



**CHAPTER clxxxiii.**

An Act for confirming certain Provisional Orders made by the Board of Trade under The Tramways Act, 1870, relating to Birmingham, London Street Tramways, Newbury and Lamborne, Portsmouth Street Tramways, Wantage, and Wirral. A.D. 1874.  
[7th August 1874.]

**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:

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

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

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

1. This Act may be cited as "The Tramways Orders Confirmation Act, 1874." Short title.

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

A.D. 1874.

SCHEDULE.

LIST OF ORDERS.

1. BIRMINGHAM (CORPORATION) TRAMWAYS.—Order to amend the Birmingham (Corporation) Tramways Order, 1872.
2. LONDON STREET TRAMWAYS (JUNCTION ROAD EXTENSIONS).—Order authorising the London Street Tramways Company to construct additional Street Tramways in the parishes of St. Pancras and St. Mary, Islington, in the county of Middlesex.
3. NEWBURY AND LAMBORNE TRAMWAY.—Order authorising the construction of Tramways from Newbury to Lamborne, in the county of Berks.
4. PORTSMOUTH STREET TRAMWAYS.—Order authorising the Portsmouth Street Tramways Company to construct additional Street Tramways in the parish of Portsea and county of Southampton.
5. WANTAGE TRAMWAYS.—Order authorising the construction of a Tramway from the Wantage Road Station of the Great Western Railway to the town of Wantage, both in the county of Berks, with junctions thereto.
6. WIRRAL TRAMWAYS.—Order authorising the construction of tramways in the extra-parochial chapelry of Birkenhead, and in the townships of Tranmere, Higher Bebington, and Lower Bebington, all in the parish of Bebington and county of Chester.

A.D. 1874.

**BIRMINGHAM (CORPORATION) TRAMWAYS.**

*Order to amend the Birmingham (Corporation) Tramways Order, 1872.*

1. This Order may be cited as "The Birmingham (Corporation) Tramways Order, 1872, Amendment Order, 1874," and the Birmingham (Corporation) Tramways Order, 1872, and this Order may be cited together as The Birmingham (Corporation) Tramways Orders, 1872 and 1874. Short title.

2. This Order and The Birmingham (Corporation) Tramways Order, 1872, shall be read and have effect, so far as may be, as one Order. Construction of Order.

3. The times within which the tramways authorised by The Birmingham (Corporation) Tramways Order, 1872, are required to be substantially commenced and completed and opened for public traffic are, as to such parts of the said tramways as are specified in the first part of the schedule to this Order annexed, hereby respectively enlarged; that is to say, Enlargement of times for commencement and completion of tramways.

The time within which the same shall be substantially commenced shall be one year from the passing of the Act confirming this Order:

The time within which the same shall be completed and opened for public traffic shall be two years from the passing of the Act confirming this Order:

Provided always, that in the places specified in the second part of the said schedule respectively there shall be single lines only, and the same shall be constructed and maintained as near as may be to the middle of the roads in which the same respectively are authorised to be laid; and the Promoters shall not commence to construct the same until the mode of construction shall be approved by the Board of Trade.

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**SCHEDULE.**

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**PART I.**

Tramways referred to in foregoing Order.

Tramway No. 2.

Tramway No. 2A.

Tramway No. 3, in and from Aston Street to the borough boundary at Aston Brook.

Tramway No. 3A, from the junction of Coleshill Street with Doe Street along Coleshill Street to the borough boundary at Aston Brook.

Tramway No. 3D, from a point two chains or thereabouts in a north-easterly direction from the junction of Aston Street with Lancaster Street along Aston

A.D. 1874. Street, Gosta Green, and Aston Road to a junction with Tramway No. 3A, at or near the north end of Gosta Green.

Tramway No. 4.

Tramway No. 4A.

Tramway No. 5.

Tramway No. 5A.

Tramway No. 5B.

Tramway No. 8.

Tramway No. 8A.

Tramway No. 9, from the junction of Digbeth with Smithfield Street to the junction of the Coventry Road with Golden Hillock Lane.

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PART II.

Places referred to in foregoing Order.

So much of Hurst Street as is between Smallbrook Street and Inge Street; so much of Colmore Row as is between the east side of Church Street and the Blue Coat School, and so much of Ann Street and Colmore Row as is between the west side of Temple Row West and a point 15 feet west of the western side of Eden Place.

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LONDON STREET TRAMWAYS (JUNCTION ROAD EXTENSIONS).

*Order authorising the London Street Tramways Company to construct additional Street Tramways in the Parishes of St. Pancras and St. Mary, Islington, in the county of Middlesex.*

Short title. 1. This Order may be cited as "The London Street Tramways (Junction Road Extensions) Order, 1874."

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 on 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 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 the expression "the tramways" or "the undertaking" shall mean the tramways and works and undertaking by this Order authorised.

The expressions "the Act of 1870" and "the Act of 1873" shall in this Order respectively mean "The London Street Tramways Act, 1870," and "The London Street Tramways (Further Powers) Act, 1873." A.D. 1874.

*The Promoters.*

4. The London Street Tramways Company 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, in addition to any lands which they have acquired or may acquire under the authority of the Act of 1870 or the Act of 1873, purchase and acquire for the purposes of the undertaking any quantity of land not exceeding five acres. Lands by agreement.

6. The Promoters may apply for the purposes of this Order any moneys which they have raised or may hereafter raise under the Act of 1870 or the Act of 1873, and which may not be required for the purposes to which by those Acts such moneys are made applicable. Power to apply existing funds.

*Construction of Tramways.*

7. 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 as the deposited plans and sections), the tramways herein-after described, with all proper rails, plates, offices, stables, carriage-houses, 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) (single line), six chains and seventy-five links in length, wholly situate in the parish of St. Pancras and county of Middlesex, commencing in the Kentish Town Road at or near the northern end of the tramway No. 15 authorised by the Act of 1870, and terminating in the Junction Road opposite or nearly opposite the end of Blandford Place.

A tramway (No. 1A) (single line), six chains and seventy-five links in length, wholly situate in the parish of St. Pancras aforesaid, commencing in the Kentish Town Road at or near the northern end of tramway No. 14 authorised by the Act of 1870, and terminating in the Junction Road at the point of termination of tramway No. 1 by this Order authorised.

A tramway (No. 1B) (single line), two furlongs eight chains and eighty links in length, wholly situate in the Junction Road, in the parish of St. Pancras aforesaid, commencing by a junction with the tramways Nos. 1 and 1A by this Order authorised, at their common point of termination as above described, and terminating at the boundary of the parishes of St. Pancras and St. Mary, Islington, at the junction of the said Junction Road with Brecknock Road and Dartmouth Park Hill.

A tramway (No. 1c) (single line), two chains and fifty links in length, wholly in the said Junction Road, in the said parish of St. Pancras, commencing and terminating respectively by junctions with the tramway No. 1B by this Order authorised, and commencing at a point two and a half chains south of Lady Somerset Road, and terminating opposite that road.

A.D. 1874:

A tramway (No. 2) (single line), four furlongs nine chains and seventy links in length, wholly situate in the Junction Road, in the parish of St. Mary, Islington, in the county of Middlesex, and commencing by a junction with tramway No. 1B by this Order authorised, at its termination as above described, and terminating at or near the northern end of the said Junction Road.

Three tramways or passing-places, Nos. 2A, 2B, and 2C (single lines respectively), tramway No. 2A being two chains fifty links in length, tramway No. 2B being two chains in length, and tramway No. 2C being three chains in length, to be situate wholly in the Junction Road and parish of St. Mary, Islington, aforesaid, commencing and terminating respectively by junctions with the tramway No. 2 by this Order authorised, tramway No. 2A commencing opposite the southern side of Ward Road, and terminating at a point two chains north of that road, tramway No. 2B commencing at a point one and three quarters chains north and terminating at a point three and three quarters chains north of Francis Terrace, and tramway No. 2C commencing at a point half a chain north and terminating at a point three and a half chains north of Grosvenor Road.

A tramway (No 2D) (single line), two chains and 60 links in length, to be wholly situate in the parish of St. Mary, Islington, aforesaid, commencing in the Junction Road by a junction with the tramway No. 2 by this Order authorised, at its termination as above described, thence passing in a northerly direction across the open space formed by the junction of Highgate Archway Road, St. John's Road, and Holloway Road, and into Highgate Archway Road, and terminating in that road at a point about 50 feet south-east of the north-east corner of the Archway Tavern, and about 20 feet west of the footpath on the eastern side of Highgate Archway Road.

