



### CHAPTER cxxiii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Dudley, Netherton, Old Hill, and Cradley Tramways, Newport Pagnell and District Tramways, Norwich Tramways, Wolverton and Stony Stratford Tramways (Deanshanger Extension), and Worcester Tramways. A.D. 1887.

[19th July 1887.]

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

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

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

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

1. This Act may be cited as the Tramways Orders Confirmation (No. 2) Act, 1887. Short title.

2. The several Orders as amended 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.

[Ch. cxxiii.] *Tramways Orders Confirmation (No. 2)* [50 & 51 Vict.]  
Act, 1887.

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Protection of  
houses of  
labouring  
classes.

3. The Promoters mentioned in the said Orders shall not, in the exercise of the powers of this Act, or of the said Orders, without the consent of the Local Government Board, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which, after the passing of this Act have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

SCHEDULE.

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LIST OF ORDERS.

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DUDLEY NETHERTON OLD HILL AND CRADLEY TRAMWAYS.—Order authorising the construction of tramways in the parishes of Dudley in the county of Worcester and Rowley Regis in the county of Stafford.

NEWPORT PAGNELL AND DISTRICT TRAMWAYS.—Order authorising the construction of tramways in the parishes of Newport Pagnell Lathbury Sherington Emberton and Olney all in the county of Buckingham.

NORWICH TRAMWAYS.—Order authorising the construction of tramways in the city and county of the city of Norwich and the parish of Thorpe Saint Andrew in the county of Norfolk.

WOLVERTON AND STONY STRATFORD TRAMWAYS (Deanshanger Extension).—Order authorising the construction of tramways in the parishes of Stony Stratford in the county of Buckingham and Cosgrove and Passenham in the county of Northampton.

WORCESTER TRAMWAYS.—Order authorising the construction of additional tramways in the city of Worcester.

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DUDLEY NETHERTON OLD HILL AND CRADLEY  
TRAMWAYS.

*Dudley  
Netherton Old  
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Cradley.*

*Order authorising the construction of Tramways in the parishes of  
Dudley in the county of Worcester and Rowley Regis in the  
county of Stafford.*

Short title.

1. This Order may be cited as "The Dudley Netherton Old Hill and Cradley Tramways Order 1887."

Incorporation  
of Acts.

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

Interpretation.

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

The expressions "the tramways" and "the undertaking" mean respectively the tramways and works and the undertaking by this Order authorised: and

The term "person" includes a corporation.

*Promoters.*

The Promoters.

4. The Dudley Netherton Old Hill and Cradley Tramways Company Limited shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Lands by  
agreement.

5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell or dispose of any such lands which may not be necessary for such purposes 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 undertakers from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon lands taken under the powers of this section.

*Construction of Tramways.*

Construction of  
tramways.

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

The tramways authorised by this Order are :—

A Tramway (No. 1) 1 furlong 9·40 chains in length situate wholly in the parish of Dudley and county of Worcester commencing in Queen's Cross

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Dudley by a junction with the existing Dudley and Stourbridge Steam Tramways at a point 2·30 chains north-east of the intersection of Vauxhall Street and Queen's Cross passing thence in a south-westerly direction along Blower's Green Road and terminating in that road at a point 0·60 chain or thereabouts south-west of the intersection of Farthings Lane and Blower's Green Road.

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

From the termination of the tramway for a distance of 2·20 chains north-easterly;

The total length of the single portion will be 1 furlong 7·20 chains;

The total length of the double portion will be 2·20 chains.

A Tramway (No. 4) 1 furlong 6·65 chains in length situate wholly in the parish of Dudley and county of Worcester commencing in Stourbridge Road at a point 1 chain west of the intersection of Farthings Lane and Stourbridge Road passing thence south-easterly and easterly along Farthings Lane thence southerly into and terminating in Blower's Green Road at a point 0·60 chain south of the intersection of Farthings Lane and Blower's Green Road.

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

From the commencement of the tramway for a distance of 1 chain south-eastward;

From a point 0·30 chain north-west of the intersection of Farthings Lane and Junction Road for a distance of 3 chains eastward;

From the termination of the tramway for a distance of 1·95 chains north-westward;

The total length of the single portion will be 1 furlong 0·70 chain;

The total length of the double portion will be 5·95 chains.

A Tramway (No. 4A) (a loop line) 0·65 chain in length situate wholly in the parish of Dudley and county of Worcester commencing in Stourbridge Road by a junction with the existing Dudley and Stourbridge Steam Tramways at a point 0·40 chain east of the intersection of Farthings Lane and Stourbridge Road passing thence in a south-westerly direction into and terminating in Farthings Lane at a point 0·50 chain south of the intersection of Stourbridge Road and Farthings Lane.

Tramway (No. 4A) shall be laid as a double line throughout.

A Tramway (No. 5) 1 mile 7 furlongs 0·42 chain in length situate wholly in the parish of Dudley and county of Worcester commencing at the termination of Tramway (No. 4) passing thence southerly along Blower's Green Road south-easterly along Cinder Bank southerly along High Street Netherton and south-easterly along Halesowen Road and terminating in the last-named road at the county parish and borough boundary dividing part of Worcestershire from Staffordshire at the centre of the bridge over Mousesweet Brook.

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

From the point of commencement for a distance of 0·80 chain;

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From a point opposite the intersection of Pear Tree Lane and Blower's Green Road for a distance of 3 chains north-westward ;

From a point 6·40 chains south-east of the intersection of Shaw Road and Blower's Green Road for a distance of 3 chains south-eastward ;

From a point 3·20 chains north-west of the north-west side of the Messiah Baptist Chapel for a distance of 3 chains north-westward ;

From a point 3·30 chains south-east of the south-east side of the Messiah Baptist Chapel for a distance of 4 chains south-eastward ;

From a point 1·60 chains north-west of the intersection of Thomas Street and Cinder Bank for a distance of 3 chains north-westward ;

From the intersection of Baptist End and High Street Netherton for a distance of 5 chains south-eastward ;

From a point 1·30 chains north of the intersection of John Street and Halesowen Road for a distance of 5 chains southward and south-eastward ;

From a point 1·40 chains south-east of the intersection of Cross Street and Halesowen Road for a distance of 3 chains south-eastward ;

From a point 1·80 chains south-east of the intersection of North Street and Halesowen Road for a distance of 3 chains south-eastward ;

From a point 4·20 chains south-east of the intersection of Washington Street and Halesowen Road for a distance of 3 chains south-eastward ;

From a point 2 chains south-east of the intersection of Cole Street and Halesowen Road for a distance of 5 chains south-eastward ;

From the termination of the tramway for a distance of 1·50 chains north-westward ;

The total length of the single portion will be 1 mile 2 furlongs 8·12 chains ;

The total length of the double portion will be 4 furlongs 2·30 chains.

A Tramway (No. 6) 1 mile 0 furlong 7·15 chains in length situate wholly in the parish of Rowley Regis and county of Stafford commencing at the termination of Tramway (No. 5) passing thence in a south-easterly and southerly direction along Halesowen Road, south-easterly along Gorsty Hill Road and terminating in the last-named road at a point 6·20 chains east of the intersection of Waterfall Lane and Gorsty Hill Road.

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

From the commencement of the tramway for a distance of 1·50 chains south-eastward ;

From a point 1·10 chains north-west of the intersection of Cox's Lane and Halesowen Road for a distance of 3 chains north-westward ;

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- From a point 1·50 chains north of the intersection of Reddall Hill Road for a distance of 3 chains southwards;
- From a point 1 chain north-west of the intersection of King Street and Halesowen Road for a distance of 3·60 chains south-eastward;
- From a point 0·70 chain south-east of the intersection of Lawrence Lane and Halesowen Road for a distance of 3 chains north-westward;
- From a point 1·30 chains north-west of the intersection of Halesowen Road and Gorsty Hill Road for a distance of 3 chains south-eastward;
- From a point 0·80 chain west of the intersection of Waterfall Lane and Gorsty Hill Road for a distance of 3 chains westward;
- From a point 2·30 chains east of the intersection of Waterfall Lane and Gorsty Hill Road for a distance of 3 chains eastward;
- The total length of the single portion will be 6 furlongs 4·05 chains;
- The total length of the double portion will be 2 furlongs 3·10 chains.

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A Tramway (No. 7) 1 mile 0 furlong 8·80 chains in length situate wholly in the parish of Rowley Regis and county of Stafford commencing in Halesowen Road by a junction with Tramway (No. 6) at a point 0·60 chain south of the intersection of Reddall Hill Road and Halesowen Road passing thence westerly into and south-westerly along Reddall Hill Road Spinner's Lane High Street Cradley and Lomey Town from thence westerly into and terminating in Station Road at a point 1·40 chains west of the intersection of Lomey Town and Station Road.

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

- From a point 3·50 chains north-east of the intersection of Claremont Street and Reddall Hill Road for a distance of 3·60 chains north-eastward;
- From a point 0·30 chain north-east of the intersection of Lawrence Lane and Reddall Hill Road for a distance of 3 chains south-westward;
- From a point 0·35 chain north-eastward of the intersection of Park Street and Spinner's Lane for a distance of 3 chains south-westward;
- From a point 2·50 chains south-west of the intersection of Corngreaves Road and High Street Cradley for a distance of 3 chains south-westward;
- From a point 1·20 chains north-east of the intersection of Cradley Road and High Street for a distance of 3 chains south-westward;
- From a point 4·40 chains north-east of the intersection of Lomey Town and Station Road for a distance of 3 chains north-eastward;

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The total length of the single portion will be 7 furlongs 0·20 chain ;

The total length of the double portion will be 1 furlong 8·60 chains.

A Tramway (No. 7A) 0·92 chain in length situate wholly in the parish of Rowley Regis and county of Stafford commencing in Halesowen Road by a junction with Tramway No. 6 at a point 0·50 chain north of the intersection of Reddall Hill Road and Halesowen Road passing thence in a south-westerly direction into and terminating in Reddall Hill Road at a point 0·70 chain south-west of the intersection of Halesowen Road and Reddall Hill Road.

Tramway (No. 7A) shall be laid as a single line throughout.

A Tramway (No. 8) 2·30 chains in length situate wholly in the parish of Rowley Regis and county of Stafford commencing in Station Road at a point 1·80 chains east of the intersection of Lomey Town and Station Road passing thence in a westerly direction and terminating in the last-named road by a junction with Tramway No. 7 at a point 0·40 chain west of the intersection of Lomey Town and Station Road.

Tramway (No. 8) shall be laid as a single line throughout.

A Tramway (No. 8A) 1·10 chains in length situate wholly in the parish of Rowley Regis and county of Stafford commencing in Lomey Town by a junction with Tramway (No. 7) at a point 0·70 chain north-east of the intersection of Lomey Town and Station Road passing thence in a southerly direction into and terminating in Station Road by a junction with Tramway (No. 8) at a point 0·85 chain east of the intersection of Lomey Town and Station Road.

Tramway (No. 8A) shall be laid as a single line throughout.

Provided always that no portion of Tramways Nos. 4 5 and 6 shall be laid down at any place where there would be less space than nine feet six inches between the outside of the footpath on either side of the road and the nearest rail of the tramway except with the consent in writing of the Board of Trade and of the owners and occupiers of any houses shops or warehouses abutting upon the part of the road where such less space would intervene.

Provided further that Tramways Nos. 4 and 5 shall not be laid down until the gradient of 1 in 13 shown on the deposited sections in relation to Tramway No. 4 shall have been improved to a gradient not steeper than 1 in 19 and the gradient of 1 in 13 shown in the deposited sections in relation to Tramway No. 5 to a gradient not steeper than 1 in 16.

Provided also that the construction of Tramway No. 7 shall not be commenced without the consent in writing of the Board of Trade.

Width of  
engines and  
carriages.

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

Provisions as  
to construction  
of tramways.

8. In addition to the requirements of section twenty-six of the Tramways Act 1870 the Promoters shall at the same time as they give notice to the road



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

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

As to rails of  
tramways.

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

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

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

11. Every local authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Promoters and the provisions contained in sections thirty-two and thirty-three

Local autho-  
rity to have  
access to  
sewers.

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

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

Temporary  
tramways may  
be made when  
necessary.

Application of  
road materials  
excavated in  
construction  
of works.

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.

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

13. The Promoters may from time to time hereafter make alter or amend all such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient for the efficient working of the tramways or any of them or for providing access to any stables engine-houses carriage-houses sheds or works of the Promoters subject to the approval of the road authority Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid by writing under his hand addressed to the Promoters express his objection thereto Provided also that the number and situation of such crossings passing places sidings junctions and other works shall be determined by the road authority and if any difference arise between the Promoters and the road authority with respect to the number or situation of any such crossings passing places sidings junctions or works the same shall be settled in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

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

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

15. 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 the completion of any of the tramways within the district of such road authority of so much of the roadway of such road on either side of such tramways

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

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16. In constructing and maintaining Tramway No. 5 by this Order authorised where it crosses the bridge carrying the road from Dudley to Netherton over the railway of the Great Western Railway Company (herein-after called "the Great Western Company") and also in constructing and maintaining Tramway No. 6 where it passes under a railway bridge of that Company the Promoters shall be subject to the following conditions:—

For protec-  
tion of Great  
Western Rail-  
way Company.

- (1.) Before commencing the construction of any of the said tramways over or under any bridge or bridges belonging to the Great Western Company the Promoters shall deliver to the Great Western Company plans drawings and specifications of each intended work and such works shall not be proceeded with until those plans and drawings shall have been approved in writing by an engineer to be appointed for that purpose by the Great Western Company or in the event of his failure for thirty days after delivery of the plans and drawings to approve the same until they shall have been approved by an engineer to be appointed on the application of the Promoters by the Board of Trade and all the intended works shall be executed by the Promoters at their sole expense in all things according to such approved plans and drawings and to the reasonable satisfaction of the said engineer for the time being of the Great Western Company or in case of difference to the reasonable satisfaction of an engineer to be appointed by the Board of Trade;
- (2.) The said tramways where they cross over or under the said bridges respectively shall be constructed and maintained along the centre of the roadway;
- (3.) The Promoters shall not in any way alter or interfere with the structure of either of such bridges or of the approaches thereto and they shall so construct and maintain the tramway over the first-mentioned bridge and the approaches thereto and under the last-mentioned bridge as not injuriously to affect the same;
- (4.) In the event of any injury being caused to either of such bridges or the approaches thereto by the construction maintenance repairing user or the removal of the said tramways or either of them the Great Western Company may at the expense of the Promoters restore such bridge and approaches or the part or parts thereof which may be injured to as good a state and

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condition as they were in before such injury was occasioned and the Promoters shall indemnify the Great Western 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 first-mentioned bridge and the approaches thereto as the Promoters are liable to maintain and repair under section twenty-eight of the Tramways Act 1870 and the Great Western 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 Great Western Company shall require to widen lengthen strengthen reconstruct alter or repair such bridges or either of them or the approaches or to widen or alter their railways where the said Tramway No. 5 passes over and No. 6 passes under the said railway bridges or to lift or support either of the said bridges or approaches owing to the subsidence thereof from the minerals thereunder having been or being worked or gotten or from other causes and they shall find it necessary for effecting any of such purposes that the working and user of the tramway over such bridge or approaches or under such bridge as the case may be shall be wholly or partly stopped or delayed or that the tramway shall be temporarily diverted or be wholly or in part taken up or removed and shall except in cases of emergency give to the Promoters seven clear days notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramway shall be stopped or delayed or the tramway shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer if such engineer shall give such superintendence but only for so long as the Great Western Company may find to be absolutely necessary for effecting such purposes and without their being liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage or delay or in any way relating thereto.

