during such further periods not exceeding seven years respectively as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board by means of electrical or of any mechanical power except steam but no such electrical or mechanical power shall be used in Englands' Lane until the roadway thereof shall have been widened to the satisfaction of the Board of Trade.

Provided that no mechanical power other than electrical power applied by means of a system approved by the corporation shall be used upon the said tramways without the consent of the corporation nor shall the Promoters commence to use electrical power upon the said tramways after the 1st day of January 1899 except with the consent of the corporation.

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

Power to place
posts wires &c.

9. Subject to the provisions of this Order the Promoters may with the previous consent in writing of the Board of Trade and the local and road authorities place and maintain in or over any road in which the Promoters' tramways are or may be laid such posts brackets and overhead wires as may be necessary and proper for working the same by electrical or other mechanical power Provided that such posts brackets and overhead wires shall be placed in such positions as the road authority may reasonably require.

Posts &c. to
be removed if
user discon-
tinued.

10. If the Promoters shall discontinue the use of any posts brackets or overhead wires placed or maintained in or over any road for supplying electrical motive power to the carriages used upon the Promoters' tramways or if the right of the Promoters to use electrical motive power supplied by means of any such posts brackets or wires shall cease and determine the Promoters shall forthwith at their own cost remove such posts brackets and wires and shall restore and make good such roads to the satisfaction of the road authority and in case of default the road authority may do all things necessary for that purpose and recover the costs and expenses thereof from the Promoters.

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11. The Promoters may with the previous consent of the local and road authorities from time to time lay and maintain pipes and make openings or ways in or under the surface of any road in order to lay use and maintain electric wires for transmitting motive power for the carriages running on the Promoters' tramways but in every such case the Promoters shall forthwith reinstate and make good the surface of such road to the satisfaction of the road authority. Provided that the works authorised by this section and the section of this Order the marginal note whereof is "Power to place posts wires &c." shall for all purposes of section 30 of the Tramways Act 1870 be deemed to be works of a tramway.

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Yarmouth and
Gorleston.

Power to lay
and maintain
pipes and make
openings in
streets.

12. The Promoters or any person using electrical or other mechanical power on any of the Promoters' tramways contrary to the provisions of this Order or to any of the regulations set forth in the schedule to this Order 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 case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues after conviction thereof. Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters using electrical or other mechanical power on the said tramways under the authority of this Order have made default in complying with the provisions of this Order or with any of the regulations set forth in the schedule to this Order or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters or such other person to cease to exercise the powers aforesaid and thereupon the Promoters or such other 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 electrical
or other me-
chanical power
contrary to
Order or
regulations.

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

Byelaws.

For regulating the use of the bell whistle or other warning apparatus fitted to the carriage:

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

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

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.

[Ch. cliii.] *Tramways Order's Confirmation (No. 3)* [60 & 61 Vict.]
Act, 1897.

A.D. 1897. 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.

Yarmouth and
Gorleston.
As to recovery
of penalties.

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

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

15. 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 tramways shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Order or by any regulation made by the Board of Trade under the authority of this Order at which carriages are to be propelled on the said tramways under the authority of this Order but the local authority may if they think fit make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders and
byelaws.

16. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board of Trade and when purporting to be so signed shall be deemed to have been duly made in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly.

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

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

Where at the time of giving any such notice any contract agreement or arrangement between the Promoters and such road authority is in force with respect to the user by the Promoters 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 said tramways or such part of the said tramways are or is laid or with respect to the payment by the Promoters 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 it shall be lawful for such road authority by notice to be served upon the Promoters not later than forty days after the receipt by such road authority of such first-mentioned notice to determine such contract agreement or arrangement and thereupon such contract agreement or arrangement shall from and after the commencement of the use of electrical or other mechanical power upon the said tramways or such part thereof be determined and of no effect.

