

this Order authorized to be laid along or across any road, viz. :—

(Rails of Tramways.)

- (1.) The rails of such tramways shall be two double-headed, or flat-bottomed, or such as the Board of Trade may approve; and the Board of Trade may, upon the application of the road authority from time to time by order in writing, require the Secretary of State to adopt and apply such improvements in such tramways, 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 traffic over such road; and the Secretary of State shall with all reasonable despatch comply with any Order made by the Board of Trade for the purpose of carrying out any such improvements.

(Tramways to be kept on a level with surface of Road.)

- (2.) All such tramways shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road, and if any road authority hereafter alter the level of any road whereon any of such tramways is laid or authorized to be laid, the Secretary of State shall from time to time alter or (as the case may be) lay the rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

(Rails and Road to be kept in repair.)

- (3.) The Secretary of State shall at all times maintain and keep in good condition and repair to the satisfaction of the road authority, and so as not to be a danger or annoyance to traffic, the rails of which any of such tramways for the time being consist and the substructure upon which the same rest.

(Amendment of Sections 27, 28, and 30 of Tramways Act.)

- (4.) The provisions of sections 27 and 30 of the Tramways Act, 1870, with respect to penalties, and so much of section 28 of the said Act as authorizes the road authority, in the event of the promoters failing to comply with the provisions of the said sections themselves, to do the works therein mentioned, at the expense of the promoters, shall not be incorporated with this Order, and the following provisions shall apply and have effect in lieu thereof: that is to say:—

In any case in which it is represented, in writing to the Board of Trade by the road authority of the district in which the tramways or any portion thereof are situate, or by 20 inhabitant ratepayers of such district, that the Secretary of State has made any default in complying with any of the requirements of sections 27 or 28 of the Tramways Act, 1870, or with any of the requirements of the last preceding subsection, the Board of Trade may, if they think fit, direct an inquiry as to the matters in dispute by an officer to be appointed by the said Board, and the said officer shall make a report in writing to the said Board, and if the Board of Trade certify that the default mentioned in such representation has been proved to their satisfaction, the Secretary of State shall make good such default in the manner and within the time specified in such certificate, and if he fail to do so the road authority may themselves, at any time after seven days' notice in writing to the Secretary of State, make good such default in the

manner so specified, and the expense incurred by the road authority in so doing shall be repaid to them by the Secretary of State out of any moneys to be provided by Parliament and applicable for that purpose.

(Local Authority to have Access to Sewers.)

- (5.) Every local authority shall at all times have free access to and communication with all their sewers and drains, and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Secretary of State, 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 local authority as if the same were a pipe for the supply of gas or water.

MOTIVE POWER.

As to Motive Power.

8. The carriages used on the tramways may, subject to the provisions of this Order, be moved by animal power, and with the consent of the Board of Trade, by steam power, electrical power, or any mechanical power, and the Board of Trade may give such consent by order in writing for such period or periods, and subject to such terms and conditions, as they may from time to time think fit.

Provided always, that no power other than animal power shall be used on the tramways within ten yards of any road unless and until there are made and in force regulations under section 8 of the Military Tramways Act, 1887, sufficient in the opinion of the Board of Trade for securing the purposes for which the same are authorized to be made, and that the exercise of the powers hereby conferred with respect to the use of any power other than animal power on the tramways shall be subject to all regulations for the time being in force made by the Secretary of State in accordance with the provisions of the said section and of this Order.

Publication of Regulations and Bye-laws.

9. Notice of the making of any Regulations or Bye-laws under the Military Tramways Act, 1887, shall be published by the Secretary of State in such manner as the Board of Trade may from time to time think fit.

MISCELLANEOUS.

Provisions as to Arbitration.

10. Where under the provisions of this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the Arbitrator shall be final and conclusive and binding on all parties, and the costs of and incidental to the arbitration and award shall, if either party so require, be taxed and settled as between the parties by any one of the Taking Masters of the High Court of Justice; and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the office 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.

As to Proof of Orders, Bye-laws, &c.

11. All orders and certificates 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 pur-