And in case the engineer appointed for that purpose by the Great Western Company shall be of opinion that any such strengthening is desirable or necessary owing to the carriages or other vehicles on any such tramway being or being intended to be moved by steam or any mechanical power such strengthening shall be effected in all things at the expense of the Promoters who shall also pay to the Great Western Company all additional expense which they may incur or be put to in effecting any such strengthening reconstruction alterations repairs lifting or supporting by reason of the existence of the tramway so passing or any of the works connected therewith the amount of such expenditure to be recoverable as aforesaid by the Great Western 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.

Provided that if any difference arises between the Promoters and the Great Western Company as to any requirements to be made or work to be done by or as to any compensation damages costs or expenses to be made or paid by the Promoters to the Great Western Company under the provisions of this sub-section the same shall at the instance of the Promoters or the Great Western Company be settled in manner provided by section 33 of

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the Tramways Act 1870 for the settlement of the differences in the said section mentioned ;

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(6.) Whenever the tramway on either side of any such bridge or approaches is a single line there shall only be a single line over or under such bridge and approaches as the case may be and no turnouts or passing places shall be constructed thereon or thereunder ;

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(7.) All works which may be necessary in constructing and maintaining any of the tramways over or under any bridge works or property of the Great Western Company shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the engineer appointed for that purpose by such company or in case of difference of an engineer to be appointed by the Board of Trade on the application of the Great Western Company or the Promoters ;

(8.) Nothing contained in this Order shall prejudice lessen take away or interfere with the lands property rights powers and privileges of the Great Western Company otherwise than is hereby expressly provided.

17. Where the tramways cross on the level any private tramways or railways belonging to or reputed to belong to William Humble Earl of Dudley or to any other person or persons entitled under the will of John William Earl of Dudley deceased the following provisions shall apply and have effect :

For protection  
of the Earl of  
Dudley.

(a.) The Promoters shall give seven days notice in writing to the said Earl or other the person or persons entitled to such private tramways and railways respectively of their intention to commence any works which affect or in anywise interfere with the structural works of such private tramways and railways respectively and all such crossings shall be made to the reasonable satisfaction of the said Earl or such other person or persons so entitled as aforesaid and so as to interfere as little as may be with the traffic passing over or along such tramways and railways respectively ;

(b.) Any additional expense incurred in the maintenance of such private tramways and railways respectively by reason of the construction of any of the tramways at the points of crossings shall be borne by the Promoters ;

(c.) If any difference arise between the Promoters and the said Earl or the person or persons entitled as aforesaid the same shall be referred to the decision of an engineer to be appointed by the Board of Trade on the application of either party.

18. Where any of the tramways shall be constructed upon a bridge carrying a road over a canal of the Company of Proprietors of the Birmingham Canal Navigations (in this Order referred to as "the Canal Company") the following provisions shall apply and have effect namely :

Protecting  
bridges over  
Birmingham  
canals.

(A.) The Promoters shall give fourteen days notice in writing to the Canal Company of their intention to commence any work which will affect or in anywise interfere with the structural works of the bridge or the road over the same and shall at the same time send sufficient specifications or other information to show the nature of such work and such work shall be constructed to the reasonable satisfaction of the Canal Company and so as not in any way to interfere with the traffic to from or upon the canal or the towing-paths or towing-path thereof ;

(B.) If the bridge shall be deemed by the Canal Company or their engineer for the time being to be of insufficient strength to carry locomotive engines or

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weights beyond the ordinary traffic of the district the Promoters shall upon notice from the Canal Company to that effect and before driving or carrying a locomotive engine or an extraordinary weight on or over the bridge execute at the cost of the Promoters all such works as may be reasonably required by the Canal Company to prevent injury to the bridge by the driving or carrying thereon or thereover of a locomotive engine or an extraordinary weight. But notwithstanding the last preceding provisions the Promoters shall make good to and compensate the Canal Company for all damage that may be occasioned to any bridge work or property of the Canal Company by the driving or carrying on or over the bridge of any locomotive engine or extraordinary weight or by or in consequence of the construction by the Promoters of any work or otherwise by any act or default of the Promoters ;

(C.) Any additional expense in the maintenance of the bridge or of the roadway on or over the same or of the approaches thereto occasioned by the construction use or maintenance of any such tramway shall be borne by the Promoters.

*Saving rights  
of Canal  
Company to  
open roads.*

19. Nothing in this Order shall take away or abridge any power of the Canal Company to open or break up any road along or across which any tramway is laid or any power vested in the Canal Company for the purpose of erecting constructing raising lowering repairing altering rebuilding or removing any bridge or any approach thereto or otherwise but the exercise of such power shall be subject to the following provisions (that is to say) :

(A.) The Canal Company shall cause as little detriment or inconvenience to the Promoters as circumstances admit ;

(B.) Any alteration of any such tramway and the works connected therewith that may be necessary shall be made by and at the expense of the Promoters who shall also at the like expense replace and make good the same ;

(C.) Before the Canal Company commence any work whereby the traffic on any such tramway will be interrupted they shall (except in cases of urgency when no notice shall be necessary) give to the Promoters notice of the intention of the Canal Company to commence such work specifying the time at which they will begin to do so such notice to be given forty-eight hours at least before the commencement of the work ;

(D.) The Canal Company shall not be liable to pay to the Promoters any compensation for injury done to any such tramway or any work connected therewith by the execution by the Canal Company of any such work as aforesaid or by the reasonable exercise of the powers so vested in them as aforesaid ;

(E.) Whenever for the purpose of enabling them to execute any such work the Canal Company so require the Promoters shall either stop the traffic on the tramway to which the notice refers where it would otherwise interfere with such work or shore up and secure such tramway at their own risk and cost during the execution of the work there provided that such work shall always be completed by the Canal Company with all reasonable expedition ;

(F.) The Canal Company shall not execute such work so far as it immediately affects such tramway except under the superintendence of the Promoters unless they refuse or neglect to give such superintendence at the time

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specified in the notice for the commencement of the work or discontinue the superintendence during the progress of the work ;

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(G.) Any additional expense imposed upon the Canal Company by reason of the existence of such tramway or any of the works connected therewith shall be borne by the Promoters.

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20. If any difference arises between the Promoters and the Canal Company with respect to any interference or control exercised or claimed to be exercised by the Promoters or on their behalf or by the Canal Company or on their behalf by virtue of this Order in relation to any of the tramways or in relation to any work or proceeding of the Promoters or of the Canal Company or with respect to the propriety of or the mode of execution of any work relating to any of the tramways or with respect to the amount of any compensation to be made by or to the Promoters or on the question whether any work relating to any of the tramways or for the prevention of injury to any bridge is such as ought reasonably to satisfy the Canal Company or with respect to any other subject or thing regulated by or comprised in this Order the matter in difference shall (unless the parties agree upon some other mode of reference) be settled by an engineer or other fit person nominated as referee by the Board of Trade on the application of the Promoters or of the Canal Company and the expenses of the reference shall be borne and paid as the referee directs.

Difference between the Promoters and Canal Company.

21. Except as is expressly mentioned in this Order nothing in this Order contained shall extend to prejudice diminish alter or take away any of the rights privileges powers or authorities vested in the Canal Company in or by all or any of the several Acts of Parliament now in force relating to their canals.

Rights of the Canal Company under their Acts not to be interfered with.

22. Notwithstanding the special provisions herein-before contained for their protection and benefit the Canal Company shall be entitled to the protection and benefit of every provision for the protection and benefit of canal companies or proprietors of canals contained in the Tramways Act 1870 or any other general Act of Parliament and in this Order or any or either of them.

Rights of the Canal Company under the Tramways Act 1870 and this Order not to be interfered with.

23. In the construction maintenance and working of the tramways the following provisions (in addition to any other provisions contained in this Order or in any enactment incorporated therewith) shall apply and have effect:—

Further provisions as to the construction maintenance and working of the tramways.

(A.) The tramways shall be constructed and laid in an uniform manner throughout ;

(B.) No tramway engine or tramway car shall be allowed to remain stationary or to stop for the purpose of taking up passengers or for any other purpose whatsoever (or pass at a rate exceeding five miles an hour) opposite any church or place of public worship during Divine Service on a Sunday or on any other day remain stationary or stop at any place at which in the opinion of the road authority such remaining stationary or stopping would materially obstruct the general traffic ;

(C.) The road authorities respectively may at such times between the hours of twelve o'clock at night and five o'clock in the morning as they shall think fit use the tramways for the conveyance of nightsoil dung manure rubbish filth and other refuse and scavenging stuff free of all tolls and charges whatsoever they providing their own cars or trucks and motive power and

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making good any damage that may be done or occasioned to the tramways in consequence of such user ;

(D.) Between sunset and sunrise the Promoters shall fix and maintain a sufficient light inside and in the front and rear of each tramway car or when two or more cars are coupled together in front of the leading and at the rear of the last car and for the purpose of this sub-section engines shall be deemed tramway cars ;

(E.) The road authority of any district within which the tramways or any part thereof are or is situate may upon giving twenty-four hours previous notice to the Promoters suspend the running of the tramcars within such district for the purpose of regulating and facilitating traffic on any public occasion or for the execution of any work or repairs by such road authority Provided that such suspension shall be continued so long only as may be reasonably necessary and the Promoters shall not be entitled to claim or such road authority be liable to pay compensation or damage in respect thereof ;

(F.) If any of the tramways is constructed over or so near to a manhole or entrance to a sewer as to render access to the same dangerous or inconvenient the Promoters shall if so required by the road authority construct another manhole or entrance in such position and according to such plan as the road authority may approve or the road authority may at their option construct such manhole or entrance and the Promoters shall repay them the cost thereof ;

(G.) In addition to the requirements of section 28 of the Tramways Act 1870 the Promoters shall at their own expense maintain and keep in repair for the space of twelve calendar months from the opening of any of the tramways for public traffic so much of any macadamized road along which such tramways may be laid as extends for a space of thirty inches beyond the rails of and on each side of such tramways.

Saving rights  
&c. of local  
authorities.

24. Except as by this Order otherwise expressly provided nothing in this Order contained shall extend or be construed to extend to take away abridge lessen prejudice or in any way affect or alter any of the estates rights interests jurisdictions powers authorities immunities advantages or privileges of or belonging or appertaining to any local authority and save as aforesaid any local authority shall and may have use exercise and enjoy the same as fully freely and effectually in all respects as they would or might have done if this Order had not been made and confirmed.

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

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

*Motive Power.*

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

26. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power and during a period of seven years after the opening of the same for public traffic and with the consent in writing of the Board of Trade during such further periods of seven years as the said Board



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may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board by steam power or any mechanical power including haulage by means of wire ropes or chains placed underground and worked by stationary engine power.

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Provided always that except with the approval of the Board of Trade the carriages used on Tramway (No. 1) shall not be moved by any power other than by such system of haulage by stationary engines as aforesaid.

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

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

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

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

Byelaws.

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

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

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

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

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

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

As to recovery  
of penalties.

29. 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 by-  
laws by local  
authority.

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

Orders and  
byelaws to be  
signed &c.

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

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

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

Where at the time of the giving of any such notice any contract agreement or arrangement between the Promoters or such person and such road authority is in force with respect to the user by the Promoters or such person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which the tramways or such part of the tramways are or is laid or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road then and in every such case with the consent of the Board of Trade it shall be lawful for the Promoters or such person by such notice or for such road authority by notice to be served upon the Promoters or such person not later than forty days after the receipt by such road

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authority of such first-mentioned notice to determine such contract agreement or arrangement and thereupon such contract agreement or arrangement shall from and after the commencement of the use of steam or any mechanical power upon the tramways or such part thereof be determined and of no effect.

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

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

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

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

33. Where steam or any mechanical power is used by the Promoters or any person on the tramways or any part thereof no contract agreement or arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid between the Promoters or such person and any road authority

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Where steam or mechanical power is used contract with road authority not to be for

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longer period  
than two years  
at a time.

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

*Traffic upon Tramways.*

Traffic upon  
tramways.

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

Promoters not  
bound to carry  
animals goods  
&c.

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

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

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

Railway car-  
riages not to  
be used on  
tramways.

37. No carriages or trucks adapted for use upon railways shall be used upon the tramways.

*Tolls.*

Tolls for pas-  
sengers.

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

Passengers  
luggage.

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

Cheap fares  
for labouring  
classes.

40. 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 (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 five in the evening respectively as the Promoters think most convenient for artisans mechanics and daily labourers at tolls or charges not exceeding one half-penny per mile (the Promoters nevertheless not being required to

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take any fare less than one penny) provided that in case of any complaint made to the Board of Trade as to the hours appointed by the Promoters for running such carriages the said Board shall have power to fix and regulate the same from time to time.

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

Tolls for  
animals goods  
&c.

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

Payment of  
tolls.

43. 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.

Periodical  
revision of  
tolls.

*Miscellaneous.*

44. The Promoters may subject to the provisions of this Order (but only for the purposes of their undertaking and not so as to acquire any exclusive right therein) acquire hold and use any patent or other rights and any licenses to use patent rights relating to the construction or working of tramways or the engines and carriages used thereon.

Power to hold  
patents.

45. The Promoters of this Order may by agreement but not otherwise run over with their engines horses and carriages and use for the purposes of traffic of all kinds—

Running  
powers over  
other tram-  
ways.

(a.) So much of the tramways of the Dudley and Stourbridge Steam Tramways Company Limited as lies between the point of commencement of

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Tramway No. 4A and their junction with the tramways of the South Staffordshire and Birmingham District Steam Tramways Company Limited in the parish of Dudley in the county of Worcester ; and

(b.) So much of the tramways of the South Staffordshire and Birmingham District Steam Tramways Company Limited as lies between the aforesaid junction of those tramways with the tramways of the Dudley and Stourbridge Steam Tramways Company Limited in the parish of Dudley aforesaid and the termination of those tramways at the Dudley Railway Station of the London and North-western Railway Company ;

together with all stables carriages sheds offices warehouses sidings junctions machinery works and conveniences of or connected with the said tramways or portions of tramways.

Terms of such user.

46. The terms conditions and regulations to which the Promoters shall be subject in respect of running over and using the said tramways and portions of tramways respectively and the tolls or other consideration to be paid by them for the same shall be such as may be mutually agreed upon between the Promoters and the Dudley and Stourbridge Steam Tramways Company Limited and the South Staffordshire and Birmingham District Steam Tramways Company Limited respectively or as failing such agreement may be from time to time determined by an arbitrator to be nominated by the Board of Trade in manner provided by section thirty-three of the Tramways Act 1870: Provided always that such terms conditions and regulations shall in every case be approved by the Board of Trade.

Provisions and byelaws to be observed.