Before using electrical or other mechanical power on the said tramways or any part thereof and thereafter from time to time the Promoters 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 the paving and keeping in repair of the whole or any part of the roadway of

[60 & 61 VICT.] *Tramways Orders Confirmation (No. 3)* [Ch. cliii.]
Act, 1897.

any road within the district of such road authority upon which the said tramways or such part thereof are or is laid or with respect to the payment by the Promoters to such road authority of any annual or other sum in relation to such user paving or keeping in repair of such road which they may think fit and the Board of Trade may approve.

A.D. 1897.

*Yarmouth and
Gorleston.*

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 said tramways are laid.

18. The Promoters may from time to time enter into and carry into effect agreements with any person for the supply of electrical energy to the Promoters by such person for the purposes of this Order. Provided that unless and until it shall be otherwise agreed between the corporation and the Promoters all the electrical energy required by the Promoters as the motive power for carriages and trucks upon and throughout the whole of the Promoters' tramways shall be supplied to them by the corporation and shall be taken by the Promoters.

As to supply
of electrical
energy.

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

Restrictions
on use of
electrical
power.

- (1) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance.
- (2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances.
- (3) The powers by this Order conferred with respect to the use of electrical power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations") and with any regulations which may be added thereto or substituted therefor respectively by any Order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return.
- (4) If the Promoters use electrical power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they shall for every such offence be

[Ch. cliii.] *Tramways Orders Confirmation (No. 3)* [60 & 61 VICT.]
Act, 1897.

A.D. 1897.

*Yarmouth and
Gorleston.*

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

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

(6) The expression "the Promoters" in this section shall include any person owning working or running carriages by electrical power over the Promoters' tramways.

[60 & 61 VICT.] *Tramways Orders Confirmation* (No. 3) [Ch. cliii.]
Act, 1897.

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

A.D. 1897.
Yarmouth and
Gorleston.

For protection
of the
Postmaster-
General.

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

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection.

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

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

(4) 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.

(5) 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

[Ch. cliii.] *Tramways Orders Confirmation (No. 8)* [60 & 61 VICT.]
Act, 1897.

A.D. 1897:

*Yarmouth and
Gorleston*

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.

- (6) 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.
- (7) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section.
- (8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.
- (9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two 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.
- (10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid.
- (11) In this section the expression "the Promoters" includes any person owning working or running carriages on any of the Promoters' tramways.

Traffic upon Tramways.

Company not
bound to carry
goods.

21. The Promoters shall not be bound unless they think fit to carry on any of the Promoters' tramways passengers' luggage exceeding twenty-eight pounds in weight nor any parcel or goods.

Heavy traffic
confined to
certain hours.

22. No goods animals articles or things other than passengers and passengers' luggage and parcels not exceeding fifty-six pounds in weight shall be conveyed on the Promoters' tramways between the hours of eight in the morning and eight in the evening without the consent of the local authority and the road authority nor shall any carriage trucks or waggons constructed for use upon a railroad be permitted to pass along the Promoters' tramways between the same hours without such consent.

[60 & 61, VICE.] *Tramways Orders Confirmation (No. 3) [Ch. cliii.]*
Act, 1897.

Tolls.

A.D. 1897.

23. The Promoters may demand and take for every passenger travelling upon the Promoters' tramways or any part or parts thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile and in computing the said rates and charges the fraction of a mile shall be deemed a mile.

*Yarmouth and
Gorleston.
Rates for
passengers.*

Section 11 of the Order of 1871 and section 23 of the Order of 1883 are hereby repealed.

24. It shall not be lawful for the Promoters or any person working or using any of the Promoters' tramways to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week-days.

*As to fares on
Sundays and
holidays.*

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

*Cheap fares for
labouring
classes.*

Section 13 of the Order of 1871 and section 25 of the Order of 1883 are hereby repealed.

Miscellaneous.