A tramway or siding (No. 2E) (single line), one chain and fifty links in length, to be wholly situate in the Highgate Archway Road and parish of St. Mary, Islington, aforesaid, commencing by a junction with tramway No. 2D by this Order authorised, at a point about one and a half chains south-east of its termination, as above described, thence passing in a north-westerly direction along the said road, and terminating at a point eight feet south-west of the said termination of the said tramway No. 2D.

Provided that the tramways, sidings, or passing-places numbered respectively 2A, 2B, 2C, and 2E shall be constructed of a less length than as above described, if so required by the road authority, the length thereof in the event of difference to be determined by the Board of Trade.

Further 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 authority of their intention to open or break up any road for the purpose of making, forming, and laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of construction, and a statement of the materials intended to be used therein;

and the Promoters shall not commence the construction of any of the tramways or part of any of the tramways until such plan and statement have been approved by the said Board, and after such approval the works shall respectively 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. A.D. 1874.

9. The Board of Trade may from time to time, upon the application of the Metropolitan Board of Works, 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 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. Promoters may be required to use improved form of rail.

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 rests; and if the Promoters at any time fail to comply with this provision or with any of the requirements of section twenty-eight of "The Tramways Act, 1870," they shall be subject to a penalty not exceeding five pounds for every day on which such act of omission continues, and such penalty may be recovered by the Metropolitan Board of Works only in manner provided by section fifty-six of the said Act. Penalty for not maintaining rails and road in good condition.

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

12. The Promoters shall not in the construction of the tramways of the metropolis stop up or interfere with any road so as to prevent the passing of traffic along such road, except with the previous consent in writing of the Metropolitan Board of Works and of the road authority. In making tramways Promoters not to prevent traffic passing along road.

13. Wherever the Promoters lay down any of the tramways upon any paved road in the parishes of St. Pancras or of St. Mary, Islington, the Promoters shall re-pave such road with all the granite sets temporarily removed by them if suitable for the purpose. Granite pavements temporarily taken up to be relaid.

14. Wherever the vestry of St. Pancras or of St. Mary, Islington, at any time desire to construct or have constructed any refuge or resting-place in any road within the jurisdiction of either of the said vestries along which any of the tramways is laid or authorised to be laid, the Promoters shall, upon demand of the vestry having charge of such road or their chief surveyor acting by their authority, make such alterations as may be necessary in the line and direction of the tramway within such parish to allow of the construction or maintenance of any such refuge or resting-place. As to the refuges or resting-places in St. Pancras and St. Mary, Islington.

[Ch. clxxxiii.] *The Tramways Orders Confirmation Act, 1874.* [37 & 38 VICT.]

A.D. 1874.

When works cause a diversion of traffic in St. Pancras or St. Mary, Islington, diversion to be approved by surveyor.

15. Before the Promoters commence any works which require the stopping up temporarily or the diversion of any thoroughfare within the parish of St. Pancras or the parish of St. Mary, Islington, or cause any obstruction to the passing of passengers or other traffic along any such thoroughfare, every such stopping up, diversion, or obstruction shall be subject to the approval of the vestry of such parish or their chief surveyor acting as aforesaid, and the Promoters shall before commencing such works at their own expense make all such temporary bridges or accommodation for the passage of such traffic as the vestry of such parish or their chief surveyor acting as aforesaid may in writing require, and it shall be lawful for the vestry of each such parish to employ a sufficient number of officers or servants to regulate the course of all such traffic as may be diverted by reason of any of the works by this Order authorised within such parish, and all reasonable costs and charges occasioned by and incident to the employment of such officers or servants shall be paid on demand by the Promoters to the vestry of such parish.

As to settlement of differences with vestry of St. Pancras or St. Mary, Islington.

16. Excepting as herein otherwise provided, any difference which may arise under this Order between the Promoters and the vestry of St. Pancras or of St. Mary, Islington, or their respective chief surveyor acting as aforesaid, shall be from time to time referred to and determined at the expense of the Promoters by an engineer to be agreed upon between such vestry and the Promoters, or failing any such agreement, by an engineer to be appointed on the application of either party by the Board of Trade.

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

17. 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 street or road and the nearest rail of the tramway than nine feet six inches, the Promoters, if the Metropolitan Board of Works give their consent thereto in writing (which consent the Promoters are hereby required to demand), shall, and they are hereby required, to construct a passing place or places connecting the one tramway with the other, and by means of such passing place or places the traffic shall when necessary be diverted from one tramway to the other.

Tramways to be always kept on level with surface of roads.

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

Restriction on taking up and setting down passengers in the Junction Road.

19. It shall not be lawful for the Promoters at any time to take up or set down any passenger, or to allow any passengers to enter or leave any of their carriages, between the points marked A and B on the deposited plans; and if the Promoters or their officers or servants take up or set down any passenger, or wilfully allow any person to enter or leave any of their carriages, between the said points, they shall be, for every such offence, liable to a penalty not exceeding forty shillings; and any person entering or attempting to enter any carriage of the Promoters between the said points, after having been warned by any servant of the Promoters not to do so, shall be liable to a like penalty of forty shillings.

Penalty.

As to stopping-places near Holloway

20. The Promoters shall not, for the purpose of collecting passengers, stop any carriage belonging to them between the termination of tramway No. 2c, as



shown upon the deposited plans, and a point 29 yards west of the most western rail of the existing rails of the North Metropolitan Tramways Company in the Holloway Road; and shall not create a station or stopping-place for the purpose of collecting passengers between the said point of 29 yards and the termination of the tramways Nos. 2D and 2E in the Archway Road, as shown on the deposited plans; and shall not change or reverse the horses drawing the said carriages between the said point 29 yards west of the said North Metropolitan Tramway and the termination of tramway No. 2C as aforesaid, but such reversing shall take place at the point of termination of the tramways Nos. 2D and 2E in the Archway Road; and in every case when the Promoters fail to comply with this enactment, they shall be liable to a penalty of forty shillings for every such offence, and such penalty may be recovered by the owner or occupier of any house, shop, or warehouse abutting on the said portion of road.

A.D. 1874.  
Road, and reversing of horses.

21. The Promoters may from time to time hereafter, subject to the provisions of this Order, with the consent of the Metropolitan Board of Works, 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 sheds or works by this Order authorised: 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 the owner or owners, or occupier or occupiers, of the premises abutting on the place where such rail is proposed to be laid shall, by writing under their hand addressed to the Promoters, express their objection thereto.

Additional crossings, passing-places, &c. may be made where necessary.

22. Where, by reason of the execution of any work affecting the surface or soil of any road along which any tramway authorised by this Order is laid, it shall in the opinion of the road authority be 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 regulations as the road authority may from time to time make, construct in the same or any adjacent road, and with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain, so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Temporary tramways may be made when necessary.

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

23. Any paving, metalling, or material excavated by the Promoters in the construction of the works by this Order authorised 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 the road, and the maintenance for six months after completion of any tramways of the Promoters

Application of road materials excavated in construction of Promoters works.

A.D. 1874. within the district of such road authority of so much of the roadway on either side of such tramways as the Promoters are required to maintain by this Order; 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 the road authority, or to such person or persons as he may appoint to receive the same: Provided, that if within seven days after the excavation of any such paving, metalling, or material, the surplus thereof as aforesaid is not removed by the said surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by "The Tramways Act, 1870," with respect to differences between the Promoters and any road authority.

*Traffic upon Tramways.*

Traffic upon tramways.

24. The tramways shall be used for passenger traffic only.

*Tolls.*

Tolls.

25. The Promoters may from time to time demand and take in respect of the tramways tolls and charges not exceeding those which they are authorised to take and for the time being may lawfully take in respect of the tramways authorised by the Act of 1870, and the provisions of the sections of the said Act numbered seventy-two, seventy-three, seventy-four, and seventy-seven shall apply to the tramways and the tolls to be taken in respect thereof in like manner in every respect as if the tramways were the tramways in the said sections mentioned: Provided always, that sections seventy-two and seventy-four of the said Act shall for the purposes of this Order be read and have effect as if the period of one year had been mentioned in section seventy-two instead of the period of three years, and as if the fares authorised by section seventy-four to be from time to time fixed by the Board of Trade had been by the said section limited to fares not exceeding one halfpenny per mile.

Provided also, that for the purposes of tolls and charges the tramways and any tramways of the Promoters worked in connexion therewith shall be deemed to be one continuous line of tramway.

*Miscellaneous.*

Provisions as to arbitration.

26. Where under the provisions of "The Tramways Act, 1870," in 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.

For facilitating interchange and transmission of through traffic.