47. The Promoters in running over or using the said tramways and portions of tramways respectively in accordance with the provisions herein-before contained shall at all times comply with the provisions regulations and byelaws for the time being in force on the said tramways or portions of tramways respectively so used so far as the same shall be applicable to the Promoters and shall for their own acts and defaults in respect of such user incur all and the same liabilities as the owners of such tramways and portions of tramways respectively.

Power to enter into working agreements with other companies.

48. The Promoters on the one hand and the Dudley and Stourbridge Steam Tramways Company Limited the South Staffordshire and Birmingham District Steam Tramways Company Limited and the Dudley Sedgley and Wolverhampton Tramways Company Limited or any one or more of them on the other hand may from time to time enter into and carry into effect and rescind contracts agreements and arrangements with respect to the following purposes or any of them (that is to say) :—

The working use management and maintenance by the contracting companies or either of them of their respective tramways and works or any part or parts thereof respectively and the employment of officers and servants ;

The supply and maintenance under and during the continuance of any such agreement as aforesaid of stock and plant necessary for the purposes of such agreement ;

The payments to be made and the conditions to be performed with respect to the matters aforesaid ;

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the tramways of the contracting companies or either of them ;

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The fixing collection payment appropriation apportionment and distribution between the Promoters and the said companies of the tolls rates income and profits levied taken or arising from the respective tramways and works of the contracting companies or either of them or any part thereof;

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And all incidental matters

Provided always that no contract agreement or arrangement under this section shall have any effect until the same has been approved by the Board of Trade.

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

Provisions as to arbitration.

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

Form and delivery of notices.

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

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

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

Agreements between Promoters and road authorities.

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

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

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.

Approval of Board of Trade to sale to be in writing.

[Ch. cxxiii.] *Tramways Orders Confirmation (No. 2)* [50 & 51 Vict.]  
Act, 1887.

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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 forty-three of the Tramways Act 1870 and that any mortgage granted by the Promoters shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being purchased by the local authority under section forty-three of the Tramways Act 1870 and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Saving rights  
of the lord of  
the manor of  
Dudley.

55. Nothing in this Order contained shall extend or be construed to extend to take away abridge lessen prejudice or in any way affect or alter any of the estates rights interests powers authorities immunities advantages or privileges of or belonging to William Humble Earl of Dudley or the lord or lords for the time being of the manor of Dudley or his or their lessees under or by virtue of the Act of Parliament made in the twenty-fourth year of the reign of King George the Third intituled an "Act for dividing and enclosing certain commons " waste lands and commonable places within the Manor and Parish of Dudley in " the County of Worcester " and the said Earl and the lord or lords for the time being of the said manor and his and their lessees shall and may have use exercise and enjoy the same estates rights interests powers authorities immunities advantages and privileges as fully freely and effectually in all respects as they could or might have done if this Order had not been made and confirmed.

Provision for  
protection of  
the Postmaster-  
General.

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

- (1.) It shall not be lawful for the Promoters to lay down any line or rail or to do any act or work for working the tramways by electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected and before any such line or rail is laid down or any such act or work is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing such work shall give written notice to the Postmaster-General specifying the course of the line or rail and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirement (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;
- (2.) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by the Board of Trade whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act ;



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- (3.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues ;
- (4.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice ;
- (5.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work ;
- (6.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

57. (1.) The Promoters if required by the Postmaster-General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires provided as follows:—

Carrying of  
mails by Pro-  
motors.

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

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

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

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

(B.) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that

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the custody of the mails by any officer of the post office in charge thereof shall not be interfered with :

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

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

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

(3.) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General or a secretary or assistant secretary of the post office or the inspector-general of mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

Saving for  
general Acts.

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

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SCHEDULE A.

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Break power  
of engines.

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

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Every engine used on the tramways shall have its number shown in some conspicuous part thereof and shall be fitted:— A.D. 1887.

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

With a suitable fender to push aside obstructions ;

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

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

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

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

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

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

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

SCHEDULE B.

TOLLS AND CHARGES FOR ANIMALS GOODS &c.

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

*Goods and Minerals.*

For all coals coke culm charcoal cannel limestone chalk lime salt and fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways			
	per ton	0	2
For all iron iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slags and stone stones for building pitching and paving tiles slates and clay (except			

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	Per Mile.	
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	s.	d.
fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs	0	2½
per ton		
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	0	3
per ton		
For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things	0	4
per ton		
For every carriage of whatever description having two wheels	0	6
For every carriage of whatever description having four wheels	1	0

*Parcels.*

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

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

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

	Per Mile.	
	<hr/>	
	s.	d.
For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the Promoters may think fit not exceeding per ton	2	0
For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons such sum as the Promoters may think fit.		

*Regulations as to Tolls.*

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

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

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

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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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## NEWPORT PAGNELL AND DISTRICT TRAMWAYS.

*Newport Pagnell and District.*

*Order authorising the construction of Tramways in the parishes of Newport Pagnell Lathbury Sherington Emberton and Olney all in the county of Buckingham.*

1. This Order may be cited as "The Newport Pagnell and District Tramways Order 1887."

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" mean respectively the tramways and works and the undertaking by this Order authorised; and

The term "person" includes a corporation.

### *Promoters.*

4. Charles Herbert Wilkinson and Malcolm Ross of 3 Salters' Hall Court Cannon Street in the City of London and the survivor of them and the executors and administrators of such survivor their or his assigns shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Promoters.

5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell 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 undertakers from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon lands taken under the powers of this section.

Lands by agreement.

### *Construction of 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

Construction of tramways.

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of the Board of Trade for the purposes of this Order (in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates curves points offices weigh-bridges carriage-houses engine sheds warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same.

The tramways authorised by this Order are:—

Tramway (No. 1) one chain in length wholly in the parish of Newport Pagnell commencing in the road leading from Newport Pagnell to Wolverton formerly known as the Newport Pagnell and Buckingham turnpike road at a point one chain west of the junction of that road with High Street passing in an easterly direction along the said road and terminating at the junction of that road with High Street aforesaid.

Tramway (No. 1) shall be a single line throughout.

Tramway (No. 2) 3 chains in length wholly in the parish of Newport Pagnell commencing by a junction with Tramway (No. 1) at its termination passing in a north-easterly direction along High Street aforesaid and terminating in that street at a point 15 feet beyond the north-west corner of the building known as the Temperance Hall.

Tramway (No. 2) shall be a double line throughout.

Tramway (No. 3) 8.45 chains in length wholly in the said parish of Newport Pagnell commencing by a junction with Tramway (No. 2) at a point 90 feet from the commencement of that tramway passing across High Street and along Station Road and terminating at the point of junction of Station Road and Caldecote Street.

Tramway (No. 3) shall be so laid as a double line that one only of such lines can be used at one and the same time.

Tramway (No. 4) 3 furlongs 0.20 chains in length wholly in the said parish of Newport Pagnell commencing by a junction with Tramway (No. 2) at its termination passing along High Street aforesaid and the road leading from that street to Wellingborough and Olney (herein-after referred to as Olney Road) and terminating in that road at a point opposite the south parapet of North Bridge.

Tramway (No. 4) shall be single line except at the following point where it shall be double line:—

From a point 100 feet distant from the north west-corner of the Swan Hotel in High Street aforesaid measured in a south-westerly direction for a distance of 198 feet measured in a north-easterly direction.

The total length of the single portion will be 2 furlongs 7.20 chains.

The total length of the double portion will be 3 chains.

Tramway (No. 5) 1 mile 4 furlongs 6.70 chains in length in the parishes of Newport Pagnell Lathbury and Sherington commencing by a junction with Tramway (No. 4) at its termination passing along Olney Road across North Bridge Lathbury Bridge and Sherington Bridge and terminating in that road at its junction with High Street Sherington.

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Tramway (No. 5) shall be single line except at the following points where it shall be double line: A.D. 1887.

For a distance of 198 feet measured in a south-westerly direction from a point 95 feet north-east of the milestone in the said road marked "Newport Pagnell and Wellingborough 16 ;"

For a distance of 198 feet measured in a south-westerly direction from a point 130 feet from the guide post at the junction of Olney Road and Chicheley Hill measured in the same direction.

The total length of the single portion will be 1 mile 4 furlongs 0·70 chains.

The total length of the double portion will be 6 chains.

Provided always that no portion of Tramway (No. 4) or of Tramway (No. 5) shall be commenced unless and until North Bridge and the approaches thereto shall have been widened so as to afford a width of roadway of not less than 22 feet 6 inches.

Tramway (No. 6) 1 mile 0 furlongs 5 chains in length wholly in the parish of Sherington commencing by a junction with Tramway (No. 5) at its termination passing along High Street Sherington and Olney Road and terminating in that road at the boundary between the parishes of Sherington and Emberton.

Tramway (No. 6) shall be single line except for a distance of 198 feet from its commencement where it shall be double line.

The total length of the single portion will be 1 mile 0 furlongs 2 chains.

The total length of the double portion will be 3 chains.

Tramway (No. 7) 7 furlongs 9 chains in length wholly in the parish of Emberton commencing by a junction with Tramway (No. 6) at its termination passing along Olney Road and terminating in that road at a point opposite the guide post at the junction of Olney Road with the road leading to Petsoe Lodge Farm.

Tramway (No. 7) shall be single line except at the following point where it shall be double line :—

From a point 800 feet measured in a southerly direction from the termination of the tramway for a distance of 198 feet measured in the same direction.

The total length of the single portion will be 7 furlongs 6 chains ;

The total length of the double portion will be 3 chains.

Tramway (No. 8) 1 mile 0 furlongs 0·70 chains in length wholly in the parish of Emberton commencing by a junction with Tramway (No. 7) at its termination passing along Olney Road and terminating in that road at a point 400 feet from the boundary between the parishes of Emberton and Olney.

Tramway (No. 8) shall be single line except at the following points where it shall be double line :—

For a distance of 198 feet measured in a southerly direction from a point opposite the mile post marked "London 54 miles Wellingborough 12."

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For a distance of 198 feet measured in a southerly direction from a point 198 feet from the termination of the tramway.

The total length of the single portion will be 7 furlongs 4·70 chains;

The total length of the double portion will be 6 chains.

Tramway (No. 9) 2 furlongs 9 chains in length in the parishes of Emberton and Olney commencing by a junction with Tramway (No. 8) at its termination passing along Olney Road across the bridges over the Ouse and the mill race thence along Bridge Street High Street South the Market Place and High Street in the said parish of Olney and terminating in High Street at a point opposite the centre of Spout Lane.

Tramway (No. 9) shall be single line throughout except from the point marked "G" on the deposited plans to the termination of the said tramway between which points it shall be so laid as a double line that one only of such lines can be used at one and the same time.

Tramway (No. 10) 4·40 chains in length wholly in the parish of Olney commencing by a junction with Tramway (No. 9) at a point 340 feet from its termination passing along the south side of Olney Market Place and terminating at a point 40 feet measured in a westerly direction from the north-west corner of the Cock public-house.

Tramway (No. 10) shall be single line throughout.

Tramway (No. 11) 5·50 chains in length wholly in the parish of Olney commencing by a junction with Tramway (No. 9) at its termination and terminating by a junction with Tramway (No. 10) at a point 40 feet from the termination of that tramway.

Tramway (No. 11) shall be single line throughout.

Tramway (No. 12) 3 furlongs 8·10 chains in length wholly in the parish of Olney commencing by a junction with Tramway (No. 9) at its termination passing along High Street Olney and Dartmouth Road and terminating in Olney Road at a point 300 feet measured in a north-westerly direction from a point opposite the north-west corner of the Queen Hotel.

Tramway (No. 12) shall be single line except at the following point where it shall be double line:—

From a point 100 feet from the termination of the tramway to the point of junction of Dartmouth Road with High Street.

The total length of the single portion will be 2 furlongs 9·40 chains.

The total length of the double portion will be 8·70 chains.

The tramways will be situate in the parishes of Newport Pagnell Lathbury Sherington Emberton and Olney all in the county of Buckingham.

Tramways so far as practicable to be laid on waste by side of the roads.

7. Notwithstanding anything shown in the deposited plans the tramways shall so far as may be practicable be laid on the waste land at the side of the roads whereon the same are authorised to be laid and in no case shall any of the tramways be laid otherwise than by the side of the road as aforesaid unless and until the roadway of the roads whereon the same are authorised to be laid shall have been widened so as to be of a width of not less than twenty-two feet six inches.



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8. In constructing the tramways herein-after mentioned the following provisions shall apply and have effect viz. :—

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Special provisions as to certain of the tramways.

(1.) Tramway No. 4 shall not be laid unless and until the building known as the Ram Inn in High Street Newport Pagnell has been set back to such a distance as will afford a clear space of not less than nine feet six inches between the outside of the footpath on either side of the road opposite to that building and the nearest rail of the said tramway.

(2.) Notwithstanding anything shown in the deposited plans so much of Tramway No. 8 as lies between its commencement at the termination of Tramway No. 7 and a point marked upon the deposited plans and the deposited sections as four furlongs from such commencement shall not be laid on the Olney Road but shall be constructed and laid between those points upon private lands lying to the north-east of Emberton village.

(3.) Tramway No. 9 shall not be constructed until the roadway along the narrow place marked upon the deposited plans "G H" has been widened where required to the width of not less than 20 feet.

9. 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 carriages used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways but no carriage or engine used on the tramways shall exceed six feet three inches in width.

Gauge of tramways.

10. For the protection of the justices of the peace for the county of Buckingham (in this section referred to as "the county justices") the following provisions (in addition to all other provisions of this Order and of any enactment incorporated therewith applicable to the county justices) shall apply and have effect with respect to the construction and maintenance of the tramways by this Order authorised.

For the protection of the justices of the peace for the county of Bucks.

(1.) The Promoters shall not commence to construct any tramway upon or over any bridge or the approaches thereto situate in the county of Buckingham and repairable by the county justices unless all such bridges and approaches are of the minimum width of 28 feet or shall have been widened to the same extent and the widening of such bridges and approaches shall be done at the expense of the Promoters with such materials and of such thickness and strength and in all respects in such way and manner as the surveyor for the time being of the said county shall from time to time require and in all respects to his satisfaction.

(2.) The Promoters shall in constructing any tramway upon or over any bridge or the said approaches thereto in the said county lay down and for ever maintain on such bridge and approaches a footway of four feet at least in width on such side of such bridge as the county surveyor may prescribe and shall leave a space of fourteen feet at the least between the nearest rail of the tramway and the parapet on either side of such bridge.

(3.) The Promoters shall not commence any work or lay any tramway upon or over any bridge or the approaches thereto in the said county unless and until they shall have given seven days notice in writing to the county surveyor of their intention to commence such work or to lay such tramway and any such work and the laying of any such tramway shall be done to the satisfaction of such county surveyor.

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(4.) The Promoters shall pay all costs charges and expenses incurred by the county justices in relation to this Order and shall on demand repay to them all reasonable charges and expenses for the supervision and inspection of any work done by the Promoters in connexion with the construction of the tramways authorised by this Order and the county justices are hereby authorised to order such supervision and inspection as they deem proper and the county justices may recover from the Promoters all such costs charges and expenses in like manner as a simple contract debt of the like amount may be recovered.