26.—(1) The periods within which the corporation may exercise the powers of purchase of the undertaking of the Promoters authorised by the Order of 1871 the Order of 1883 and this Order conferred on them by section 43 of the Tramways Act 1870 shall notwithstanding any provision to the contrary in the said Orders or Act be a period of six months after the 23rd day of August 1904 and a period of six months after the expiration of every subsequent term of seven years subsequent to that date.

*As to purchase
of undertaking
by local
authority.*

(2) The expression "undertaking" in sections 43 and 44 of the Tramways Act 1870 shall in the application of those sections for the purposes of this provision include all mechanical appliances of the Promoters suitable to and used by them for the purposes of this Order.

27. The powers of the local authority of making and enforcing rules and regulations under section 48 of the Tramways Act 1870 shall extend and apply to the following purposes with respect to the Promoters' tramways:—

*Regulations by
corporation.*

- (a) The prevention of smoking inside the carriages;
- (b) The numbering of the carriages;

[Ch. cliii.] *Tramways Orders Confirmation (No. 3)* [60 & 61 VICT.]
Act, 1897.

- A.D. 1897.
*Yarmouth and
Gorleston.*
- (c) The prohibiting or regulating advertisements upon the outside of any carriages or trucks ; and
(d) The wearing of badges or distinguishing marks by the servants of the Promoters.
- Recovery of
sums due to
corporation.
28. Any sums which may become due or payable by the Promoters to the corporation under the provisions of this Order may (in addition to any other remedies for the recovery thereof) be recovered by the corporation from the Promoters by all and the same means as any simple contract debt of the like amount may be recovered.
- As to consent
of corporation.
29. All consents and approvals of the corporation required under the provisions of this Order shall be in writing and shall be sufficiently authenticated if signed by the town clerk of the borough and any such consent or approval may be given subject to such terms and conditions as the corporation may think fit to impose.
- Provisions as to
arbitration.
30. Where under the provisions of the Tramways Act 1870 and the Order of 1871 the Order of 1883 or this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation' Section 29 of the Order of 1883 is hereby repealed.
- Carriage of
mails on
tramways.
31. The Conveyance of Mails Act 1893 shall extend and apply to the tramways authorised by the Order of 1871 and the Order of 1883 as if those tramways had been authorised by an Act of Parliament passed after the first day of January 1893.
- Saving for
general Acts.
32. Nothing in this Order contained shall exempt the Promoters or any person using the Promoters' tramways or the Promoters tramways from the provisions of any general Act relating to tramways now in force or which may hereafter be passed during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges authorised by this Order.

[60 & 61 Vict.] *Tramways Orders Confirmation (No. 3)* [Ch. cliii.]
Act, 1897.

THE SCHEDULE.

A.D. 1897.

Yarmouth and
Gorleston.

As to carriages.

Every carriage used on the tramways shall be fitted with—

Such mechanical appliances for preventing the motive power of such carriage from operating and for bringing such carriage to a stand as the Board of Trade may from time to time think sufficient ;

An indicator by means of which the speed shall be shown ;

A suitable fender to push aside obstructions ;

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

A seat for the driver of such carriage so placed in front thereof as to command the fullest possible view of the road before him.

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 used for propelling such carriage.

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

Inspection of
carriages.

The speed at which carriages may be propelled along the tramways shall not without the consent of the Board of Trade exceed the rate of eight miles an hour.

As to speed.

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

YORK.

York.

Order authorising the use of electrical and mechanical power (other than steam) on authorised and constructed Tramways and for other purposes.

1. This Order may be cited as the York Tramways Order 1897.

Short title.

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

Incorporation
of Acts.

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

Interpretation.

Provided that in this Order—

The expressions “ the Order of 1879 ” and “ the Order of 1881 ” shall mean the York Tramways Order 1879 and the York Tramways Order 1881.

[Ch. cliv.] *Tramways Orders Confirmation (No. 3)* [60 & 61 Vic.]
Act, 1897.

A.D. 1897.

York.