27. If the Metropolitan Board of Works at any time or times hereafter give notice in writing to the Promoters stating that in their opinion the Promoters have not made or are not carrying out proper arrangements for facilitating the interchange and forwarding of traffic coming from or destined for any tramway

which belongs to any company or person and forms an authorised junction with any of the tramways authorised by this Order, and the Promoters do not within fourteen days after the delivery of such notice to them make arrangements in that behalf to the satisfaction of the said Metropolitan Board, the Board of Trade may and shall from time to time upon representation of the said Metropolitan Board appoint a referee to inquire into the truth of such representation in the manner prescribed by section sixty-three of "The Tramways Act, 1870," and if such referee report that such representation is true, the Board of Trade may make such regulations, including, if the Board of Trade so think fit, arrangements for booking through the traffic or any part thereof, and the fixing of through fares and rates, as, having regard to all the circumstances of the case, they may deem expedient for providing for such interchange and forwarding of traffic, with as little inconvenience as may be to the public, and after fourteen days from the date of the delivery of a copy of any such regulation to the Promoters the same shall be binding upon the Promoters, and may be enforced in the same manner as regulations made by the local authority under section forty-six of "The Tramways Act, 1870."

A.D. 1874:

Provided always, that if and whenever the Board of Trade fix any through rate or fare under this section they shall at the same time fix and determine the proportions in which such through rate or fare shall be divided between and belong to the Promoters and the other companies, company, or person interested, and in fixing and determining such proportions the Board of Trade shall take into account all the circumstances of the case, including the actual and relative cost of construction and maintenance of the respective tramway and works of the respective companies, and the Board of Trade may from time to time rescind, alter, or vary any order which they make under this section.

28. Nothing herein contained shall be deemed or construed to exempt the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament.

Provision as to  
general Acts.

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## NEWBURY AND LAMBORNE TRAMWAY.

*Order authorising the Construction of Tramways from Newbury to Lamborne, in the county of Berks.*

1. This Order may be cited as "The Newbury and Lamborne Tramway Order, 1874."

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 on 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.

A.D. 1874. 3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings:

Interpretation.

Provided that the expression "the tramways" or "the undertaking" shall mean the tramways and works and undertaking by this Order authorised.

In this Order the expression "the corporation" shall mean the mayor, aldermen, and burgesses of the borough of Newbury.

*Promoters.*

The Promoters. 4. The Newbury and Lamborne Tramway Company, Limited, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Land by agreement. 5. The Promoters may by agreement from time to time purchase and acquire such land as may be necessary for the undertaking, not exceeding in the whole ten acres.

*Construction of Tramways.*

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

7. The tramways authorised by this Order are,—

1. A tramway, No. 1, commencing at the north-west end of the bridge which carries the road over the Great Western Railway at Newbury, in the parish of Greenham, and thence passing along Cheap Street, the new road to the cattle market, Bartholomew Street, across the bridge that carries the road over the river Kennet, up past Donnington Square, and will pass from, through, or into the following parishes of Greenham, Newbury, Speen, Boxford, Welford, East Shefford, West Shefford, East Garston, and Lamborne, and will terminate at a point twenty feet to the south-west corner of the Red Lion Hotel at Lamborne, in the county of Berks :

Tramway No. 1 will at its commencement, and thence for a length of two chains, be laid along the centre of the road, and thence it will gradually diverge for the length of three quarters of a chain westerly until the centre line of the tramway attains the distance of four feet six inches from and west of or to the left-hand side of the imaginary centre line of the road, and will continue at that distance and on the same side of the said imaginary centre line until, entering and passing over Bartholomew Street, the tramway will then follow the course of the imaginary centre line, and will keep in the centre of the road until reaching within two chains of the south end of the bridge which carries the road over the river Kennet, and thence it will gradually diverge for the length of one chain easterly until the centre line of the tramway attains a distance of three feet six inches from and to the east of the

imaginary centre line of the road, and will continue at that distance and on the same side of the said imaginary centre line for the further length of one and a half chains, and will thence again gradually approach the imaginary centre line until in the further length of three quarters of a chain it reaches the centre of the road, and thence the tramway will be laid along the centre of the road to a point six chains south of the Pelican Hotel, and thence will gradually diverge for the length of three quarters of a chain westerly or to the left-hand side of the imaginary centre line until the centre line of the tramway attains a distance of four feet six inches from and west of the imaginary centre line of the road, and will continue at that distance and on the same side of the said imaginary centre line throughout the entire length and to the termination of the tramway : A.D. 1874.

Provided always, that in constructing the said tramway through the village of West Shefford, the same may be laid north-east of the imaginary centre line, instead of north-west of the said line as shown on the plans deposited for the purposes of this Order.

2. A tramway, No. 2, to be wholly situate in the parish of Thatcham (chapelry of Greenham), commencing by a junction with tramway No. 1, at a point in Cheap Street, about fifty feet north-west of the bridge which carries the road over the Great Western Railway at Newbury, and thence passing along the road to the goods station of the Great Western Railway, and will terminate at a point opposite the north-east corner of the large shed :

The centre line of tramway No. 2 will, throughout its entire length, be laid on the left-hand or northerly side of the imaginary centre line of the road along which it will pass, and at a distance of about four feet six inches from such imaginary centre line.

3. A tramway, No. 3, situate in the parishes of Greenham and Newbury, commencing by a junction with tramway No. 1, at a point in Cheap Street, about two hundred and thirty feet north-west of the bridge which carries the road over the Great Western Railway at Newbury, and thence passing along the road to the passenger station up departure platform, and terminating at a point opposite, or nearly opposite, to the door into the ticket office, but about twenty feet to the north of such door :

The centre line of tramway No. 3 will, throughout its entire length, be laid on the right-hand or northerly side of the imaginary centre line of the road along which it will pass, and at a distance of about four feet six inches from such imaginary centre line.

4. A tramway, No. 4, to be wholly situate in the parish of Newbury, commencing by a junction with tramway No. 1, at a point in Cheap Street, about ten chains fifty links from the commencement of tramway No. 1, as already described, and will terminate at a point opposite, or nearly opposite, to Back Lane, leading from the corn wharf :

The centre line of tramway No. 4 will be laid on the westerly or left-hand side of the imaginary centre line for a length of about eight chains,

A.D. 1874.

and will be about four feet six inches from and to the west of the imaginary centre line, and thence it will gradually diverge for the length of one chain eastwardly until the centre line of the tramway attains a distance of four feet six inches from and to the east of the imaginary centre line, and will keep thus for about the distance of six chains. Thence it will gradually diverge and keep in an easterly direction, and the centre line of the tramway will attain a distance of about three feet six inches from and to the north of the imaginary centre line, which distance it will keep until its termination.

5. A tramway, No. 5, to be wholly situate in the parish of Newbury, commencing by a junction with tramway No. 4, at a point about one chain from the south-west corner of the White Hart Hotel, and will terminate by a junction with tramway No. 1, at a point about one chain south of the bridge that carries the road over the river Kennet :

The centre line of tramway No. 5 will, from its commencement, be laid on the south or left-hand side of the imaginary centre line, and will be at a distance of about three feet six inches from such imaginary centre line, which distance it will retain until its junction with tramway No. 1.

6. A tramway, No. 6, to be wholly situate in the parish of Newbury, commencing by a junction with tramway No. 4, at a point northward of the south-west corner of the White Hart Hotel, and terminating by a junction with tramway No. 5, at a point northward of the north-east corner of the Town Hall :

The centre line of tramway No. 6 will be, from its commencement, about three feet six inches to the north or right-hand side of the imaginary centre line, and will gradually approach within the distance of one chain the said imaginary centre line, which it will cross, and will then gradually diverge to the south or left-hand side of such imaginary centre line until it attains the distance of about three feet six inches, which distance it retains to its termination :

The space, nine feet six inches, between the outside of the footpath on either side of the road and the nearest rail of the tramway cannot be afforded in the following streets, roads, or places ; (that is to say,) through Cheap Street along the road leading to the Newbury Station, also along the road leading to the goods station of the Great Western Railway, the new road to the cattle market, Bartholomew Street, Northbrook Street, the road leading to the corn wharf, and throughout all the villages along the entire route.

The tramways shall be constructed on a gauge of three feet.

The Promoters shall not lay down tramways Nos. 5 and 6 without the consent of the corporation under their common seal first had and obtained.

8. The Promoters shall lay down and construct such of the tramways or parts thereof as are situate within the borough of Newbury under the superintendence and to the reasonable satisfaction of the surveyor of the said borough. The Promoters shall at their own expense at all times maintain and keep in good condition and repair, with such materials and in such manner as the said

Tramways within the borough of Newbury to be constructed to satisfaction of borough surveyor.

surveyor shall direct, and to his reasonable satisfaction, the entire surface of the bridge over the river Kennet, within the said borough, over which the said tramway will be laid.