(5.) If the Promoters under the authority of this Order having commenced fail to complete the widening of any county bridge or the approaches thereto within six calendar months from the commencement of any such widening or work in connexion with such widening the county justices may if they think proper execute and complete the same at the expense in all things of the Promoters and the county justices may recover from the Promoters all such expenses as they shall have incurred in the completion and construction of such widening or works in connexion with such widening together with full costs of action in like manner as any simple contract debt of the like amount may be recovered.

(6.) The speed at which engines and carriages may pass across county bridges the North Bridge Newport Pagnell and the bridge belonging or reputed to belong to the Earl of Dartmouth shall not exceed the rate of four miles an hour.

(7.) Except as is by this Order otherwise expressly provided nothing in this Order contained shall take away lessen prejudice or affect any of the estates rights interests powers or authorities of or belonging to the county justices.

Provisions as to construction of tramways.

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

As to rails of tramways.

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

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

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Penalty for not maintaining rails and road in good condition.

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

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

Local authority to have access to sewers.

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

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

16. The Promoters may from time to time hereafter make alter or amend all such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient for the efficient working of the tramways or any of them or for providing access to any stables engine-houses carriage-houses sheds or works of the Promoters subject to the approval of the road authority Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid by writing under his hand addressed to the Promoters express his objection thereto Provided also that the number and situation of such crossings passing places sidings junctions and other works shall be determined by the road authority and if any difference arise between the Promoters and the road authority with respect to the number and situation of any such crossings passing places sidings junctions

Additional crossings &c. may be made where necessary.

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Temporary tramways may be made when necessary.

or works the same shall be settled in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

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

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

Application of road materials excavated in construction of works.

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

Powers of local authority with respect to laying down mains &c. reserved.

19. Nothing contained in this Order shall interfere with the exercise by any local authority of the powers rights and privileges conferred upon them by any Act or Acts of Parliament of laying down maintaining and as the case may require of repairing altering removing or replacing any sewers mains pipes or other works in or under any of the roads or thoroughfares upon which the tramways or any of them may be laid under the authority of this Order.

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

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

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secretary or an assistant secretary of the said Board authorised the same to be opened for such traffic.

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trict.*

*Motive Power.*

21. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power and during a period of seven years after the opening of the same for public traffic and with the consent in writing of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board by steam power or any mechanical power.

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

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

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

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

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

Byelaws.

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

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

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

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

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

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

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

As to recovery of penalties.

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

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

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

Orders and byelaws to be signed &c.

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

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

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

Where at the time of the giving of any such notice any contract agreement or arrangement between the Promoters or such person and such road authority is in force with respect to the user by the Promoters or such person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which the tramways or such part of the tramways are or is laid or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road then and in every such case with the consent of the Board of Trade it shall be lawful for the Promoters or such person by such notice or for such road authority by notice to be served upon the Promoters or such person not later than forty days after the receipt

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by such road authority of such first-mentioned notice to determine such contract agreement or arrangement and thereupon such contract agreement or arrangement shall from and after the commencement of the use of steam or any mechanical power upon the tramways or such part thereof be determined and of no effect.

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

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

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

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

28. Where steam or any mechanical power is used by the Promoters or any person on the tramways or any part thereof no contract agreement or arrangement made before or after the commencement of the use of steam or mechanical

Where steam or mechanical power is used contract with

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road authority not to be for longer period than two years at a time.

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

*Traffic upon Tramways.*

Traffic upon tramways.

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

Promoters not bound to carry animals goods &c.

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

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

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

*Tolls.*

Tolls for passengers.

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

Passengers luggage.

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

Cheap fares for labouring classes.

34. 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 one carriage each way every morning in the week and every evening (except Saturday evening) in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than five in the evening respectively as the Promoters think most convenient for artisans mechanics and daily labourers at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny) provided that in case of any complaint made to the



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Board of Trade as to the hours appointed by the Promoters for running such carriages the said Board shall have power to fix and regulate the same from time to time.

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

Tolls for animals goods &c.

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

Payment of tolls.

37. 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.

Periodical revision of tolls.

*Miscellaneous.*

38. The Promoters may subject to the provisions of this Order (but only for the purposes of their undertaking and not so as to acquire any exclusive right therein) acquire hold and use any patent or other rights and any licenses to use patent rights relating to the construction or working of tramways or the engines carriages and trucks used thereon.

Power to hold patents.

39. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Common Law Procedure Act 1854 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as

Provisions as to arbitration.

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between the parties by any one of the taxing masters of the High Court of Justice and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall [extend to the fees in respect of the said taxation.

Form and delivery of notices.

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

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

Agreements between Promoters and road authorities.

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

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

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

Approval of Board of Trade to sale to be in writing.

43. 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.

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

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

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For protection of the Postmaster-General.

- (1.) It shall not be lawful for the Promoters to lay down any line or rail or to do any act or work for working such tramways by electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected and before any such line or rail is laid down or any such act or work is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing such work shall give written notice to the Postmaster-General specifying the course of the line or rail and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;
- (2.) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by the Board of Trade whose decision shall be final and sections thirty to thirty-two both inclusive) of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act ;
- (3.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraph communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues ;
- (4.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice ;
- (5.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work ;
- (6.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

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Carrying of mails by Promoters.

46. (1.) The Promoters if required by the Postmaster-General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires provided as follows:—

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

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

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

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

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

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

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

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

(3.) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General or a secretary or assistant secretary of the post office or the inspector-general of mails and any document

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purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

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*Newport Pagnell and District.*

Saving for general Acts.

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

SCHEDULE A.

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

Break power of engines.

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

As to fittings of engines &c.

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

With a suitable fender to push aside obstructions ;

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

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

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

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

Inspection of engines and carriages.

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

As to speed.

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

SCHEDULE B.

TOLLS AND CHARGES FOR ANIMALS GOODS &c.

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

*Goods and Minerals.*

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

*Parcels.*

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

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

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

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Per Mile.  
s. d.

Newport Pagnell and District.

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

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

*Regulations as to Tolls.*

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

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

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

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

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NORWICH TRAMWAYS.

Norwich.

*Order authorising the construction of Tramways in the city and county of the city of Norwich and the parish of Thorpe Saint Andrew in the county of Norfolk.*

1. This Order may be cited as "The Norwich Tramways Order 1887."

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" mean respectively the tramways and works and the undertaking by this Order authorised and The term "person" includes a corporation.

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*Promoters.*

*Norwich.*  
The Pro-  
moters.  
Lands by  
agreement.

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

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

*Construction of Tramways.*

Construction  
of tramways.

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

The tramways authorised by this Order are—

Tramway No. 1 (3 furlongs and 3·20 chains or thereabouts in length of which 1 furlong 7·70 chains are single line and 1 furlong 5·50 chains are double line) commencing at a point in the roadway between the Cattle Market and Bank Plain 0·53 chains or thereabouts measured in a northerly direction from the north-west corner of the Agricultural Hall and passing thence in an easterly direction into and south-easterly along Prince of Wales Road over Foundry Bridge and along Foundry Bridge Road and terminating in that road at a point 4·87 chains or thereabouts south-east from the centre of Foundry Bridge.

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

- (1.) From its commencement for a length of 7 chains or thereabouts.
- (2.) In Prince of Wales Road between points respectively 2·33 chains north-west and 0·17 chains south-east from the intersection of Cathedral Street with the Prince of Wales Road.
- (3.) Between points respectively 2·67 chains north-west and 3·33 chains south-east from the centre of Foundry Bridge.

Tramway No. 2 (1 mile 1 furlong and 1 chain or thereabouts in length of which 1 furlong and 1·50 chains is double line and 7 furlongs and 9·50 chains or thereabouts is single line) commencing in Foundry Bridge Road by a junction with Tramway No. 1 at the termination thereof in that road and passing thence in a south-easterly direction along Foundry Bridge Road and Thorpe Road and terminating in the last-named road at a point 1 mile 1 furlong and 1 chain from the commencement of the tramway.



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Tramway No. 2 shall be a single line except between the following points where it shall be a double line :—

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- (1.) In Foundry Bridge Road and Thorpe Road between points respectively 0·13 chains and 3·63 chains south-east from the intersection of Clarence Road and Foundry Bridge Road.
- (2.) In Thorpe Road between points respectively 6·10 chains and 10·10 chains east from the intersection of Harbour Road and Thorpe Road.
- (3.) In Thorpe Road between points respectively 6·05 chains and 10·05 chains north-east of the first milestone from Norwich.

Tramway No. 3 (2 furlongs and 0·10 chains or thereabouts in length of which 1 furlong 4·98 chains is single line and 5·12 chains is double line) commencing in the roadway between the Cattle Market and Bank Plain by a junction with the commencement of Tramway No. 1 and passing thence in a southerly direction along the Cattle Market and Golden Ball Street and terminating in Ber Street at or about the intersection of All Saints' Street with Ber Street.

Tramway No. 3 shall be a single line except between the following points where it shall be a double line :—

- (i.) From its commencement for a length of 2·00 chains.
- (2.) In Golden Ball Street between points respectively 4·39 chains and 1·27 chains north of its termination.

Provided always that no portion of Tramway No. 3 shall be commenced in Golden Ball Street without the consent in writing of the Board of Trade unless the roadway of the said street shall have been widened to a width of not less than twenty-two feet six inches.

Tramway No. 4 (5 furlongs or thereabouts in length of which 4 furlongs and 2·50 chains is single line and 7·50 chains or thereabouts is double line) commencing in Ber Street by a junction with Tramway No. 3 at the termination thereof and passing thence in a south-easterly direction along Ber Street and Bracondale and terminating in the last-named road at a point 10 chains or thereabouts north-west of the intersection of King Street and Bracondale.

Tramway No. 4 shall be a single line except between the following points where it shall be a double line :—

- (1.) In Ber Street between points respectively 0·50 chains and 3·00 chains southward from its commencement.
- (2.) In Ber Street between points respectively 6·74 chains and 4·24 chains north-west of the north-east corner of Finket Street.
- (3.) In Bracondale from the intersection of Carrow Road and Bracondale for a length of 2·50 chains south-east thereof.

Provided always that Tramway No. 4 shall be so laid as a double line in Ber Street between points 3·45 chains and 6·05 chains respectively south-east of the intersection of Finket Street that one only of such lines can be used at one and the same time.

Tramway No. 5 (2 furlongs and 6·60 chains or thereabouts in length of which 2 furlongs and 1·10 chains is single line and 5·50 chains is double

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line) commencing in Bracondale by a junction with Tramway No. 4 at the termination thereof, and passing thence in a south-easterly direction along Bracondale and Trowse Road and terminating in the last-named road at a point 3.50 chains or thereabouts south-east of the intersection of Martineau's Lane and Trowse Road.

Tramway No. 5 shall be a single line except between the following points where it shall be a double line :—

(1.) In Bracondale between points respectively 4.65 chains and 0.65 chains north-west of the intersection of King Street with Bracondale.

(2.) In Trowse Road from a point 1.50 chains north-west of the termination of the tramway to its termination.

The tramways herein-before described will be situated as follows ;

Tramway No. 1 will pass from through or into the several parishes of Saint Michael at Plea Saint George of Tombland Saint Peter per Mountergate and the hamlet of Thorpe all in the city and county of the city of Norwich.

Tramway No. 2 will pass from through or into the hamlet of Thorpe in the city and county of the city of Norwich and the parish of Thorpe Saint Andrew in the county of Norfolk.

Tramway No. 3 will pass from through or into the several parishes of Saint Michael at Plea Saint George of Tombland Saint Peter per Mountergate Saint Michael at Thorn and Saint John of Timberhill all in the city and county of the city of Norwich.

Tramway No. 4 will pass from through or into the several parishes of Saint John of Timberhill Saint Michael at Thorn Saint John de Sepulchre and the hamlets of Trowse Millgate Carrow and Bracondale and New Lakenham all in the city and county of the city of Norwich.

Tramway No. 5 will pass from through or into the hamlets of Trowse Millgate Carrow and Bracondale and New Lakenham all in the city and county of the city of Norwich.

For protection  
of Great  
Eastern Rail-  
way Company.

7. For the protection of the Great Eastern Railway Company the following provisions shall apply and have effect (that is to say)—

Notwithstanding anything shown on the deposited plans and sections or contained in this Order the Promoters in constructing Tramway No. 1 by this Order authorised shall make a single line of tramway instead of a double line between points respectively 2.67 chains north-west and 2.60 chains south-east from the centre of Foundry Bridge and shall lay the said single line in the position of the northernmost line of the double line as shown on the deposited plans and shall make a passing place in Foundry Bridge Road from the last-mentioned points for a distance of 3.50 chains eastward thereof on the south side of the single line shown on the deposited plans and in working the traffic on the said Tramway No. 1 the carriages of the Promoters shall not stop to take up or put down passengers on any part of the said tramway between the points respectively 2.67 chains north-west and 2.60 south-east from the centre of Foundry Bridge or use the same for any other purpose than the passage of carriages.

Gauge of  
tramways.

8. 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

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the extent of the carriages used on any tramway beyond the outer edge of the wheels of such carriages shall not apply to carriages used on the tramways but no carriage used on the tramways shall exceed six feet in width or such other width as the Board of Trade may prescribe.

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9. 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 or renewing any of the tramways lay before the Board of Trade and the road authority a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein together with a specification of the work proposed to be executed including a description of the rails proposed to be used and foundation upon which they are to be laid and the Promoters shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan statement and specification have been approved by the Board of Trade and by the road authority or in case of difference between the Board of Trade and the road authority then until the same have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan statement and specification and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act.

Provisions as to construction of tramways.

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

Mode of formation of tramways.

11. The Promoters shall at all times maintain and keep in good condition and repair to the satisfaction of the road authority and so as not to be a danger or annoyance to the ordinary traffic the rails of which any of the tramways for the time being consist and the substructure upon which the same rest and if the Promoters at any time make default in complying with this provision or with any of the requirements of section 28 of the Tramways Act 1870 they shall for every such offence be subject on information laid or complaint made to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues and such penalty may be recovered as by section 56 of the said Act is provided.

Penalty for not maintaining rails and road in good condition.

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

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inquiry to be conducted in the manner provided by section 63 of the Tramways Act 1870 and if the Board of Trade certify under the hand of a secretary or an assistant secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said Board the Promoters shall make good such default in the manner and within the time specified in such certificate and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are herein-before imposed with respect to offences.

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

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

Local authority to have access to sewers.

13. Every local authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Promoters and the provisions contained in sections 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.

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

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

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

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

Additional passing places and sidings may be made where necessary.

16. The Promoters may from time to time hereafter make maintain alter and remove all such crossings passing places sidings junctions turnouts and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient to the efficient working of the tramways or any of them or for facilitating the traffic of the roads in which the same are laid or for providing access to any stables carriage-houses sheds or works of the Promoters subject in each case to the approval of the road authority. Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of any house shop or warehouse abutting on the place where such rail is proposed to be

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laid by writing under his hand addressed to the Promoters express his objection thereto. A.D. 1887.

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*Norwich.*

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

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

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

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

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As to construction of tramways within the city of Norwich.

(Promoters to make deposit before opening roads in city.)