The expression "the tramways" shall mean the tramways and works by the Order of 1879 and the Order of 1881 respectively authorised and the expression "the undertaking" shall mean the undertaking authorised by those Orders.

The expression "mechanical power" or "mechanical appliances" shall include the posts brackets wires fittings and all other works appliances or things which shall form part of or be required for or be used in connexion with the electrical or other mechanical power by this Order authorised to be used.

Promoters.

The Promoters.

4. The City of York Tramways Company Limited of 29 Great George Street in the city of Westminster 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 Provided that they shall not at any time hold for such purposes more than five acres of land Provided always that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken under the powers of this section.

Motive Power.

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

6. The carriages used on the tramways may subject to the provisions of this Order be moved by any animal power and with the consent in writing of the Board of Trade and of the local and of the road authority by means of electrical or other mechanical power except steam power applied according to a system approved by the Board of Trade and by the local and by the road authority.

Provided always that the exercise of the powers hereby conferred with respect to the use of any mechanical or electrical power shall be subject to the regulations set forth in the schedule to this Order annexed and to any regulations (herein-after called "the prescribed 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 mechanical or electrical power on the tramways.

Provided also that before any electrical or mechanical power is used on the tramway in Micklegate such tramway for a length of fifty yards west of the junction of Sheldergate shall be laid as a double-single line and the Promoters notwithstanding anything in the Tramways Act 1870 or in the Orders of 1879 or 1881 or in any other Act or Order to the contrary are hereby authorised and empowered to lay such tramway accordingly.

[60 & 61 Vict.] *Tramways Orders, Confirmation (No. 3)* [Ch. ciii.]
Act, 1897.

7. Subject to the provisions of this Order the Promoters may with the consent of the local and of the road authority place and maintain on any road in which any of the tramways are laid such posts and overhead electric wires as may be necessary and proper for working such tramways by electrical power.

A.D. 1897:

York.

Power to place posts wires &c.

8. If the Promoters shall discontinue the use of any posts brackets or overhead wires placed or maintained in or over any road for supplying electrical motive power to the carriages used upon the said tramways or if the right of the Promoters to use electrical motive power supplied by means of any such posts brackets or wires shall cease and determine the Promoters shall forthwith at their own cost remove such posts brackets and wires and shall restore and make good such roads to the satisfaction of the road authority and in case of default the road authority may do all things necessary for that purpose and recover the costs and expenses thereof with full costs of suit from the Promoters.

Posts &c. to be removed if user discontinued.

9. The Promoters may with the previous consent of the local and road authorities from time to time lay and maintain pipes and make openings or ways in or under the surface of any road in order to lay use and maintain electric wires for transmitting motive power for the carriages running on the said tramways but in every such case the Promoters shall forthwith reinstate and make good the surface of such road to the satisfaction of the road authority Provided that the works authorised by this section and the section of this Order the marginal note whereof is "Power to place post wires &c." shall for all purposes of section 30 of the Tramways Act 1870 be deemed to be works of a tramway.

Power to lay and maintain pipes and make openings in roads.

10. The Promoters or any person using any power on 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 the prescribed regulations shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues after conviction thereof 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 any 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 the prescribed regulations or in case the said Board is satisfied that the use of such power is a danger to the passengers or to the public may by order direct the Promoters or such person to cease to exercise the powers aforesaid and thereupon the Promoters or such person 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 mechanical and electrical power contrary to Order or regulations.

11. 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 for all or any of the following purposes (that is to say :—

Byelaws.

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and in such places and in such cases of horses

[Ch. cliii.] *Tramways Orders Confirmation (No. 3) [60 & 61 Vict.]*
Act, 1897.

A.D. 1897.
York.

being frightened or of impending danger as the Board of Trade may deem proper for securing safety ;

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

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

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

As to recovery
of penalties.

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

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

13. 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 tramways shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Order or by any regulation made by the Board of Trade under the authority of this Order at which carriages are to be driven or propelled on the tramways under the authority of this Order but the local authority may if they think fit make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders and
byelaws to be
signed &c.