A.D. 1874.

9. The Promoters shall not without the consent in writing of the Great Western Railway Company construct tramways Nos. 2 and 3, but the Promoters may, with such consent, or the Great Western Railway Company may, at the request and cost of the Promoters, lay down and construct the said tramways so far as the same are on the land or property of the Great Western Railway Company, together with such sidings, turnouts, and connections as the Promoters and the said Company may agree upon; and so much of the said tramways, or of either of them, as is laid down or constructed on the land or property of the Great Western Railway Company, shall be laid down or constructed under the superintendence and to the reasonable satisfaction of the engineer for the time being of the said Company, and in such places and manner as he may think fit.

Tramways Nos. 2 and 3 not to be constructed without the consent of the Great Western Railway Company.

10. The said tramway No. 2 shall be worked, maintained, managed, and used in such a manner as not to interfere with the free and uninterrupted use of the approach to the goods yard and station of the Great Western Railway Company at Newbury, or of the said goods yard and station; and all persons using the said tramway shall be subject to the byelaws, rules, and regulations of the Great Western Railway Company from time to time made in respect of the said approach, yard, or station, or in operation therein or thereon; and no passengers, animals, goods, minerals, or parcels shall be carried over the said tramway, unless going to or from the said goods yard and station, without the consent in writing of the Great Western Railway Company first had and obtained.

Tramway No. 2 not to interfere with the use of the goods station of the Great Western Railway Company at Newbury and the approach thereto.

11. The said tramway No. 3 shall be worked, maintained, managed, and used in such a manner as not to interfere with the free and uninterrupted use of the approach to the passenger station of the Great Western Railway Company at Newbury, or of the yard in front of the said station; and all persons using the said tramway shall be subject to the byelaws, rules, and regulations of the Great Western Railway Company from time to time made in respect of the said approach and yard, or in operation therein or thereon; and no passengers, animals, goods, minerals, or parcels shall be carried over the said tramway, unless going to or from the said station, without the consent in writing of the said company first had and obtained.

Tramway No. 3 not to interfere with the use of the approach to the Great Western Railway Company's passenger station at Newbury.

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

Promoters may be required to use improved form of rails.

13. The Promoters shall at all times maintain and keep in good condition and repair the rails of which any of the tramways shall for the time being consist, and if the Promoters at any time fail to comply with this provision, or with any of the requirements of section twenty-eight of "The Tramways Act,

Penalty for not maintaining rails and road in good condition.

A.D. 1874. 1870," they shall be subject to a penalty not exceeding five pounds for every day on which such act of omission continues; and such penalty may be recovered as by clause fifty-six of the said Act is provided.

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

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

Additional crossings, &c. may be made where necessary.

15. The Promoters may 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-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 shall, by writing under his hand, addressed to the Promoters, express his objection thereto.

Temporary tramways may be made where necessary.

16. Where, by reason of the execution of any work affecting the surface or soil of any road along which any tramway authorised by this Order is laid, it shall in the opinion of the road authority be 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 arises between the Promoters and any road authority with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway or 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 Promoters works.

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 the 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 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 the road authority or to such person or persons as he may appoint to receive the same: Provided, that if within seven days after the excavation of any such paving, metalling, or material the surplus thereof as aforesaid is not



removed by the said surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by "The Tramways Act, 1870," with respect to all differences between the Promoters and any road authority.

A.D. 1874.

*Traffic upon Tramways.*

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

Traffic upon tramways.

*Tolls.*

19. The Promoters may demand and take for every passenger travelling upon the tramways or any part thereof, including tolls for the use of the tramways and the carriages, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding twopence per mile for first-class passengers, and one penny per mile for second-class passengers (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 three miles any sum not exceeding sixpence for first-class passengers, and threepence for second-class passengers: Provided always, that if at any time after three years from the opening for public traffic of any portion of the tramways it is represented in writing to the Board of Trade by the local authority of any district in which such portion is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, that the Promoters are charging a greater sum than fourpence for first-class passengers or twopence for second-class passengers, for distances not exceeding two miles, and that under the circumstances then existing such charge is unreasonable, 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 the truth of the representation has been proved to his satisfaction, the said Board may make an order in writing limiting the amount of the tolls and charges to be thenceforth charged by the Promoters for the conveyance of passengers for distances not exceeding two miles to fourpence for first-class passengers, and to twopence for second-class passengers, and the Promoters shall thenceforth conform to and abide by such order: Provided always, that the Board of Trade may from time to time, after making such order, revoke or modify the same for good cause shown to them.

Tolls.

20. Every passenger travelling upon any of 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.

Passengers luggage.

21. The Promoters may demand and take, in respect of any animals, goods, minerals, or articles conveyed by them on the tramways, except as is by this Order specially provided, including the tolls for the use of the tramways, and

Tolls for animals, goods, &c.

[Ch. clxxxiii.] *The Tramways Orders Confirmation Act, 1874.* [37 & 38 VICT.]

A.D. 1874. for waggons, trucks, and motive power, and every other expense incidental to the conveyance, any tolls or charges not exceeding the rates specified in the schedule to this Order annexed.

Payment of tolls.

22. 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 appoint.

*Miscellaneous.*

Provisions as to arbitration.

23. Where, under the provisions of "The Tramways Act, 1870," in 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.

Form and delivery of notices.

24. With respect to notices and the delivery thereof by or to the Promoters, the following provisions shall have effect; namely,

- (1.) Every notice shall be in writing or print, or partly in writing and partly in print, and if given by the corporation shall be sufficiently authenticated by being signed by the town clerk or by the borough surveyor, and if given by any other local authority or road authority by being signed by their clerk, secretary, surveyor, or overseer:
- (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 that 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, secretary, surveyor, or overseer, at their principal office.

Provisions as to general Acts.

25. Nothing herein contained shall be deemed or construed to exempt the tramways from the provisions of any general Act relating to tramways now in force, or which may hereafter pass during this or any future session of Parliament.

THE SCHEDULE.

TOLLS AND CHARGES FOR THE CONVEYANCE OF ANIMALS, GOODS, &c.

	Per mile.	
	s.	d.
<i>Animals.</i>		
For every horse, mule, or other beast of draught or burden	-	0 2
For every cow, ox, bull, or head of neat cattle	-	0 2
For every calf or pig, sheep, lamb, or other small animal	-	0 1
<i>Goods.</i>		
For all coals, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton	-	0 3

	s.	d.	A.D. 1874.
For all coke, culm, charcoal, sand, lime, and limestone, and all stones for building, pitching, and paving, all bricks, tiles, slates, clay, chalk, marl, iron, ironstone, copper, tin, lead, and iron ore, per ton	0	5	—
For all pig iron, bar iron, rod iron, hoop iron, and all other similar descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise, per ton	0	5	
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, and deals, metals (except iron), tinned nails, nails, anvils, vices, and chains, per ton	0	6	
For all cotton and other wools, drugs, manufactured goods, fish, and all other wares, merchandise, articles, matters, or things, per ton	0	8	

*Single Articles of great weight.*

For 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, per ton - - - - - 2 0

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

Any distance.

*Small Parcels.*

	s.	d.
For every parcel not exceeding 7 lbs. in weight	0	3
For every parcel exceeding 7 lbs. but not exceeding 14 lbs. in weight	0	5
For every parcel exceeding 14 lbs. but not exceeding 28 lbs. in weight	0	7
For every parcel exceeding 28 lbs. but not exceeding 56 lbs. in weight	0	9
For every parcel exceeding 56 lbs. but not exceeding 500 lbs. in weight the Promoters may demand such sum as they think fit.		

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

*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 tolls 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 usual avoirdupois weight.

With respect to stone and timber, 14 cubic feet of stone, 40 cubic feet of oak, mahogany, teak, beech, or ash, and 50 cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

A.D. 1874.

## PORTSMOUTH STREET TRAMWAYS.

*Order authorising the Portsmouth Street Tramways Company to construct additional Street Tramways in the parish of Portsea and county of Southampton.*

Short title. 1. This Order may be cited as "The Portsmouth Street Tramways (Extensions) Order, 1874."

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 on 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 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 the expression "the tramways" or "the undertaking" shall mean the tramways and works and undertaking by this Order authorised.

The expression "the Act of 1870" shall mean "The Portsmouth Street Tramways Act, 1870."

### *Promoters.*

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

Land by agreement. 5. The Promoters may by agreement from time to time purchase and acquire, in addition to any land which by the Act of 1870 they are authorised to acquire, such land as may be necessary for the undertaking, not exceeding in the whole five acres.