20. For the protection of the mayor aldermen and citizens of the city of Norwich (in this section referred to as "the corporation" and "the city" respectively) the following provisions shall have effect and apply with respect to the tramways authorised to be constructed within the city (which tramways are in this section referred to as "the city tramways").

(a.) Before the Promoters open or break up any road within the city they shall if so required by the corporation under their seal deposit in a bank to be approved by the corporation to a joint account in the names of the Promoters and corporation a sum of money (in this section referred to as "the deposit fund") to be calculated at the rate of one thousand pounds for every mile of tramway (and so in proportion for a part of a mile of tramway) by this order authorised to be constructed within the city.

The deposit fund shall at the request of the Promoters but at their risk be invested in the joint names aforesaid in such securities as the corporation may approve and the interest thereon shall from time to time be paid to the Promoters.

If the city tramways having been commenced are not completed within the time limited by the Tramways Act 1870 or within such extended time as may be duly sanctioned in accordance with the provisions of that Act or if after the completion of any of the city tramways the Promoters shall not work or having commenced to work shall discontinue the working of such tramways or any part thereof for a period of six months or if the Board of Trade shall make an order under section 41 or under section 42 of the Tramways Act 1870 the whole or so much of the deposit fund as shall bear to the whole of the said fund the same proportion as the length of tramways not worked or discontinued bears to the whole length of the tramways shall be paid out or transferred by the said bank to the corporation and the same shall be applied in or towards the repayment to the corporation of the expenses incurred by them in taking up or removing any of the tramways or materials connected therewith and in making good all damage caused to any road within the city by the commencement construction discontinuance or abandonment of such tramways or any of them and the balance of the deposit fund after fully satisfying all such expenses as aforesaid shall be repaid to the Promoters and the Promoters shall join the corporation in any deed act matter or thing which may be necessary to effect any such application of the deposit fund as aforesaid For the purpose of restoring any road along which any of the tramways shall have been laid the corporation shall be at liberty to break up or use any part of the materials of such tramways but before breaking up or using any rails or materials belonging to the Promoters the corporation shall give to the Promoters thirty days notice of such their intention and the Promoters may if they think fit within that period themselves take up and remove these rails and materials.

If the deposit fund is insufficient to reimburse the corporation the expenses so incurred the Promoters shall on demand pay to the corporation such deficiency.

(b.) Any notice to be given under section 26 of the Tramways Act 1870 shall specify also the works to be done and if such notice is not obeyed within the time in the said section mentioned the corporation shall have power to execute the works specified in such notice and recover the cost from the

(Notice under section 26 of Tramways Act to specify the works to be done.)

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Promoters by all and the same means as any simple contract debt of like amount may be recovered. A.D. 1887.

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(c.) If in the opinion of the corporation any of the tramways require alteration in consequence of any improvement or alteration having taken place in Golden Ball Street the Promoters shall at their own cost make such alterations as the corporation may deem necessary and if the Promoters fail to make such alterations within three months after being required so to do by the corporation the corporation may themselves make such alterations and execute the works connected therewith and recover the cost thereof from the Promoters by all and the same means as any simple contract debt of the like amount may be recovered. (Promoters to alter tramways after improvements in roads.)

(d.) Section 28 of the Tramways Act 1870 and the provisions of this Order with respect to the paving and maintaining certain portions of the roadways of any road whereon any of the tramways are laid shall extend and apply to so much of any road as extends 2 feet beyond the rails of and on each side of such tramways. (Portions of road to be paved by Promoters.)

(e.) If at any time after the construction of the tramways or any of them the Promoters fail to maintain and keep in good condition and repair to the satisfaction of the corporation such portion of any road whereon any of the tramways are laid as the Promoters are liable under the Tramways Act 1870 and this Order to maintain and keep in good condition and repair the corporation may from time to time take upon themselves the repairing and repaving of such road or any part thereof and in that case they shall give to the Promoters a notice in writing of such their intention specifying the time from and period during which they intend to exercise such powers and during such period the corporation shall accordingly but at the expense of the Promoters execute such repairs and repaving. (Corporation may in certain events execute repairs.)

(f.) In order to secure the repayment by the Promoters to the corporation of the expenses of such repairs and repaving the Promoters shall within seven days after each of the usual quarter days deposit with the corporation such a sum as the surveyor for the time being of the corporation may certify to represent in his judgment the amount which will be required to be paid by the Promoters for the works to be executed during the next ensuing quarter and the corporation shall apply the sum so deposited or any part thereof in or towards payment of any amount payable by the Promoters as aforesaid in respect of works executed during such quarter and at the end of each quarter the amount (if any) not so applied or so much thereof as may not be required shall be carried forward on account of the sum to be deposited for the next ensuing quarter and if the expenses in any quarter exceed the amount of the sum deposited such excess shall be paid by the Promoters to the corporation. Provided that if the Promoters shall be of opinion that the certified amount is unreasonably large they may refer the question to the Board of Trade who shall have power to determine the proper amount to be deposited. (Payment of expenses in advance.)

(g.) Whenever any of the city tramways or any passing place is constructed or required to be constructed over any manhole or entrance into any sewer of the corporation or so close to any such manhole or entrance as in the opinion of the surveyor for the time being of the corporation will make the use thereof dangerous or inconvenient the Promoters shall if required by the corporation construct another manhole or side entrance in lieu thereof in (Construction of new entrances to sewers where necessary and required by corporation.)

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(As to surface drains and pipes.)

(Breaking up streets by corporation.)

(As to cleansing of tramways.)

(Corporation may stop traffic in certain cases.)

(Corporation may use tramways for sanitary and other purposes.)

(Provisions as to carriages and horses.)

such a position and according to such plans as shall be approved of by such surveyor or the corporation may at their option reconstruct such manhole or entrance and the Promoters shall repay to the corporation the cost thereof.

- (h.) The Promoters shall where necessary remove all drains and sewers constructed or used for the purpose of carrying off surface water which are situate under that part of any road which they are by the Tramways Act 1870 or this Order required to maintain and repair and shall reconstruct and relay any such drains and sewers in such other parts of such road as may be prescribed by the corporation and shall make all such alterations as may be necessary in connexion with such drains and sewers.
- (i.) Nothing in this Order contained shall obstruct hinder prejudice or prevent the corporation from breaking up any street or road in the city for any purpose for which they are authorised to break up any street and for that purpose they may stop the traffic along the city tramways respectively and any extra cost occasioned by reason of such tramways being there and incurred by the corporation in the exercise of their powers and in restoring the surface of any street or road and any of the tramways laid by the Promoters shall be borne by the Promoters and be paid by them to the corporation.
- (j.) The corporation may cleanse the roadway in which any of the city tramways are laid without reference to the tramways but whatever cleansing owing to snow or other matters impeding the traffic is requisite for the proper working of the tramways shall be executed by and at the risk of the Promoters. In the event of the Promoters removing the snow or other matter from off the road they shall not place it on any other part of the road.
- (k.) The Promoters shall unless otherwise authorised by the corporation suspend the working of Tramway No. 3 and so much of Tramway No. 1 as lies between the commencement thereof and a point two chains from such commencement during the whole of every Saturday and during the whole of every Tombland fair day and the corporation may whenever they deem it necessary to stop other vehicular traffic by notice in writing direct the Promoters at any time after the expiration of twenty-four hours from the service of such notice to stop delay or suspend the working of the tramways.
- (l.) The corporation may between the hours of eleven in the evening and six in the morning and in such manner as they think fit (but subject to the reasonable byelaws for the time being in force with respect to the tramways) use the city tramways free of toll for sanitary purposes and for the conveyance of all material required for the works of the corporation and shall have power to form connexions between any yard or works belonging to the corporation and the city tramways. Provided always that in the construction of such connexions no rail shall be so laid that a less space than 9 feet 6 inches shall intervene between such rail and the outside of the footpath on either side of the road if any owner or occupier of any house shop or warehouse abutting on the place where such rail is proposed to be laid by writing under his hand addressed to the town clerk express his objection thereto.
- (m.) No carriage shall be used by the Promoters for the conveyance of traffic upon the city tramways until such carriage has been submitted to and approved by an officer to be appointed for that purpose by the corporation



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and all the carriages to be so used by the Promoters shall be kept in good repair and condition to the reasonable satisfaction of such officer and the corporation may cause to be removed from the city tramways any carriage or horse certified by such officer to be unfit for use on such tramways.

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(n.) The corporation shall not be responsible to the Promoters for any damage the Promoters may sustain by reason of their having to repair or relay their lines from time to time in consequence of the road subsiding after the construction or relaying of any sewer or drain or the execution of any work in or adjoining any road.

(Corporation not responsible for settling of road.)

(o.) Between sunset and sunrise the Promoters shall fix and maintain a light in front of each carriage or of the first of two or more carriages coupled together and another light at the rear of such carriage or the last of such carriages and in case the Promoters or their servants contrary to the provisions of this section use on the tramways any carriage without lights the Promoters shall on information laid or complaint made be subject to a penalty not exceeding five pounds for every day on which they shall have so used any such carriage.

(Lights and brakes.)

(p.) The sole responsibility of maintaining and working the city tramways free from danger or accident shall rest with the Promoters.

(Promoters solely responsible for working the tramways.)

(q.) The Promoters shall pay to the corporation all costs charges and expenses incurred by them in relation to the negotiations between the corporation and the Promoters or otherwise relating to the application for or obtaining of this Order and shall also pay to the corporation all charges and expenses incurred by them for the supervision and inspection of any work done or to be done by the Promoters in connexion with the city tramways and the corporation are hereby authorised to order such supervision and inspection of the works as they may deem proper.

(Certain expenses of corporation to be paid by Promoters.)

(r.) All penalties moneys costs charges and expenses payable by the Promoters to the corporation under this Order or the Tramways Act 1870 may save where otherwise expressly provided be recovered in manner provided by the Tramways Act 1870 with respect to the recovery of penalties.

(Recovery of penalties.)

(s.) Except as is by this Order otherwise expressly provided nothing in this Order contained shall take away lessen prejudice or alter any of the estates rights interests powers or authorities of or belonging to the corporation but the corporation shall and may have use exercise and enjoy the same as fully freely and effectually in all respects as they could or might have done if this Order had not been made and confirmed.

(Saving rights of corporation.)

21. The provisions contained in the preceding section for the protection of the mayor aldermen and citizens of the city of Norwich shall so far as the same are applicable extend and apply with respect to the tramways within the parish of Thorpe St. Andrew in the county of Norfolk and for the purposes of such application the expression "the corporation" in the said section shall be construed to mean the vestry of the said parish or the surveyor of highways of the said parish as the case may require and the expression "the city tramways" shall be construed to mean the tramways within the said parish.

For protection of vestry of parish of Thorpe St. Andrew.

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

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

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A.D. 1887. secretary or an assistant secretary of the said Board authorised the same to be opened for such traffic.  
*Norwich.*

*Traffic upon Tramways.*

Traffic upon tramways.

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

Promoters not bound to carry parcels &c.

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

Provision as to carriage of parcels in separate carriages.

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

*Tolls.*

Tolls for passengers.

26. The Promoters may demand and take for every passenger travelling upon any of the tramways or any part thereof including tolls and charges for the use of the tramways and of carriages and for motive power and for every other expense incidental to such conveyance any tolls or charges not exceeding one penny per mile (and for this purpose the fraction of a mile beyond any 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.

Passengers luggage.

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

Cheap fares for labouring classes.

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

Tolls for parcels.

29. The Promoters may demand and take in respect of any parcels conveyed by them on the tramways or any part thereof except as is by this Order specially provided including the tolls and charges for the use of the tramways and for

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waggons or trucks and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding the tolls and charges specified in the Schedule to this Order annexed.

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

Payment of  
tolls.

31. 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 or 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 henceforth 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.

Periodical  
revision of  
tolls.

*Miscellaneous.*

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

Provisions as  
to arbitration.

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

Form and  
delivery of  
notices.

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

(2.) Any notice to be delivered by or to the Promoters to or by any local authority or road authority or other body or any company may be delivered

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by being left at the principal office of such authority body or company or of the Promoters as the case may be or by being sent by post in a registered letter addressed to their respective clerk or secretary at such principal office.

Agreements between Promoters and road authorities.

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

Acquisition of patent rights.

35. The Promoters may subject to the provisions of this Order (but only for the purposes of the undertaking and not so as to acquire any exclusive right therein) acquire, hold and use any patents or patent rights and any licenses to use patent rights in connexion with tramways or the carriages to be used thereon.

Approval of Board of Trade to sale, &c.

36. 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.

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

Carrying of mails by Promoters.

38. (1.) The Promoters if required by the Postmaster-General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires provided as follows :—

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

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

(ii.) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster-General to be so low as to exclude him from availing himself of the use of any

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such carriage then as is for the time being fixed by agreement or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England ; and

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*Norwich.*

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

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

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

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

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

(3.) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General or a secretary or assistant secretary of the post office or the inspector-general of mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

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

Saving for  
general Acts.

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SCHEDULE.

TOLLS AND CHARGES FOR PARCELS.

	Any Distance.
	s. d.
For any 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 sums as the Promoters may think fit.	

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

*Wolverton and  
Stony  
Stratford  
(Deanshanger  
Extension).*

WOLVERTON AND STONY STRATFORD TRAMWAYS  
(DEANSHANGER EXTENSION).

*Order authorising the construction of Tramways in the parishes of Stony Stratford in the county of Buckingham and Cosgrove and Passenham in the county of Northampton.*

Short title.

1. This Order may be cited as "The Wolverton and Stony Stratford (Deanshanger Extension) Tramways Order 1887."

Incorporation of Acts.

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

Interpretation.

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

The expressions "the tramways" and "the undertaking" mean respectively the tramways and works and the undertaking by this Order authorised: and

The term "person" includes a corporation.

*Promoters.*

Promoters.

4. Charles Herbert Wilkinson and Malcolm Ross both of 3 Salters Hall Court Cannon Street in the city of London and the survivor of them and the executors and administrators of such survivor their or his assigns shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

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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 but nothing in this Order shall exonerate the undertakers from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon lands taken under the powers of this section.

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Wolverton and  
Stony  
Stratford  
(Deanshanger  
Extension).

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 (in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates curves points offices weigh-bridges carriage houses engine sheds warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same.

Construction  
of tramways.

The tramways authorised by this Order are:—

A Tramway (No. 1) 2 furlongs 1·50 chains in length commencing in the parishes of Stony Stratford (east and west) in the county of Buckingham by a junction with Tramway (No. 11) authorised by the Wolverton and Stony Stratford Tramways Order 1883 in High Street Stony Stratford at a point 17 links measured in a south-easterly direction from the "Barley Mow" Inn thence passing in a north-westerly direction along High Street Stony Stratford and Old Stratford Road and terminating in the last-mentioned road in the parishes of Cosgrove and Passenham in the county of Northampton at a point 100 feet north-west of the south-eastern corner of the house known as Trinity School and occupied by Mrs. Thomas.

Tramway (No. 1) shall be laid as a single line throughout.

Tramway (No. 2) 3 chains in length commencing in the parishes of Cosgrove and Passenham and county of Northampton by a junction with Tramway (No. 1) at its termination and passing in a north-westerly direction along Old Stratford Road and terminating in that road at a point 198 feet distant from its commencement in that road.