14. All orders and byelaws made and consents approvals and certificates given by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board of Trade and when purporting to be so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly.

Power to agree
for a supply of
electrical
energy by
corporation
company &c.

15. The Promoters may from time to time enter into and carry into effect agreements with any corporation company body or person for the supply by such corporation company body or person of electrical energy for the purposes of this Order.

Restrictions on
use of electrical
power.

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

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

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

(3) The powers by this Order conferred with respect to the use of electrical power shall be exercised only in accordance with the regulations to be

[60 & 61 VICT.] *Tramways Orders Confirmation (No. 3)* [Ch. cliii.]
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prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations") and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return.

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York.

- (4) If the Promoters use electrical power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they shall for every such offence be subject to a penalty not exceeding ten pounds and also in case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof. Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Promoters in the use of electrical power under the authority of this Order have made default in complying with the provisions of this Order or with any of the prescribed regulations or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electrical power and thereupon the Promoters shall cease to use electrical power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.
- (5) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus. Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking. Provided also that at the expiration of a period of two years from the passing of the Act confirming this Order nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection

[Ch. cliii.] *Tramways Orders Confirmation (No. 3)* [60 & 61 Vict.]
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York.

maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents. If any difference arises between the Promoters and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.

(6) In this section the expression "the Promoters" shall include their lessees and the licencees and any company or person owning working or running carriages over any tramway of the Promoters.

For protection
of the
Postmaster-
General.

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

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

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection.

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

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Act, 1897.

(b) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration. A.D. 1897.
York.

- (4) 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.
- (5) 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.
- (6) 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.
- (7) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section.
- (8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.
- (9) Any question or difference arising under this [section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 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.
- (10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid.
- (11) In this section the expression "the Promoters" shall include their lessees and the licencees and any person owning working or running carriages by electrical power over the said tramways and the expressions "tramways" and "undertaking" include any tramways worked or used by the Promoters under the provisions of this Order.

[Ch. cliii.] *Tramways Orders Confirmation (No. 3)* [60 & 61 Vict.]
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Fork.

Tolls for
passengers.

Tolls.

18. In the event of any of the tramways being worked by electrical or other mechanical power the tolls and charges for passengers 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 shall not exceed 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.

As to fares on
Sundays and
holidays.

19. It shall not be lawful for the Promoters or their lessees or any other person working or using the tramways to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

Repeal of
sections 19 to
26 of the
Order of 1881.

20. Sections 19 to 26 inclusive of the Order of 1881 and the schedule to that Order annexed are hereby repealed.

Miscellaneous.

Abandonment
of certain
tramways
authorised by
and constructed
under the
powers granted
by the Order
of 1881.

21. The Promoters shall abandon Tramway No. 3 and certain portions of Tramway No. 2 commencing in Micklegate by a junction with Tramway No. 1 at a point half a chain east of Railway Street passing thence into and along Railway Street Tanner Row Rougier Street and the roadway leading from Rougier Street in a northerly and westerly direction to the North Eastern Railway passenger station and terminating opposite the centre of the portico over the main entrance into the said station authorised by the Order of 1881 and the Promoters are hereby relieved and discharged from all obligations and liabilities in respect of the said tramways so abandoned whether present or past notwithstanding anything in the Tramways Act 1870 or in the Order of 1881 or any other Act or Order contained.

As to meaning
of "under-
taking" in
Orders of 1879
and 1881.

22. The expression "undertaking" in sections 43 and 44 of the Tramways Act 1870 shall in the application of those sections for the purposes of the Order of 1879 and the Order of 1881 include all lands buildings generating stations works and mechanical appliances of the Promoters suitable to and used by them for the purposes of this Order.

For the pro-
tection of the
local and road
authorities.