Power to apply funds. 6. The Promoters may from time to time apply towards any of the purposes of this Order any moneys which they have raised or may hereafter raise under the Act of 1870.

### *Construction of Tramways.*

Construction of tramways. 7. 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, the tramways herein-after described, with all proper rails, plates, offices, weigh-bridges, stables, carriage-houses, 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) (single line), two furlongs and three chains in length, commencing by a junction with the tramway No. 2 authorised by "The Act of 1870," at its termination, and curving thence in a northerly

A.D. 1874.

direction into and along the London Road, and terminating in the last-named road at a point about 60 feet north of the south gate or entrance to North End House :

A tramway siding or passing-place (No. 2) (single line), ninety links in length, commencing by a junction with the tramway No. 11 authorised by the Act of 1870, at its termination in Kingston Crescent, and curving thence in a northerly direction into and along the London Road, and terminating at a point about 20 yards from its commencement, as above described :

A tramway siding or passing-place (No. 3) (single line), two chains and forty-five links in length, wholly situate in the London Road aforesaid, commencing and terminating by junctions with the tramway No. 1 by this Order authorised, the point of commencement being opposite to the north-west corner of No. 1, Carlton Terrace, and the point of termination being 54 yards north of the said north-west corner :

A tramway siding or passing-place (No. 4) (single line), three chains in length, situate partly in the London Road aforesaid, and partly in the road leading to Stamshaw, and commencing by a junction with the tramway No. 1 authorised by this Order, at a point 40 yards south of its termination, as above described, and curving thence in a north-westerly direction into and along the road leading to Stamshaw, and terminating in the last-named road at a point 3 chains from the commencement of the intended tramway No. 4, as above described.

All the tramways will be situate wholly in the parish of Portsea, in the county of Southampton.

Provided always, that the Promoters shall not use the tramways or suffer the same to be used for traffic until they have completed the widening of London Road and Water Lane, within the limits and to the extent shown on the plan marked A, sealed with the seal of the Promoters, and deposited at the Office of the Board of Trade.

8. The Board of Trade may from time to time, upon the application of the road authority of any district, require the Promoters to adopt and apply such improvements in the tramway within such district, including the rails thereof, as experience may from time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic; and the Promoters shall, with all reasonable despatch, comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Promoters may be required to use improved form of rail.

9. The Promoters shall at all times maintain and keep in good condition and repair the rails of which any of the tramways shall for the time being consist, and if the Promoters at any time fail to comply with this provision, or with any of the requirements of section twenty-eight of "The Tramways Act, 1870," they shall be subject to a penalty not exceeding five pounds for every day on which such act of omission continues, and such penalty may be recovered as by clause fifty-six of the said Act is provided.

Penalty for not maintaining rails and road in good condition,

10. If any road authority shall hereafter alter the level of any road along or across which any of the tramways is laid or authorised to be laid, the

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

[Ch. clxxxiii.] *The Tramways Orders Confirmation Act, 1874.* [37 & 38 VICT.]

A.D. 1874. Promoters may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Additional crossings, &c. may be made where necessary.

11. The Promoters may 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 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 shall, by writing under his hand, addressed to the Promoters, express his objection thereto.

Temporary tramways may be made when necessary.

12. 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 shall in the opinion of the road authority be 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 arises between the Promoters and any road authority with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway or 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 Promoters works.

13. 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 the 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 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 the road authority, or to such person or persons as he may appoint to receive the same: Provided that if within 30 days after the excavation of any such paving, metalling, or material the surplus thereof as aforesaid is not removed by the said surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other

person with reference to any of the matters aforesaid shall be determined in manner provided by "The Tramways Act, 1870," with respect to all differences between the Promoters and any road authority. A.D. 1874.

*Traffic upon Tramways.*

14. The tramways may be used for the purpose of conveying passengers and parcels only. Traffic upon tramways.

*Tolls.*

15. The Promoters may from time to time demand and take in respect of the tramways tolls and charges not exceeding those which they are authorised to take, and for the time being may lawfully take, in respect of the tramways authorised by the Act of 1870, and the provisions of the sections of the said Act numbered 58 to 63 (both numbers inclusive) shall apply to the tramways authorised by this Order, and the tolls to be taken in respect thereof, in like manner in every respect as if the said tramways were the tramways in the said sections mentioned. Tolls.

*Miscellaneous.*

16. Where, under the provisions of "The Tramways Act, 1870," in 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. Provisions as to arbitration.

17. The Promoters and the road authority of any district in which any of the tramways is laid may from time to time enter into contracts or agreements with respect to the laying down, maintaining, renewing, removing, repairing, working, and using of the tramways within such district, and the rails, plates, sleepers, and works connected therewith, and for facilitating the passage of carriages and traffic over and along the same by means of animal power. Agreements between the Promoters and road authority.

18. 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 local authority or any road authority, shall be signed by their clerk or secretary:

(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 that 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.

19. Nothing in this Order contained shall be deemed or construed to exempt the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament. Provision for general Acts.

A.D. 1874.

## WANTAGE TRAMWAYS.

*Order authorising the construction of a Tramway from the Wantage Road Station of the Great Western Railway to the town of Wantage, both in the county of Berks, with junctions thereto.*

- Short title. 1. This Order may be cited as "The Wantage Tramways Order, 1874."
- 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 on 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 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 the expression "the tramways" or "the undertaking" shall mean the tramways and works and undertaking by this Order authorised.

### *Promoters.*

- The Promoters. 4. The Wantage Tramway Company, Limited, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."
- Land by agreement. 5. The Promoters may by agreement from time to time purchase and acquire such land as may be necessary for the undertaking, not exceeding in the whole ten acres.

### *Construction of Tramways.*

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

Description of tramways.

The Tramways authorised by this Order are,—

A tramway, No. 1 (single line), two miles three furlongs three chains and fifty links in length, situate in the hamlet of Grove, in the parish of Wantage, in the county of Berks, and in the town of Wantage, in the said county, commencing at a point ninety-five links eastward from the south-east corner of the arch carrying the turnpike road from Besselsleigh through Wantage to Hungerford (and herein-after called the Besselsleigh Road), across the Great Western Railway at or near the Wantage Road Station thereof, and situate in the said hamlet of Grove and parish of Wantage aforesaid, and proceeding for five chains and seventy links



in a southwardly direction through the entrance to the said station there belonging to the Great Western Railway Company; thence passing on and for the distance of one mile two furlongs seven chains and forty-five links along the eastern side of the Besselsleigh Road, to a point one hundred and forty links distant from the arch or bridge carrying that road across the Wilts and Berks Canal at Grove aforesaid; then for the distance of one chain and fifty links, passing on and over the said canal, by a bridge to be constructed by the Promoters in a southwardly direction across the said canal; and thence for the distance of seventy links along and over the north-west corner of a field of meadow land at Grove, belonging to the trustee of the will of John Hobbis, deceased, in the occupation of William and Henry Simmons; thence in a south-eastwardly direction for a distance of five furlongs one chain and sixty-five links along the eastern side of the Besselsleigh Road up to the boundary of the township of Wantage; then turning in a southwardly direction on and for the distance of five chains and forty links through a close of meadow land called Pond Close, at Wantage aforesaid, belonging to Edward Ormond, in the occupation of James Hiskins, a sufficient part of which has been lately agreed to be purchased by the Promoters; and then on and for the distance of eight chains through the eastern side of a field of meadow land at Wantage aforesaid, belonging to and in the occupation of James Palmer, a sufficient part of which has been lately agreed to be purchased by the Promoters; then on and for the distance of two chains and twenty links along the centre of the private occupation road leading from the town to the last-mentioned field of meadow land and to the Wantage Gasworks, and to garden land of George Camden; and then on and for the distance of three chains and ten links through the eastward part of an orchard at Wantage, belonging to and in the occupation of George Curtis, about half an acre of which has been lately agreed to be purchased by the Promoters; and on to and for the distance of fifty-five links across a piece of ground at Wantage, belonging to the trustees of the will of John Plumbe, deceased, and Mrs. Fanny Langley, in the occupation of James Shorey; and on and for the distance of two chains and twenty links through and along a yard and plot or portion of ground at Wantage, on part of which are erected cottages and dwelling-houses, in the several occupations of Jesse Swimmings, Silas Crane, Richard Thornhill, Joseph Rowland, Richard Baston, George Morris, William Bennett, Alfred Herring and Caroline Harding, respectively, belonging to the said trustees of the will of John Plumbe, deceased, and to Mrs. Fanny Langley, and which said last-mentioned yard and plot or portion of ground are situate on the north side of Mill Street, in Wantage aforesaid; then proceeding by a curve of about one chain radius, passes to and gradually diverges in an eastwardly direction from the north to the south side of the said street for a distance of about two chains and seventy-five links; then passes from and out of Mill Street aforesaid into and along the market place of the town of Wantage for about two chains and thirty links in length, and terminating in the said market place of Wantage at a point four feet from the north-east corner of the Town Hall, situate in the said market place.