Tramway (No. 2) shall be laid as a double line throughout.

Tramway (No. 3) 4 furlongs 4·50 chains in length commencing in the said parishes of Cosgrove and Passenham by a junction with Tramway (No. 2) at its termination passing in a north-westerly direction along Old Stratford Road and thence in a southerly direction along Deanshanger Road and terminating in the last-mentioned road at a point 385 feet measured in a northerly direction from the mile post in that road marked Stony Stratford 1 mile Buckingham 7 miles.

Tramway (No. 3) shall be laid as a single line throughout.

Tramway (No. 4) 3·49 chains in length wholly in the said parish of Passenham commencing by a junction with Tramway (No. 3) at its termination and passing in a southerly direction along Deanshanger Road and terminating in that road at a point 230 feet in a southerly direction from its commencement.

Tramway (No. 4) shall be laid as a double line throughout.

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Wolverton and  
Stony  
Stratford  
(Deanshanger  
Extension).

Tramway (No. 5) 3 furlongs 5·30 chains in length wholly in the said parish of Passenham commencing by a junction with Tramway (No. 4) at its termination and passing along Deanshanger Road in a southerly direction thence along the same road in a westerly direction and terminating at a point measured 1,080 feet in an easterly direction from a farm road leading from Deanshanger Road to Northfields Farm.

Tramway (No. 5) shall be laid as a single line throughout.

Tramway (No. 6.) 3 chains in length wholly in the said parish of Passenham, commencing by a junction with Tramway (No. 5) at its termination passing in a westerly direction along Deanshanger Road and terminating in that road at a point measured 198 feet in a westerly direction from the commencement of the said tramway.

Tramway (No. 6) shall be laid as a double line throughout.

Tramway (No. 7) 3 furlongs 5·60 chains in length wholly in the said parish of Passenham commencing by a junction with Tramway (No. 6) at its termination thence passing in a westerly direction along Deanshanger Road and terminating at the junction of High Street Deanshanger with the Buckingham Road.

Tramway (No. 7) shall be laid as a single line throughout.

Tramway (No. 8) 4 chains in length wholly in the said parish of Passenham commencing by a junction with Tramway (No. 7) at its termination thence passing in a westerly direction along the Deanshanger Road and terminating at or near the commencement of High Street Deanshanger at a point (measured in a westerly direction) 4 chains from the commencement of the said tramway.

Tramway (No. 8) shall be laid as a single line throughout.

Tramway (No. 9) 8·90 chains in length wholly in the said parish of Passenham commencing by a junction with Tramway (No. 7) at its termination thence passing in a south-westerly direction along Buckingham Road and over the bridge carrying that road over a stream thence in a westerly direction along the Wicken Road and terminating in the last-mentioned road at a point (measured in a westerly direction) 8·90 chains from the commencement of the said tramway.

Tramway (No. 9) shall be laid as a single line throughout.

Tramway (No. 10) 4 chains in length wholly in the said parish of Passenham commencing by a junction with Tramway (No. 9) at its termination and thence passing along Wicken Road and terminating at a point in that road (measured in a westerly direction) 4 chains from the commencement of the said tramway.

Tramway (No. 10) shall be laid as a double line except for a distance of one chain from the termination thereof which shall be laid as a single line.

The above tramways will be situate in the counties of Buckingham and Northampton.

Special provisions as to certain of the tramways.

7. In constructing the tramways herein-after mentioned the following provisions shall apply and have effect, viz. :—

(1.) For the purpose of carrying Tramway (No. 3) past the junction of the two main roads in Old Stratford opposite the Falcoy Inn the Promoters shall acquire so much of the land lying to the south of that junction as may



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be required for the construction of the said tramway from a point eighty-five yards or thereabouts from its commencement to a point thirty yards or thereabouts from the junction of the two main roads measured in the direction of the termination of the said tramway and between those two points shall notwithstanding anything shown in the deposited plans construct the said tramway upon the said piece of land and not upon the said roads or either of them, and upon the completion of the said tramway the Promoters shall convey so much of the said lands so acquired by them as may not be further required by them for the purposes of the said tramway and as may lie between the said tramway and the said roads to the road authority and the land so conveyed shall be added to and form part of the said roads.

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(2.) Notwithstanding anything shown on the deposited plans the Promoters shall construct so much of the tramways as lies between a point distant one furlong from the commencement of Tramway (No. 3) and the termination of Tramway (No. 7) on the waste ground adjoining the roadway on the south-east and south side thereof and shall so lay the same that between the aforesaid points the roadway shall be maintained at its present width.

8. For the protection of the justices of the peace for the county of Buckingham (in this section referred to as "the county justices") the following provisions (in addition to all other provisions of this Order and of any enactment incorporated therewith applicable to the county justices) shall apply and have effect with respect to the construction and maintenance of the tramways by this Order authorised.

For protection  
of justices of  
county of  
Bucks.

In constructing Tramway (No. 1) upon or over so much of the bridge across the River Ouse or of the approaches thereto as is within the county of Buckingham the Promoters shall not at any time alter or interfere with the structure of such bridge and such approaches respectively so as to injuriously affect such bridge or such approaches and in the event of any injury being occasioned to such bridge or such approaches or any part or parts thereof respectively (whether such injury occurs either during or after construction or in effecting the maintenance of such tramway) the county justices may at the expense of the Promoters restore so much of the said bridge and of such approaches as are situate in the said county or the part or parts which may be injured to as good a state as they were in before such injury was occasioned and the Promoters shall forthwith recoup to and indemnify the county justices against all reasonable sums costs and expenses which they may be put to in restoring such bridge and such approaches respectively and in maintaining and repairing the road over such portion of bridge and approaches respectively and the county justices may recover from the Promoters all such sums costs and expenses together with full costs and charges in like manner as any simple contract debt of the like amount may be recovered.

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

Gauge of  
tramways.

10. In addition to the requirements of section twenty-six of the Tramways Act 1870 the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of

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to construction  
of tramways.

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As to rails of tramways.

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

Penalty for not maintaining rails and road in good condition.

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

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

Local authority to have access to sewers.

13. Every local authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Promoters and the provisions contained in sections thirty-two and thirty-three

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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.

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

15. The Promoters may from time to time hereafter make alter or amend all such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient for the efficient working of the tramways or any of them or for providing access to any stables engine-houses carriage-houses sheds or works of the Promoters subject to the approval of the road authority Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid by writing under his hand addressed to the Promoters express his objection thereto Provided also that the number and situation of such crossings passing places sidings junctions and other works shall be determined by the road authority and if any difference arise between the Promoters and the road authority with respect to the number or situation of any such crossings passing places sidings junctions or works the same shall be settled in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

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

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

17. Any paving metalling or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters so far as may be necessary in or towards the reinstating of such road and the maintenance for six months after the completion of any of the tramways within the district of such road authority of so much of the roadway of such road on either side of such tramways

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

Additional crossings &c. may be made where necessary.

Temporary tramways may be made when necessary.

Application of road materials excavated in construction of works.

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

Powers of  
local authority  
with respect to  
laying down  
mains &c.  
reserved.

18. Nothing contained in this Order shall interfere with the exercise by any local authority of the powers rights and privileges conferred upon them by any Act or Acts of Parliament of laying down maintaining and as the case may require of repairing altering removing or replacing any sewers mains pipes or other works in or under any of the roads or thoroughfares upon which the tramways or any of them may be laid under the authority of this Order.

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

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

*Motive Power.*

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

20. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power and during a period of seven years after the opening of the same for public traffic and with the consent in writing of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board by steam power or any mechanical power.

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

Penalty for  
using steam  
or mechanical  
power contrary  
to order or  
regulations.

21. The Promoters or any person using steam or any mechanical power on any of the tramways contrary to the provisions of this Order or to any of the regulations set forth in the Schedule A to this Order annexed or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order shall for every such offence be subject

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

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

Byelaws.

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

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

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

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

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

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

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

As to recovery of penalties.

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

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

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Orders and  
byelaws to be  
signed &c.

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.

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

As to con-  
tracts with  
road authori-  
ties where  
steam or me-  
chanical power  
used.

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

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

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

In case any difference arise between any such road authority and the Promoters or such person as to the determination of any such contract agreement or arrangement or in case any such road authority after request in writing by the Promoters or such person or the Promoters or such person after request in writing by any such road authority during a period of one month after such request refuse or fail to enter into any such contract agreement or arrangement or to renew the same with or without modification or to make a new contract instead thereof or in case of any difference as to the terms of any such contract agreement or arrangement or any renewal thereof with or without modification

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

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

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

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

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

*Traffic upon Tramways.*

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

Traffic upon tramways.

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

Promoters not bound to carry animals goods &c.

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

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

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Railway car-  
riages not to be  
used on tram-  
ways.  
Tolls for pas-  
sengers.

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

*Tolls.*

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

Passengers  
luggage.

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

Cheap fares  
for labouring  
classes.

34. 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 (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 five in the evening respectively as the Promoters think most convenient for artisans mechanics and daily labourers at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny) provided that in case of any complaint made to the Board of Trade as to the hours appointed by the Promoters for running such carriages the said Board shall have power to fix and regulate the same from time to time.

Tolls for  
animals goods  
&c.

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

Payment of  
tolls.

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

Periodical  
revision of  
tolls.

37. 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



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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.

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*Miscellaneous.*

38. The Promoters may subject to the provisions of this Order (but only for the purposes of the undertaking and not so as to acquire any exclusive right therein) acquire hold and use any patent or other rights and any licenses to use patent rights relating to the construction or working of tramways or the engines and carriages used thereon.

Power to hold patents.

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

Provisions as to arbitration.

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

Form and delivery of notices.

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

41. 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 tramways

Agreements between Promoters and road authorities.

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

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

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

Approval of  
Board of Trade  
to sale.

43. 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 bor-  
rowing on  
mortgage.

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

Provision for  
protection of  
the Postmaster-  
General.

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

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

(2.) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by the Board of Trade whose decision shall be final and

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sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a Company within the meaning of that Act ;

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(3.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues ;

(4.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice ;

(5.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work ;

(6.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were Undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

46. (1.) The Promoters if required by the Postmaster-General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires provided as follows:—

Carrying of  
mails by Pro-  
moters.

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

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

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

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

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

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

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

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

(3.) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General or a secretary or assistant secretary of the Post Office or the Inspector-General of Mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

Amendment  
of Wolverton  
and Stony  
Stratford  
Tramways  
Order 1883  
with respect to  
the opening  
for public  
traffic of the  
tramways.

47. Whereas the tramways authorised by the Wolverton and Stony Stratford Tramways Order 1883 were not completed and opened for public traffic within the period prescribed for the completion and opening for public traffic of the same as prolonged by the special direction of the Board of Trade.

And whereas after the expiration of the period so prolonged as aforesaid the said tramways were completed and have been opened and the same are now open for public traffic and it is expedient that in relation thereto the Wolverton and Stony Stratford Tramways Order 1883 should be amended and the provisions following should be in force and have effect Therefore

(1.) The powers conferred by the Wolverton and Stony Stratford Tramways Order 1883 upon the Promoters of the said Order shall be deemed to have been and to be unaffected by the failure to open for public traffic the tramways thereby authorised within the time so prolonged as aforesaid and the said Order shall have effect in all respects as though the opening for public traffic of the said tramways had taken place within the time so prolonged as aforesaid :

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(2.) The High Court of Justice may and shall subject to the provisions of the rules made by the Board of Trade under the authority of the Tramways Act 1870 relating to compensation to road authorities and for the protection of creditors on the application of the persons referred to in the said rules as the depositors order the sum of four hundred and twelve pounds ten shillings which pursuant to the provisions of the Tramways Act 1870 and of the said rules of the Board of Trade made under the authority of the said Act was paid or transferred in relation to the tramways authorised by the said Order into the Chancery Division of the High Court of Justice to the credit of "Ex parte the Wolverton and Stony Stratford Tramways" together with any interest or dividends due and payable thereon to be paid out or transferred to the persons so applying or to any other person or persons whom they may appoint in that behalf and thereupon such sum together with any such interest or dividends shall be so paid out or transferred as aforesaid.

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

Saving for  
general Acts.

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SCHEDULE A.

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

Break power  
of engines.

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

As to fittings  
of engines &c.

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

With a suitable fender to push aside obstructions ;

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

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

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Stony  
Stratford  
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Extension).*

As to car-  
riages.

Inspection of  
engines and  
carriages.

As to speed.

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

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

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

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

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

SCHEDULE B.

TOLLS AND CHARGES FOR ANIMALS GOODS &c.

*Animals.*

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

*Goods and Minerals.*

For all coals coke culm charcoal cannel limestone chalk lime salt and fire-clay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways	per ton 0 2
For all iron iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slags and stone stones for building pitching and paving tiles slates and clay (except fire clay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs	per ton - - - - - 0 2½
For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings	- - - - - per ton 0 3

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	Per Mile.	A.D. 1887.
	s. d.	
For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things - per ton	0 4	<i>Wolverton and Stony Stratford (Deanshanger Extension).</i>
For every carriage of whatever description having two wheels	- 0 6	
For every carriage of whatever description having four wheels	- 1 0	

*Parcels.*

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

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

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

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

*Regulations as to Tolls.*

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

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

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

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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.

Worcester.

WORCESTER TRAMWAYS.

*Order authorising the Construction of Additional Tramways in the  
City of Worcester.*

Short title.

1. This Order may be cited as "The Worcester Tramways Order 1887."

Incorporation  
of Acts.

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

Interpretation.

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

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

The expression "the authorised tramways" means the tramways authorised by the Worcester Tramways Order 1881 ;

The expression "the city" means the city and county of the city of Worcester ;

The expression "the corporation" means the mayor aldermen and citizens of the city acting by the council ;

The expression "the Order of 1881" means the Worcester Tramways Order 1881 ; and

The term "person" includes a corporation.

*Promoter.*

The Pro-  
moters.

4. Alfred Walter Good of 57 Moorgate Street London and his executors administrators or assigns 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 but nothing in this Order shall exonerate the undertakers from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon lands taken under the powers of this section.



*Construction of Tramways.*

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6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited for the purposes of this Order (in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails points junctions plates offices weigh-bridges stables carriage-houses warehouses works and conveniences connected therewith and may work and use the same.

*Worcester.*  
Construction  
of tramways.