23. For the protection of the local and road authorities the following provisions shall unless otherwise agreed between the said authorities and the Promoters apply and have effect with respect to the tramways:—

- (1) All posts wires and other mechanical appliances proposed to be placed in any road shall be of a form construction design and height and shall be placed in situations approved by the local and road authorities and any posts wires and appliances placed in any such road under the authority of this Order shall be maintained and repaired by the Promoters to the satisfaction of the road authority and shall not be used for advertising purposes except with the consent of the local authority.

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Act, 1897.

- (2) If at any time after the commencement of working by electrical or other mechanical power the road authority shall give notice to the Promoters that they desire to exercise and discharge the powers and duties of the Promoters in regard to the opening breaking up filling in restoring and making good the surface of any road for the purposes of the undertaking such powers and duties shall thereafter until the withdrawal of the notice be exercised and discharged by the road authority instead of by the Promoters unless the Promoters shall at any time have given three days' previous notice to the road authority requiring them to exercise or discharge the same and stating the portion of the road in respect of which they require such powers or duties to be exercised or discharged and the road authority shall have failed to comply with such notice All the reasonable expenses incurred by the road authority in pursuance of this sub-section shall be repaid to them by the Promoters such expenses to be certified by the surveyor of the said authority.
- (3) From and after the commencement of working by electrical or other mechanical power the portions of the roads which the Promoters are by section 28 of the Tramways Act 1870 or by the Orders of 1879 or 1881 required to maintain and keep in good condition and repair shall if the road authority so desire and of such desire give notice to the Promoters be maintained and kept in good condition and repair by the road authority and the Promoters shall repay to the road authority on each quarter day the expenses incurred by the said authority during the previous quarter in pursuance of this sub-section (including a reasonable sum for the remuneration of the surveyor of the said authority) and any losses damages and expenses which the said authority may have suffered or incurred in connexion with such maintenance during the like period the amount of such expenses losses and damages to be certified by the said surveyor.
- (4) Any sums which may become due or payable by the Promoters to the local or road authority under the provisions of this Order may (in addition to any other remedies for the recovery thereof) be recovered by the said authorities from the Promoters as a simple contract debt.
- (5) All consents and approvals of the local or road authority required under the provisions of this Order shall be in writing and shall be sufficiently authenticated if signed by the clerk of the said authority.
- (6) Any difference which arises between the Promoters and any local or road authority or other person under any of the provisions of this section (except as by this section otherwise specially provided) shall be deemed a matter in difference within section 33 of the Tramways Act 1870 and the provisions as to arbitration of the said section and of this Order shall apply accordingly.

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

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

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Form and
delivery of
notices.

[Ch. eliii.] *Tramways Orders Confirmation (No. 3) [60 & 61 Vict.] Act, 1897.*

A.D. 1897.

York.

(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.

Provisions as to arbitration.

25. Where under the provisions of the Tramways Act 1870 and the Orders of 1879 and 1881 or this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall except where otherwise specially provided apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Section 27 of the Order of 1879 and section 28 of the Order of 1881 are hereby repealed.

Conveyance of mails.

26. The Conveyance of Mails Act 1893 shall extend and apply to the tramways as if those tramways had been authorised by an Act of Parliament passed after the 1st January 1893.

Saving for general Acts.

27. Nothing in this Order contained shall exempt the Promoters and any person using the tramways or the tramways from 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 or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges authorised by this Order or from 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 or any mechanical power by any such general Act as aforesaid.

THE SCHEDULE.

Brake power of engines.

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

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

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

York.
As to fittings
of engines &c.

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 clatter of machinery and the machinery shall be concealed from view at all points above four inches from the level of the rails.

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

As to
carriages.

The Board of Trade shall on the application of the local authority of any district in which any mechanical or electrical 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.

Inspection of
engines and
carriages.

The speed at which engines and carriages may be driven or propelled along the tramways shall not without the consent of the Board of Trade exceed the rate of eight miles an hour.

As to speed.

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

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
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