A.D. 1874.

*Short Junction Tramways or Turnouts.*

No. 1a. A tramway or turnout, No. 1a (two chains and fifty links in length), situate in the said hamlet of Grove and parish aforesaid, commencing by a junction with the tramway No. 1 at a point about one chain and twenty-five links north from the centre of a lane called Oxford Lane, leading to the north end of the village of Grove, and terminating on the said tramway No. 1 at a point two chains and fifty links distant from the commencement of such tramway or turnout as aforesaid, measured in a southwardly direction :

No. 1b. A tramway or turnout, No. 1b (two chains and fifty links in length), situate in the said hamlet of Grove and parish aforesaid, commencing by a junction with the tramway No. 1 at a point about one chain and twenty-five links from the north side of the footpath leading from Grove to Charlton, both in the county of Berks, and terminating on the said tramway No. 1 at a point two chains and fifty links distant from the commencement of such tramway or turnout as aforesaid, measured in a southwardly direction :

No. 1c. A tramway or turnout, No. 1c (two chains and fifty links in length), situate in the said hamlet of Grove and parish aforesaid, commencing by a junction with the tramway No. 1 at a point about four chains from the north side of the Wilts and Berks canal bridge at Grove, and terminating on the said tramway No. 1 at a point two chains and fifty links distant from the commencement of such tramway or turnout as aforesaid, measured in a southwardly direction :

No. 1d. A tramway or turnout, No. 1d (two chains and fifty links in length), situate in the said hamlet of Grove and parish aforesaid, commencing by a junction with the tramway No. 1 at a point nineteen chains north of the private way leading out of the Besselsleigh Road through the allotment gardens towards Charlton, and terminating on the said tramway No. 1 at a point two chains and fifty links distant from the commencement of such tramway or turnout as aforesaid, measured in a southwardly direction :

No. 1e. A tramway or turnout No. 1e (two chains and fifty links in length), situate in the town and parish of Wantage aforesaid, commencing by a junction with the tramway No. 1, in the said close of meadow land belonging to the said Edward Ormond, called Pond Close, at a point one chain south of the boundary fence between the said close of meadow land and the said road, and terminating on the said tramway No. 1 at a point two chains and fifty links distant from the commencement of such tramway or turnout as aforesaid, measured in a southwardly direction.

Tramways to be constructed to satisfaction of engineer of the Great Western Railway Company.

7. The Promoters shall not, without the consent in writing of the Great Western Railway Company, lay down or construct so much of the tramway as is situate within the goods yard of the Wantage Road Station of that company, or on the approach thereto, but the Promoters may, with such consent, or the Great Western Railway Company may, at the request and cost of the Promoters, lay down and construct so much of the tramway as aforesaid, with such sidings, turnouts, and connexions as the Promoters and the said company may agree upon, and so much of the said tramway as is laid down or constructed on the

land or property of the Great Western Railway Company shall be laid down or constructed under the superintendence and to the reasonable satisfaction of the engineer for the time being of the said company, and in such places and manner as he may think fit.

A.D. 1874.

8. The said tramway, so far as it is situate within the goods yard of the Wantage Road Station of the Great Western Railway Company, or on the approach thereto, shall be worked, maintained, managed, and used in such manner as not to prevent or interfere with the free and uninterrupted use of the said approach, goods yard, or station, and all persons using so much of the said tramway as is on the said approach or within the said goods yard or station shall be subject to the byelaws, rules, and regulations of the Great Western Railway Company from time to time made in respect of the said approach, yard, or station or in operation therein or thereon, and no passengers, animals, goods, minerals, or parcels shall be carried over the said portion of tramway, unless going to or from the said goods yard or station of the Great Western Railway Company, without the consent in writing of that company.

Tramway, so far as within the goods yard of the Wantage Station, not to interfere with the use of that station and the approach thereto.

9. The Board of Trade may from time to time, upon the application of the road authority of any district, 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.

Promoters may be required to use improved form of rails.

10. The Promoters shall at all times maintain and keep in good condition and repair the rails of which any of the tramways shall for the time being consist, and if the Promoters at any time fail to comply with this provision, or with any of the requirements of section twenty-eight of "The Tramways Act, 1870," they shall be subject to a penalty not exceeding five pounds for every day on which such act of omission continues, and such penalty may be recovered as by clause fifty-six of the said Act is provided.

Penalty for not maintaining rails and road in good condition.

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

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

12. The Promoters may 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-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 shall, by

Additional crossings, &c. may be made where necessary.

A.D. 1874. — writing under his hand, addressed to the Promoters, express his objection thereto.

Temporary tramways may be made where necessary.

13. 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 shall in the opinion of the road authority be 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 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 Promoters' works.

14. 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 the 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 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 the road authority, or to such person or persons as he may appoint to receive the same: Provided that if within seven days after the excavation of any such paving, metalling, or material the surplus thereof as aforesaid is not removed by the said surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by "The Tramways Act, 1870," with respect to all differences between the Promoters and any road authority.

Division of footpath.

15. The Promoters may, for the purposes of the undertaking and with the consent of the trustees for the time being of the Besselsleigh Turnpike Road, divert so much of the footpath on the said road as lies between the said Wantage Road Station and the said lane at Grove, called Oxford Lane, from the eastern to the western side of the said road. The new footpath shall be constructed in a similar manner and with similar materials to the present footpath by and at the expense of the Promoters under the superintendence and to the reasonable satisfaction of the said trustees.

A.D. 1874.

*Traffic upon Tramways.*

16. The tramways may be used for the purpose of conveying passengers, animals, goods, minerals, parcels, and mail bags.

Traffic upon tramways.

*Tolls.*

17. The Promoters may demand and take in respect of passengers, animals, goods, minerals, parcels, or mail bags carried and conveyed upon the tramways, or any part thereof, including tolls for the use of the tramways, and of carriages, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding those specified in the schedule to this Order annexed, subject to the regulations in that behalf specified in the same schedule.

Tolls for passengers, animals, goods, &c.

18. Every passenger travelling upon any of the tramways may take with him his personal luggage, not exceeding fifty-six pounds in weight in the first class, and not exceeding twenty-eight pounds in weight in the second class, without any charge being made for the carriage thereof.

Passengers luggage.

19. The Promoters shall not be bound to carry, unless they think fit, any animals, goods, or parcels other than the luggage which passengers are by this Order authorised to take with them.

Promoters not bound to carry goods.

20. 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, appoint.

Payment of tolls.

*Miscellaneous.*

21. Where, under the provisions of "The Tramways Act, 1870," in 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.

Provisions as to arbitration.

22. The Promoters may enter into agreements with the trustees for the time being of the Besselsleigh Road for the collection or renting or taking on lease the several tolls authorised to be taken on that road.

Agreements, &c. with trustees of Besselsleigh Road.

23. With respect to notices and the delivery thereof by or to the Promoters, the following provisions shall have effect; namely,

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 commissioners for improving the town of Wantage shall be sufficiently authenticated by being signed by their clerk or surveyor, and if given by any other local authority or road authority by being signed by their clerk, secretary, or surveyor:
- (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 that 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, secretary, or surveyor at their principal office.

A.D. 1874.

Provision for  
general Acts.

24. Nothing herein contained shall be deemed or construed to exempt the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament.

THE SCHEDULE.

TOLLS AND CHARGES FOR THE CONVEYANCE OF PASSENGERS,  
ANIMALS, GOODS, &c.

*Passengers.*

	s.	d.
For every person travelling upon the tramways for the whole distance, or any part thereof, viz. :—		
In a first-class carriage, not exceeding	1	0
In a second-class carriage, not exceeding	0	9

*Animals.*

For every horse, mule, or other beast of draught or burden, not exceeding	2	6
For every ox, cow, bull, or head of neat cattle, not exceeding	2	6
For every calf or pig, sheep, lamb, or other small animal, not exceeding	1	3

*Goods.*

For all coals, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton not exceeding	3	0
For all coke, culm, charcoal, sand, lime, and limestone, and all stones for building, pitching, and paving, all bricks, tiles, slates, clay, chalk, marl, iron, ironstone, copper, tin, lead and iron ore, per ton not exceeding	3	0
For all pig iron, bar iron, rod iron, hoop iron, and all other similar descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise, per ton not exceeding	3	0
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves and deals, metals (except iron), tinned nails, nails, anvils, vices, and chains, per ton not exceeding	4	0
For all cotton and other wools, drugs, manufactured goods, fish, and all other wares, merchandise, articles, matters, or things, per ton not exceeding	6	0

*Single Articles of great weight.*

For 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, per ton not exceeding	10	0
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For any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, exceeds eight tons, the Promoters may demand such sum as they think fit.