The tramways authorised by this Order are—

Tramway No. 1 5 furlongs 1·50 chains or thereabouts in length (of which 1 furlong 8·10 chains or thereabouts is double line and 3 furlongs 3·40 chains or thereabouts is single line) commencing in The Cross by a double junction with the rails of the authorised tramways at a point twenty-four yards or thereabouts northward of the north-west corner of High Street and passing thence southward into and along High Street College Street Sidbury and Bath Road and terminating in the last-named road at a point thirty-one yards or thereabouts northwards of the junction of Mill Street with Diglis Road ;

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

- (A) For a distance of one hundred and fifty yards or thereabouts from its commencement ;
- (B) Between a point in High Street forty-seven yards or thereabouts south of Copenhagen Street and a point in College Street opposite to the entrance to Saint Michael's Church ;
- (C) Between points respectively forty-two yards and one hundred and eight yards or thereabouts from its termination ;

Provided always that at least one cross-over shall be constructed in the double portion of Tramway No. 1 extending for a distance of one hundred and fifty yards or thereabouts from the commencement of the said tramway to enable cars to pass from either line to the other and at least one cross-over in the double portion of Tramway No. 1 between the said point in High Street forty-seven yards or thereabouts south of Copenhagen Street and the said point in College Street opposite to the entrance to Saint Michael's Church to enable cars to pass from either line to the other :

Provided further that so much of Tramway No. 1 as lies between the commencement of that tramway and a point in High Street seventy-three yards south from the south side of Church Street shall not be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway except with the consent in writing of a majority exceeding two thirds of the owners and two thirds of the occupiers of the houses shops or warehouses abutting upon the part of the road where such less space shall intervene as aforesaid and such consent may be given either unconditionally or subject to and upon such terms and conditions as may be mutually agreed in writing between such majority of owners and occupiers and the promoters :

Provided also that the provisions in this Order contained with respect to the paving in manner therein described of the whole of the roadway from kerb to

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A.D. 1887. kerb in High Street from the south side of Saint Swithin's Street to the south side of Church Street shall not come into operation unless and until such consent be obtained :  
*Worcester.*

Tramway No. 2 4 furlongs 6·4 chains or thereabouts in length (of which 6 chains or thereabouts is double line and 4 furlongs 0·4 chains or thereabouts is single line) commencing in the Bath Road by a junction with Tramway No. 1 at the termination thereof and passing thence southwards along the Bath Road and terminating in the said road opposite to the front entrance to the Berwick Arms Inn ;

Tramway No. 2 shall be a single line except at the following places where it shall be a double line :—

(A) Between points respectively twenty-six yards and ninety-two yards or thereabouts northward of the principal entrance gate from the Bath Road to "South Bank" ;

(B) Between points respectively twenty-two yards and eighty-eight yards or thereabouts northward of its termination.

The above tramways will pass from through or into or be situate in the several parishes and places following that is to say Saint Swithin Saint Helen Saint Michael-in-Bedwardine and Saint Peter the Great in the city and county of Worcester.

For protection of the Sharpness Docks &c. Company.

7. If any damage be occasioned to any bridge or roadway repairable by the Sharpness New Docks and Gloucester and Birmingham Navigation Company by any car carriage or any other vehicle of the Promoters or by the construction of the tramways or by the repairing or relaying of the rails the Promoters shall at their own expense repair or make good any such damage under the superintendence and to the reasonable satisfaction of the surveyor to the said company and the reasonable costs of such superintendence shall be paid by the Promoters Provided that if within forty-eight hours after notice in writing in that behalf under the hand of the said surveyor the Promoters have not commenced to repair and make good such damage or if having commenced the same they do not diligently proceed therewith so as to complete the same with all reasonable despatch the said surveyor may at the cost of the Promoters execute and do all such works and things as may be reasonably necessary to repair and make good such damage.

Power to corporation to require double lines to be laid in certain cases.

8. The corporation may at any time either before or after any part of the tramways is laid down by resolution require the Promoters to construct or (if previously laid down) to remove and reconstruct with a double line of rails the whole or any part of any tramway situate or intended to be situate in any road of a less width than twenty-three feet between the footpaths on each side thereof Provided that in the construction of such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be so laid by writing under his hand addressed to the Promoters express his objection thereto.

Section 30 of Tramways Act 1870 to extend to corporation.

9. Section 30 of the Tramways Act 1870 shall extend and apply to the corporation with reference to the water and gas mains pipes and apparatus belonging to the corporation in like manner as the same applies to a company or person being the owner of water and gas mains or pipes.

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Act, 1887.

10. The corporation and every other 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 and the provisions contained in the thirty-second and thirty-third sections 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 and the provisions of this section shall be without prejudice to the powers rights and authorities of any person or persons or body under any other section of this Order.

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Local authorities to have access to sewers.

11. The corporation may remove at the sole cost in all respects of the Promoters any manhole ventilator or other communication with any sewer mains pipes valves syphons plugs tubes wires or apparatus or other works belonging to or controlled by the corporation which are situate under that part of any road on which any tramway is intended to be laid or which the Promoters are by section 28 of the Tramways Act 1870 or this Order required to maintain and repair and which the corporation may deem likely to be injured or affected by such tramway and may at the like cost reconstruct and relay any such work or thing in such part of such road as the corporation may think fit.

Removal of manholes ventilators &c.

If the Promoters desire under the authority of this Order to do any act which shall or may render necessary the removal or displacement of any manhole ventilator or other communication with any sewer mains pipes valves syphons plugs tubes wires or apparatus or other works belonging to or controlled by the corporation the Promoters shall give to the corporation fourteen days notice of such desire and the corporation may (without prejudice nevertheless to the protection afforded to them by sub-section 2 of section 30 of the Tramways Act 1870) make such removal or displacement as may be necessary and do all works incidental thereto and all the expenses incurred by the corporation in carrying into effect the provisions of this section shall be defrayed by the Promoters.

If the corporation neglect or refuse to do such works the Promoters may at their own expense execute the same to the satisfaction and in accordance with the directions of the corporation or their surveyor.

12. If in constructing any of the tramways it should be necessary to alter or reconstruct any vault cellar archway or culvert under any road or to execute any work for properly maintaining the same the Promoters shall at their own expense execute every such work to the reasonable satisfaction of the owner of the vault cellar archway or culvert affected and shall save harmless and indemnify the corporation and all other bodies and persons from all claims for damage or injury or otherwise in respect of any such alteration or reconstruction of any such vault cellar archway or culvert or the execution of any such work as aforesaid.

Alterations of private cellars vaults &c.

13. The tramways shall be constructed on a gauge of three feet 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 such carriage shall not apply to carriages used on the tramways but no carriage used on the tramways shall exceed six feet in width.

Gauge of tramways.

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

Provisions as to construction and rails of tramways.

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—  
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laying down maintaining or renewing any of the tramways lay before the Board of Trade and the corporation 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 a description of the rails of such tramways and the Promoters shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan statement and description have been approved by the Board of Trade and by the corporation and after such approval the works shall be executed in accordance in all respects with such plan statement and description 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 Provided always that if the corporation shall disapprove of such plan statement or description or any part thereof or shall not signify their approval thereof within one month from the date of such delivery to them of such plan statement and description then the Board of Trade after considering any representations that the corporation may desire to make to them thereon shall determine the mode of constructing laying down maintaining and renewing the tramway or tramways referred to in such plan statement and description and the materials and rails intended to be used therein or so much thereof respectively as shall not have been approved of by the corporation Provided always that the Board of Trade may from time to time upon the application of the road authority require the Promoters to adopt and apply such improvements in the tramways including the rails thereof as experience may from time to time suggest having regard to the greatest 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 paving  
of certain  
streets.

15. Notwithstanding anything contained in the last preceding section the Promoters shall pave with beechwood cubes upon a foundation or substructure of concrete to the satisfaction of the corporation the whole of the roadway from kerb to kerb in High Street from the south side of Saint Swithin's Street to the south side of Church Street and shall also pave in like manner and to the like satisfaction so much of every road whereon Tramway No. 1 is authorised to be laid except between the limits aforesaid as lies between the rails of the said tramway and extends eighteen inches beyond the rails of and on each side of the said tramway and the Promoters shall opposite any church public building or other place in or near any road along which Tramway No. 2 is authorised to be laid if at any time either before or after the laying of the tramways they are specially required by notice in writing by the corporation to the Promoters so to do pave in like manner as aforesaid so much of the road opposite to such church public building or other place as lies between the rails of the said Tramway No. 2 Subject as aforesaid the Promoters shall pave so much of every road within the city whereon Tramway No. 2 is authorised to be laid as lies between the rails of such tramway and extends eighteen inches beyond the outside of the rails of and on each side of such tramway with stone or granite cubes or sets in such manner as may be required by and to the satisfaction of the corporation and in addition to the requirements of section 28 of the Tramways Act 1870 the Promoters shall at their own expense at all times maintain and keep in good condition and repair and with such materials and in such manner as the

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corporation shall direct and to their satisfaction so much of every road within the city as the Promoters have paved or are or may be liable to pave.

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Promoters to contribute 1,500*l.* to cost of wood paving of certain streets.

16. Whereas in order to induce the corporation to consent to the construction of the tramways the Promoters have agreed to contribute the sum of one thousand and five hundred pounds towards the cost of paving with wood cubes such portions as the corporation may think fit so to pave of so much of the roadway along High Street College Street Sidbury and the Bath Road as lies between the outside of the said space of eighteen inches beyond the rails of the tramway and the kerb on each side of the said roadway Therefore the Promoters shall within three months after the passing of the Act confirming this Order and before commencing the construction of any of the tramways pay to the treasurer of the corporation the sum of one thousand five hundred pounds and the corporation may use and apply the said sum when and as they think fit in or towards payment of the costs of any wood paving which they may determine to lay down in any part or parts of High Street College Street Sidbury and the Bath Road or any or either of them. In case any part of the said sum of one thousand five hundred pounds shall at the expiration of five years after the passing of the said Act remain in the hands of the said treasurer unapplied for any of the purposes aforesaid the same shall on demand be repaid by the said treasurer to the Promoters.

17. If the corporation shall at any time be of opinion that the Promoters have not complied with the provisions contained in this Order or in any Act incorporated therewith as to the repairs and maintenance of any road within the city or any part thereof the corporation shall be entitled at any time or from time to time on giving to the Promoters one calendar month's notice in writing of their intention so to do to take upon themselves the paving and renewal repair and maintenance or any of them of the whole or any part of any such road whereon any tramway is laid or of the whole or any part of any road which under this Order or any Act incorporated therewith the Promoters are or but for this section would be bound to pave renew repair or maintain and from time to time or at any time to relinquish the same to the Promoters on giving the like notice and the expenses of all such paving renewal maintenance and repairs as the corporation shall take on themselves under this section shall be borne by the Promoters and shall be ascertained quarterly in advance in such manner as may from time to time be agreed on between the corporation and the Promoters or failing such agreement in any case as shall be ascertained from time to time by the engineer or surveyor for the time being of the corporation and his certificate of the amount thereof shall be conclusive on all parties After the corporation shall have taken upon themselves any such paving renewal repairs or maintenance as aforesaid and until they shall relinquish the same to the Promoters as aforesaid the Promoters shall within seven days after each of the usual quarter days pay to the corporation the amount of their estimated expenditure for the next succeeding quarter so ascertained by such agreement or certificate as aforesaid and the corporation shall be at liberty to apply the same or any part thereof in payment for such paving renewal repairs and maintenance as aforesaid during such next succeeding quarter and at the end of each quarter the amount (if any) not so applied or so much thereof as may not be required shall be carried forward as or towards the deposit for the next succeeding quarter and any excess shall be repaid to the Promoters and if any sum be so carried forward as aforesaid the Promoters shall for the quarter then next succeeding only deposit such an amount (if any) as will

Power to corporation to undertake paving or repair of roads.

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be required to make up the sum to be deposited as aforesaid. Provided always that so long as the corporation shall continue to exercise the powers by this section conferred on them the Promoters shall not be under any liability either in respect of penalties under the provisions in that behalf contained in this Order or otherwise for default in the paving renewal maintenance and keeping in good condition and repair of any part of any road the paving renewal maintenance and repair of which shall be so undertaken by the corporation under the provisions of this section.

Penalty for not maintaining rails and road in good condition.

18. The Promoters shall subject to the provisions of this Order at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of which any of the tramways for the time being consist and the substructure upon which the same rest and also so much of the surface of the road between and on each side of the rails as the Promoters are required to construct and maintain and if the Promoters at any time make default in complying with this provision or with any of the requirements of section 28 of the Tramways Act 1870 they shall (without prejudice to any other remedy of the corporation or of any person or persons against them) for every such offence be subject on information laid or complaint made to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues and such penalty may be recovered as by section 56 of the said Act is provided.

In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Promoters have made any such default as aforesaid the Board of Trade may if they think fit direct an inquiry by an officer to be appointed by the said Board such inquiry to be conducted in the manner provided by section 63 of the Tramways Act 1870 and if the Board of Trade certify under the hand of a secretary or an assistant secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said Board the Promoters shall make good such default in the manner and within the time specified in such certificate and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are herein-before imposed with respect to offences.

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

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

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

20. 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 whether during or in connexion with the first construction of the tramways or any future alteration or relaying thereof in consequence of or in connexion with any raising lowering alteration or interference by the corporation or with any such road the Promoters shall from time to time alter or (as the case may be) lay their rails so

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that the uppermost surface thereof shall be on a level with the surface of the road as altered.

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Additional crossings &c. may be made where necessary.

21. The Promoters may with the previous consent of the road authority from time to time hereafter make 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 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 the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid by writing under his hand addressed to the Promoters express his objection thereto Provided also that the number and situation of such crossings passing-places sidings junctions and other works shall be determined by the road authority If any crossing passing-place siding junction or other work so made with the consent of the road authority as aforesaid or any part thereof is subsequently objected to by such road authority such road authority may by written notice to the Promoters require them to remove the same and if such road authority so think fit to remake or relay the same in some other position to be specified in the notice and the Promoters shall comply with such requirement Provided that the expense of every such removal remaking or relaying shall be borne by the road authority making such requirement.

22. 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 shall discontinue the use thereof and 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 conditions or regulations or with respect to the mode of constructing any temporary tramway or temporary tramways under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

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

Traffic in roads not to be impeded.

24. The sole responsibility of maintaining the tramways and so much of the surface of the road between and on each side of the rails as the Promoters are by this Order or by any Act in whole or in part incorporated therewith required to maintain free from damage or accident shall subject to the provisions of this Order rest with the Promoters and they shall have no claim whatever for any

Promoters to be solely responsible for maintaining the tramways free from damage or accident.

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*Worcester.* damage that may be done thereto or from any interruption of traffic or otherwise which may arise from any works executed or to be executed by the road authority or from the use of any steam roller or traction engine or other implements or things or from any materials used in the maintenance of the roads or by reason of any accident which may happen to any bridge or road under the control of the road authority except where such damage or interruption of traffic results from the wilful negligence of the road authority.

Application of road materials excavated in construction of work.

25. Any paving metalling or material excavated or removed by the Promoters in the construction of their works from any road under the jurisdiction or control of the road authority of any district may be applied by the Promoters so far as may be necessary in or towards the reinstating of such road pursuant to the provisions herein contained and the Promoters shall if so required deliver the surplus paving metalling or material not used for the purposes aforesaid at such place or places within such district as the surveyor for the time being of the road authority may appoint and in no case shall the Promoters or any person acting under their authority sell any such paving metalling or material unless for the space of fourteen days after notice in writing to such road authority that the surplus of any such paving metalling or material is ready for removal such surveyor shall fail or neglect by himself or by some person or persons authorised by him for that purpose to direct the Promoters where to deliver such surplus paving metalling or material in which case the surplus thereof referred to in such notice shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to all differences between the Promoters and any road authority.

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

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

*Traffic upon Tramways.*

Traffic upon tramways.

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

Promoters not bound to carry parcels.

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

Provision as to carriage of parcels in separate carriages.

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

Carriages to be used on tramways.

30. The carriages to be used on the tramways shall subject to the provisions of the Tramways Act 1870 be of such width (not exceeding that by this Order herein-before provided) and of such design and construction and the wheels of the carriages shall be of such form and dimensions as shall be approved by the corporation and a drawing thereof shall be submitted to the corporation prior to



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the opening of the tramways for public traffic for their approval and no alteration in such drawing shall be made after such approval without the consent of the corporation nor shall the outsides of the carriages without such consent be used for advertising purposes and it shall not be lawful for the Promoters or any other person or company (other than the corporation acting under the powers conferred upon them by section 33 of this Order) to use any tramway for running thereon any carriage with flange wheels or other wheels suitable only to run on the rails by this Order prescribed in contravention of this provision. Provided that if the corporation shall fail for the space of one calendar month after submission to them of any such drawing to express their disapproval thereof by notice in writing under the hand of their town clerk they shall be deemed to have approved thereof.

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31. In addition to the regulations referred to in section 46 of the Tramways Act 1870 the corporation may subject to the provisions of the said section make regulations as to the traffic on the tramways or any part thereof on Sundays Christmas Day and Good Friday. The corporation or the mayor of the city shall have power by public notice to prohibit or regulate the traffic on the tramways or any part thereof on any special occasions when and for so long as the public convenience shall in their or his opinion render such prohibition or regulation necessary or desirable.

Further regulations as to traffic.

32. The Promoters shall not cause or permit any car to stop or stand for the purpose of taking up or setting down passengers or for any other purpose except of necessity upon any part of Tramway No. 1 between its commencement at the Cross and a point opposite the south side of the house No. 51 High Street or upon any part of the said Tramway No. 1 between a point opposite the north-west end of the Red Lion Inn Sidbury and the south-west side of Villiers House Bath Road.

Cars not to stop in certain places.

In case of any breach of this provision the Promoters shall for every such offence be liable to a penalty not exceeding five pounds.

33. Notwithstanding anything contained in sections 34 and 54 of the Tramways Act 1870 it shall be lawful for the corporation at any time or times between the hours of twelve at midnight and half-past seven in the morning to use all or any parts or part of the authorised tramways or of the tramways by this Order authorised for running thereon carriages or vehicles having flange wheels or other wheels suitable only to run on the rails of the tramways for the purpose of the conveyance of any coals building materials street materials night-soil and any other materials or things which the corporation may be desirous of conveying thereon without making any payment for so doing but making good any damage done to the tramways by reason of such user.

Corporation may use tramways for certain purposes.

*Tolls.*

34. 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 sum not exceeding one penny per mile (and for this purpose the fraction of a mile beyond any integral number of miles shall be deemed a mile) but the Promoters may charge for any less distance than two miles any sum not exceeding twopence.

Tolls for passengers.

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Provided nevertheless that it shall not be lawful for the Promoters to demand or take any toll or charge exceeding one penny from any passenger travelling upon the tramways between the following points namely :—

- (A) The Cross and the Albion Tavern in the Bath Road ;
- (B) The Albion Tavern aforesaid and the termination of the said Tramway No. 2.

Provided also that in case the authorised tramways or any part thereof shall at any time hereafter become the property of or be held in trust for or be leased to or worked by the Promoters or in case the authorised tramways or any part thereof as also the tramways by this Order authorised or any part thereof shall at any time hereafter become the property of or be held in trust for or be leased to or worked by the same company person or persons or in case any company person or persons shall at any time hereafter have any legal or equitable estate or interest in the authorised tramways or any part thereof or in the receipts therefrom as well as in the tramways by this Order authorised or any part thereof or in the receipts therefrom then and in any of such cases it shall not be lawful to demand or take any toll or charge exceeding one penny from any passenger travelling upon any of the authorised tramways between the following points respectively namely :—

- (A) Between the Cross and Saint Oswald's Road ;
- (B) Between Saint Oswald's Road and Vine Street Ombersley Road ;
- (C) Between the Cross and the bottom of Saint John's Hill ;
- (D) Between the bottom of Saint John's Hill and the Portobello Inn Bransford Road ;
- (E) Between the Cross and Shrub Hill Station.

The said toll or charge of one penny shall include tolls or charges for the use of the tramways and carriages and for motive power and every other expense incidental to such conveyance.

Passengers  
luggage.

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

Cheap fares  
for labouring  
classes.

36. 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 one carriage each way over each of the tramways then opened 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 five in the evening respectively as the Promoters think most convenient for artisans mechanics and daily labourers at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any toll or charge less than one penny) Provided that the Board of Trade may from time to time for good cause shown and with the consent of the corporation either authorise the Promoters to discontinue the running of such carriage or may order the Promoters to run an extra carriage at such hours as aforesaid and may from time to time revoke alter or modify such Order and in case of any complaint made to the Board of Trade of the hours

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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. A.D. 1887.

37. The Promoters may demand and take in respect of any parcels conveyed by them on the tramways other than passengers luggage not exceeding twenty-eight pounds in weight including the tolls and charges for the use of the tramways and for waggons or trucks and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding the tolls and charges specified in the schedule to this Order annexed. Worcester.  
Tolls for parcels.

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

39. If at any time after three years from the opening for public traffic of any 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 the Order authorised. Periodical revision of tolls.

*Miscellaneous.*

40. If at any time during the construction of the tramways or any of them and before the opening of the whole of the tramways for public traffic the Promoters discontinue the construction of any of the tramways or of any part thereof for the space of one calendar month (such discontinuance not being occasioned by circumstances beyond the control of the Promoters for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control) or if it appears to the corporation that the Promoters are insolvent so that they are unable to complete or maintain the tramways or work the same with advantage to the public the corporation if they think fit may by resolution declare that the powers of the Promoters with respect to any of the tramways the construction whereof shall be so discontinued, or with respect to the whole of the tramways in case of insolvency shall from the date of such resolution be at an end Provided that at least fourteen days previous notice in Special provisions in case of discontinuance of tramways during construction or insolvency of Promoters.

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writing under the hand of the town clerk of the intention to propose such resolution shall have been given or sent to the Promoters and upon such resolution being passed the said powers of the Promoters shall cease and determine as to any such tramway or the whole of the tramways unless the Board of Trade otherwise order within two calendar months after the passing of any such resolution. When any such resolution has been passed the corporation may unless the Board of Trade shall otherwise order as aforesaid remove the tramway or tramways mentioned in such resolution in like manner and subject to the like provisions as to the payment of the costs of such removal and to the same remedy for recovery of such costs in every respect as in cases of removal under section forty-one of the Tramways Act 1870.

In case of such discontinuance of any one or more of the tramways or such insolvency of the Promoters and of any order being made by the Board of Trade under the provisions of sections forty-one or forty-two of the Tramways Act 1870 it shall be lawful for the corporation if they think fit subject to and in accordance with the provisions of section forty-three of the Tramways Act 1870 and within three months after any such order by the Board of Trade in lieu of exercising the powers conferred upon a road authority by sections forty-one or forty-two of the Tramways Act 1870 to cause a valuation of the then value of so much of the tramways as is then constructed or in course of construction (exclusive of any allowance for past or future profits thereof or any compensation for compulsory sale or other consideration whatsoever) and an estimate of the cost of the removal thereof and of the re-instatement of the roads to be made and upon payment by the corporation to the Promoters or other the person or persons for the time being entitled to give a legal discharge for the same of so much money as shall represent the excess of the said valuation over the said estimate so much of the said tramways as aforesaid shall vest in and become the absolute property of the corporation. Provided that if any dispute shall arise between the Promoters and the corporation as to the amount of any such valuation or estimate the same shall be referred to and settled by a referee to be appointed by the Board of Trade in manner provided by section thirty-three of the Tramways Act 1870. Provided further that if the amount of such estimate shall in any case exceed the amount of such valuation it shall be lawful for the corporation to take possession of so much of the said tramways and thereupon the same shall vest in and become the absolute property of the corporation without any payment or compensation to the Promoters and such excess in the amount of such estimate shall be forthwith paid to the corporation by the Promoters and in each case the corporation may remove so much of the said tramways or may retain or otherwise deal with the same as they may think fit and the Board of Trade shall subject to the provisions of the Tramways Act 1870 approve.

Evidence of  
discontinuance  
of traffic.

41. The failure by the Promoters for seven consecutive days to run ten carriages at least over any of the tramways shall (except where such failure shall arise from the exercise by any road authority of any powers conferred or that may hereafter be conferred on them of prohibiting or otherwise interfering with the traffic on any of the tramways or by reason of any road being under repair or from any other cause or causes beyond the control of the Promoters) be deemed to be a discontinuance of the working of the tramway or tramways or

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the part thereof as to which such failure shall happen within the meaning of section 41 of the Tramways Act 1870 and of this Order. A.D. 1887.

42. The corporation may cleanse the whole or part of any road in which any of the tramways is laid without reference to the tramways but whatever cleansing owing to snow or other matters impeding the traffic of the tramways is requisite for the proper working thereof or making the part of the road repairable by the Promoters fit for ordinary traffic shall be executed by and at the risk of the Promoters who shall remove such snow and other matters therefrom with all reasonable despatch and shall not place the same or permit the same to be placed or remain on any other part of the road. Worcester. As to cleansing of roads and tramways.

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

44. The Promoters shall within three months from the passing of the Act confirming this Order and before commencing the construction of either of the tramways deposit in the Bank of England in the joint names of the Corporation and the Promoters a sum of money or securities equivalent to the sum of money or securities which the Promoters are or but for the possession of a tramway already opened for public traffic would be required to deposit to the account of the Paymaster-General for and on behalf of the Supreme Court of Judicature pursuant to the rules made by the Board of Trade under the Tramways Act 1870. Promoters to make deposit in Bank of England as security for completion of tramways.

In case the Promoters make default in completing and opening for public traffic the whole of the tramways within the period limited by the Tramways Act 1870 or within such extended time as may be duly sanctioned by special direction of the Board of Trade then and in addition to any liability which they may incur to the corporation or any person or persons by reason of such default the Promoters shall forfeit to the corporation such sum of money or securities so deposited as aforesaid and the same together with all interest and dividends accrued thereon shall be paid out or transferred by the Bank of England to the corporation without any consent on the part of the Promoters or any other person or persons whomsoever. Provided that on the completion of the whole of the tramways within the said period or within such extended time as aforesaid and on the giving of the certificate by the Board of Trade that the same are fit for public traffic the said sum of money or securities with all interest and dividends accrued thereon (if any) shall on demand of the Promoters in writing be paid out or transferred to them by the Bank of England and the production of the said certificate of the Board of Trade shall be sufficient authority to the Bank of England to make such payment or for such transfer.

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Form and  
delivery of  
notices.

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

Agreements  
between Pro-  
moters and  
road authori-  
ties.

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

Certain costs  
of corporation  
to be paid by  
Promoters.

47. All costs and expenses which may be incurred by the corporation by reason of this Order or the application for the same or the construction or existence of the tramways or any of them or of any act omission or default on the part of the Promoters in connexion therewith shall be paid by the Promoters within three months after the same respectively are incurred.

Power to  
corporation to  
purchase.

48. If at any time after the expiration of fourteen years and before the expiration of twenty-one years from the passing of the 'Tramways Orders Confirmation (No. 3) Act 1881 the corporation shall be desirous to acquire the undertakings by the Order of 1881 and by this Order authorised the Promoters shall if required by the corporation by six months' previous notice in writing sell and convey to the corporation and the corporation shall purchase the undertaking and all lands buildings works materials horses and plant of the Promoters used for the purposes of the tramways and the amount of purchase money and compensation for the same shall in case of difference be settled and determined by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party and the expense of the reference shall be borne and paid as the referee shall direct ; and upon such sale all the rights powers and authorities of the Promoters in respect of the undertaking under this Order shall be transferred to vested in and may be exercised by the corporation in like manner as if the tramways were constructed by the corporation under the powers conferred upon them by a provisional order under the Tramways Act 1870 and in reference to the same they shall be deemed to be the Promoters and the corporation may pay the purchase money and all expenses incurred by them in relation to such purchase out of the like rate and shall have the like powers to borrow on the security of the same as if such purchase money and expenses were incurred in applying for obtaining and carrying into effect any provisional order obtained by them under the Tramways Act 1870.

If profits of  
Promoters  
exceed ten per  
cent. excess to  
be divided  
with corpora-  
tion.

49. When in any year the profits of the undertaking of the Promoters shall exceed ten per centum on the capital expended by the Promoters the surplus profits above such ten per centum shall be divided equally between the Promoters and the corporation.

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50. To enable the corporation to ascertain whether any such surplus profits exist the Promoters shall within twenty-one days after the end of each year deliver to the corporation in manner by this Order prescribed with respect to the delivery of notices a full and complete abstract of the accounts of the Promoters for such year verified by the statutory declaration of the Promoters or their secretary and such declaration shall expressly state the amount of the capital expended by the Promoters and the amount of the profits of the undertaking for the year then ended.

A.D. 1887.

Worcester.

Annual abstract of accounts to be sent in to corporation.

51. Nothing contained in this Order or in any Act or part of an Act incorporated therewith shall take away or abridge any power right or authority of any person or persons to open or break up any road along or across which any of the tramways is laid for the purpose of laying down repairing altering or removing any sewer or drain or any pipe tube or apparatus for the supply of gas or water or other purposes.

Rights of private persons &c. to open roads.

52. Nothing contained in this Order or in any Act or part of an Act incorporated herewith shall take away or abridge any power right or authority of the corporation whether conferred or acquired by statute custom or otherwise and the corporation shall not in the exercise of any such powers rights or authorities be subject to the superintendence or control of the Promoters under sub-section 5 of section 32 of the Tramways Act 1870.

Saving of the powers of the corporation.

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.

Approval of Board of Trade to sale &c.

54. Nothing in this Order or in the Tramways Act 1870 contained shall operate to prevent the Promoters from entering into such contracts and agreements with the owners for the time being of the authorised tramways with reference to the working of and levying and division of the tolls rates and charges upon the tramways by this Order authorised as may not be inconsistent with the powers and provisions in the Order of 1881 and this Order contained or contrary to public policy But no such contract or agreement shall in any way prejudice alter or affect any of the rights or powers of the corporation with reference to the authorised tramways or the tramways by this Order authorised.

Saving powers as to entering into contracts with owners of authorised tramways.

55. 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 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 acquired by or becoming vested in the local authority under section 43 of the Tramways Act 1870 or under this Order and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Saving as to powers of borrowing on mortgage.

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A.D. 1887.

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Carrying of  
mails by  
Promoters.

56. (1.) The Promoters if required by the Postmaster-General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires Provided as follows :—

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

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

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

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

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

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

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

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

(3.) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General or a secretary or assistant secretary of the Post Office or the Inspector-General of Mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved



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be deemed without proof of the official character of such person to have been duly signed as required by this section. A.D. 1887.

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

**SCHEDULE.**

**TOLLS AND CHARGES FOR PARCELS.**

	Any distance.
	s.    d.
For any 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 and not exceeding fifty-six pounds in weight	-    -    -    -    -    -    0    9
For any parcel exceeding fifty-six pounds in weight such sum as the Promoters may think fit.	

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

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