*Small Parcels.*

For every parcel not exceeding 7 lbs. in weight, not exceeding	-	0	3
For every parcel exceeding 7 lbs. but not exceeding 14 lbs. in weight, not exceeding	-	0	5
For every parcel exceeding 14 lbs. but not exceeding 28 lbs. in weight, not exceeding	-	0	7
For every parcel exceeding 28 lbs. but not exceeding 56 lbs. in weight, not exceeding	-	0	9
For every parcel exceeding 56 lbs. but not exceeding 500 lbs. in weight the Promoters may demand such sum as they think fit.			

*Regulations as to Tolls.*

For a fraction of a ton the Promoters may demand tolls 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 usual avoirdupois weight.

With respect to stone and timber, 14 cubic feet of stone, 40 cubic feet of oak, mahogany, teak, beech, or ash, and 50 cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

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

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WIRRAL TRAMWAYS.

*Order authorising the construction of Tramways in the extra-parochial chapelry of Birkenhead, and in the townships of Trammere, Higher Bebington, and Lower Bebington, all in the parish of Bebington and county of Chester.*

1. This Order may be cited as "The Wirral Tramways Order, 1874." 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 on 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.

[Ch. clxxxiii.] *The Tramways Orders Confirmation Act, 1874.* [37 & 38 VICT.]

A.D. 1874.  
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Interpretation.

3. The several words 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 the expression "the tramways" or "the undertaking" shall mean the tramways and works and undertaking by this Order authorised.

In this Order the expression "the Commissioners" shall mean the Birkenhead Improvement Commissioners.

*Promoters.*

The Promoters.

4. The Wirral Tramway Company (Limited) shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Land by  
agreement.

5. The Promoters may, by agreement, from time to time purchase and acquire such land as may be necessary for the undertaking, not exceeding in the whole four acres.

*Construction of Tramways.*

Construction of  
tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited for the purposes of this Order, the tramways herein-after described, with all proper rails, plates, offices, weigh-bridges, stables, carriage-houses, 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), wholly situate in the townships of Tranmere, Higher Bebington, and Lower Bebington, in the parish of Bebington and the extra-parochial chapelry of Birkenhead, commencing in the approach road to the Woodside Ferry by a junction with the existing Birkenhead Street Railway, at a point 1 chain 32 links or thereabouts in a south-westerly direction from the entrance to the Woodside Ferry Station, and passing thence along the Ferry approach road, Chester Street, and the New Chester Road, and terminating in the township of Lower Bebington at a point in the New Chester Road 58 yards or thereabouts north of the turnpike gate at New Ferry Road :

A tramway (No. 2), wholly situate in the extra-parochial chapelry of Birkenhead, commencing in Chester Street by a junction with the existing Birkenhead Street Railway at a point 17 yards or thereabouts in a north-easterly direction from the centre of Bridge Street, and passing thence along Church Street and Ivy Street into Chester Street, and terminating by a junction with tramway No. 1 at or near the south side of Ivy Street :

A tramway (No. 3), a passing-place 3 chains in length, wholly situate in the township of Tranmere and the parish of Bebington, in the New Chester Road opposite the approach to the Tranmere Ferry, commencing and terminating by junctions with tramway No. 1 :



A tramway (No. 4), a passing-place 3 chains in length, wholly situate in the township of Tranmere and the parish of Bebington, in the New Chester Road between Union Street and Derby Street, commencing and terminating by junctions with tramway No. 1 : A.D. 1874.

A tramway (No. 5), a passing-place 3 chains in length, wholly situate in the township of Tranmere and the parish of Bebington, in the New Chester Road between Bedford Place and Bedford Road, commencing and terminating by junctions with tramway No. 1 :

A tramway (No. 6), a passing-place 3 chains in length, wholly situate in the township of Higher Bebington and the parish of Bebington, in the New Chester Road, commencing by a junction with tramway No. 1 at a point 216 yards or thereabouts in a southerly direction from the centre of Rock Lane, and terminating at a point 66 yards from the commencement thereof by a junction with tramway No. 1 :

A tramway (No. 7), a passing-place 2 chains in length, wholly situate in the township of Lower Bebington and the parish of Bebington, in the New Chester Road, commencing by a junction with tramway No. 1 at a point 30 yards or thereabouts in a southerly direction from the centre of Victoria Grove, and terminating at a point 58 yards or thereabouts north of the turnpike gate at New Ferry Road.

Provided always, that the Promoters shall not make any junction of any of the tramways or any part thereof with the railway of the Birkenhead Street Railway Company (Limited), or any part thereof, and shall not construct as much of tramway No. 1 as will be situate in or upon the approach road to the Woodside Ferry belonging or reputed to belong to the Commissioners, nor enter upon or use any other land (not being a highway) belonging to the Commissioners, without the consent in writing of the Commissioners for such purpose first had and received.

7. The tramways shall be constructed with two rails, to be laid at a distance not exceeding five feet three inches (reckoning from the outside edge of each rail). Formation of tramways.

The rails shall be of such form and be laid in such manner as shall be satisfactory to the surveyors of the several local and road authorities; and in case of difference or dispute in relation thereto the matter in dispute shall be referred to and determined by Mr. Edward Mills, surveyor, of Birkenhead, or, failing him, shall be settled in the manner provided by section 33 of the Tramways Act, 1870.

8. During the construction of any works by this Order authorised in any road in any district, the Promoters shall make such arrangements in relation to the execution of such works as may in the opinion of the road authority of such district be proper, for preventing the traffic along such road from being unnecessarily impeded. For facilitating traffic while road broken up.

9. So much of the road whereon the tramways are laid as lies between the rails and as extends eighteen inches beyond the rails of and on each side of the tramway shall be paved by the Promoters, at their own expense, with granite Promoters to pave roads.

A.D. 1874. — cubes or sets upon a foundation or substructure of concrete to the satisfaction of the road authority, or with such other paving as the road authority may approve.

As to tramways Nos. 1 and 2 affecting portions of Birkenhead Railway undertaking.

10. With respect to the tramways numbered 1 and 2, the following provisions shall apply for the protection of the London and North-western and Great Western Railway Companies, joint owners of the Birkenhead Railway undertaking (herein-after referred to as "the two Companies").

- (1.) The tramway No. 1 shall be so made along Chester Street in Birkenhead as not to interfere with the eyes, shafts, or other work in that street made or carried on, or the breaking up or opening of that street for the construction by tunnel or covered way therealong and thereunder, by the two Companies, of the Birkenhead new line authorised by the Great Western Railway Additional Powers Act, 1871, and whether the works of or for the construction of that line shall have been executed either before or after the making of the tramway No. 1; and where it will pass over the existing tunnel of Monks Ferry branch, and under the Tranmere branch of the Birkenhead Railway undertaking, it shall be made only according to the line thereof as shown on the plans deposited for the purposes of this Order; and the tramway No. 1 shall be so made as not to cause any interference with or damage or injury to any of such works, or to the said tunnels or covered way, or to the Tranmere Branch Railway:
- (2.) The tramway No. 2, at its crossings over the Birkenhead new line at the passing of that line under Church Street, and over the existing Monks Ferry branch of the Birkenhead Railway undertaking at the respective points where that branch railway is constructed in open cutting and in tunnel, shall be so made as not to cause any interference with or damage or injury to the bridges for carrying Church Street over the Birkenhead new line, and over the Monks Ferry Branch, or with or to such tunnel:
- (3.) All works to be constructed or executed by the Promoters with reference to the tramways Nos. 1 and 2 in any way affecting the said railways of the two Companies, or any of the bridges or works thereof, or any lands or property used for the same, or occupied or enjoyed therewith, shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the two Companies, and according to plans to be reasonably approved by him before any such works are commenced, and in all things at the expense of the Promoters, and so also as not to cause any interruption to the passage or conduct of traffic over any of the said lines or at the stations thereon:
- (4.) If by reason of or by reason of the failure of any works, operations, or proceedings of the Promoters, or of any of their contractors, or the agents, servants, or workmen of the Promoters or of the contractors, the said railways of the two Companies, or any of the bridges or works thereof, or the said lands or property, shall be damaged or injured, or the traffic on such railways or at any of the stations

thereon shall be interrupted or obstructed, and whether during the construction or after the completion of the tramways Nos. 1 and 2, the Promoters shall forthwith make good any such damage or injury, and make full compensation for any such interruption or obstruction; or in case the Promoters shall make default in that behalf after seven days notice, or in the event of emergency happening (of which emergency the two Companies shall be the sole judges), then without notice, the two Companies may make good any such damage or injury, and remove any such interruption or obstruction, and execute all such necessary works in that behalf as they may deem expedient, and in all things at the expense of the Promoters, and may recover from the Promoters the amount of their expenditure in that behalf, certified under the hand of their engineer, with full costs, in any court of competent jurisdiction; and the two Companies shall not, whether during the construction or after the completion of the Birkenhead new line, be answerable for any damage or interference caused by its construction to or with the tramways Nos. 1 and 2 by reason of subsidence or otherwise.

A.D. 1874.

11. No part of the tramway No. 2 shall be constructed so as to leave a less space than nine feet six inches between the curbstone of the footpath on either side of the road and the nearest rail of the tramway without the consent of the Commissioners in writing first had and obtained.

As to construction of tramway No. 2 where less space than 9 ft. 6 in.

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

Promoters may be required to use improved form of rail.

13. The Promoters shall at all times maintain and keep in good condition and repair the rails of which any of the tramways shall for the time being consist, and the substructure upon which the same rest, and if the Promoters at any time fail to comply with this provision or with any of the requirements of section 28 of "The Tramways Act, 1870," they shall be subject to a penalty not exceeding five pounds for every day on which such act of omission continues; and such penalty may be recovered as by clause 56 of the said Act is provided.

Penalty for not maintaining rails and road in good condition.

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

Tramways to be kept on a level with surface of road

15. The Promoters in any district in which any of the tramways are situated may from time to time, with the consent of the road authority of such district, make all such crossings, passing-places, sidings, junctions, and other works, in addition to those particularly specified in and autho-

Additional crossings, &c. may be made where necessary.

A.D. 1874.

rised 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 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 shall, by writing under his hand, addressed to the Promoters, express his objection thereto.

Temporary tramways may be made when necessary.

16. 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 shall in the opinion of the road authority be 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 arises between the Promoters and any road authority with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway or 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.

Application of road materials excavated in construction of Promoters works.

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 the 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 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 the road authority, or to such person or persons as he may appoint to receive the same: Provided that if within seven days after the excavation of any such paving, metalling, or material, the surplus thereof as aforesaid is not removed by the said surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by "The Tramways Act, 1870," with respect to all differences between the Promoters and any road authority.

Section 30 of Tramways Act, 1870, to

18. Section 30 of the Tramways Act, 1870, shall apply to the Commissioners with reference to the gas and water mains and pipes belonging to them in like

A.D. 1874.

manner as the same applies to a company or persons being the owners of gas or water mains or pipes, and as if the words "the Commissioners" had been inserted in that section.

apply to mains and pipes of the Commissioners.

19. The Promoters shall on demand reimburse and repay to the Commissioners all costs, charges, and expenses of and incidental to the removal and relaying, alteration, and repair or renewal of any gas or water mains or pipes, services, valves, or hydrants, which in the opinion of the Commissioners should be removed, relaid, altered, repaired, or renewed in consequence of the laying down of the tramway or any part thereof in their district.

Promoters to pay expenses of moving pipes of Commissioners.

20. The Promoters shall, on demand, repay to the Commissioners all charges and expenses incurred by them for the supervision and inspection of any work done by the Promoters in connexion with the tramway, or in consequence of the tramway being laid in Birkenhead; and the Commissioners are hereby authorised to order such supervision and inspection of the works as they may deem proper.

Promoters to pay for expenses of inspection.

21. The Promoters shall at their own expense, upon the request of the surveyor for the time being of the Commissioners, remove or divert the rails or tramway from the whole or any part or parts of the street in Birkenhead, for permitting the constructing of or repairs to sewers or for any other purpose of the Commissioners for public convenience, and if the Promoters shall omit to remove or divert the tramway or any part thereof within such time as the surveyor of the Commissioners shall require, and in case such rails or tramway shall be removed or diverted by the Commissioners, who are hereby authorised to remove or divert them, the Promoters shall and will repay and reimburse the Commissioners all costs, charges, and expenses that may be incurred by the Commissioners in or about such removal or diversion: Provided always, that in every case in which it shall become necessary to remove and divert any such rails or tramway, the rails may be temporarily laid, while such repairs are being made, on some other part or parts of the street if practicable without impeding the traffic of such street.

Promoters to remove rails in Birkenhead at request of Commissioners.

22. Whenever any tramway or passing place is constructed or required to be constructed over any man-hole or entrance into a sewer of the Commissioners, or so close to any such man-hole or entrance as to make the use thereof dangerous or inconvenient, in the opinion of the Commissioners, the Promoters shall, if required by the Commissioners, construct another man-hole or side entrance in lieu thereof in such a position and according to such plans as shall be approved of by the Commissioners.

Provision as to entrances into sewers.

*Traffic upon Tramways.*

23. The tramways shall be used for the purpose of conveying passengers only.

Traffic upon tramways.

*Tolls.*

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

Tolls.

A.D. 1874. of miles shall be deemed a mile); but the Promoters may charge for any less distance than three miles any sum not exceeding threepence; but from New Ferry toll-gate to Bedford Road, or vice versâ, and from Bedford Road to Tranmere Ferry, or vice versâ, and from the Castle Hotel, Tranmere, to Woodside Ferry, or vice versâ, and from Tranmere Ferry to Woodside, or vice versâ, or any intermediate distances, the rate shall not exceed twopence, and from Bedford Road to Woodside, or vice versâ, or any intermediate distance, the rate shall not exceed threepence: Provided always, that the Promoters may demand and take for every passenger travelling upon any of the tramways between the hours of nine o'clock in the evening and five o'clock in the morning tolls or charges not exceeding double the before-mentioned rates: Provided also, that children under three years of age shall be conveyed free of charge.

Passengers luggage.

25. Every passenger travelling upon any of 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.

Promoters not bound to carry more than 28 lbs.

26. The Promoters shall not be bound to carry, unless they think fit, any passenger's luggage exceeding twenty-eight pounds in weight.

Cheap fares for labouring classes.

27. 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 carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Promoters think most convenient, for artisans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny); and also to run carriages each way daily between the hours of eight in the morning and six in the evening, except as aforesaid, not less frequently than twice in each hour: Provided that 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.

Payment of tolls.

28. 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, appoint.

*Miscellaneous.*

Provisions as to arbitration.

29. Where, under the provisions of "The Tramways Act, 1870," in 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.

Promoters may enter into agreements as to laying down of tramways.

30. The Promoters and the road authority of any district may enter into and carry into effect contracts and agreements as to any special terms and conditions upon which the tramways shall be laid down and maintained within such district; but nothing in this enactment contained shall authorise the Promoters

to construct any of the tramways in any other manner or direction than is authorised by this Order. A.D. 1874.

31. All interference with the works of the Birkenhead Street Railway Company (Limited) necessary or convenient for effecting the junctions by this Order authorised with the tramways shall be made under the superintendence and to the reasonable satisfaction of the engineer for the time being of that Company, and in case of difference arising as to the mode of effecting the junctions, the same shall be determined by a referee to be appointed by the Board of Trade on the application of either party at the cost of the Company making the junctions. As to junctions with Birkenhead Street Railway Company, Limited.

32. The Promoters, and all persons and corporations lawfully using the tramways, may run over and use the tramways or any part of the tramways of the Birkenhead Street Railway Company (Limited). Promoters may use tramways of the railway company.

The terms, conditions, and regulations to which the Promoters and such other persons and corporations as aforesaid shall be subject in respect of the said use, and the tolls or other consideration to be paid by them for the same, shall, if not agreed upon, be from time to time determined by an arbitrator to be appointed by the Board of Trade, and the decisions of such arbitrator shall be binding and conclusive on all the parties in difference; and the costs and expenses of such arbitrator shall be defrayed as the arbitrator shall direct, and either of the parties to such arbitration who shall refuse or neglect to perform, observe, and conform to any decision given or regulation made by any such arbitrator in the premises, shall forfeit and pay to the other party, as the arbitrator shall determine, any sum not exceeding fifty pounds for every such offence, and twenty pounds for every day during which such offence shall continue.

33. Nothing herein contained shall be deemed to affect or limit the powers or rights of the Commissioners with respect to the tramways of the said Birkenhead Street Railway Company (Limited). Protection of powers and rights of Birkenhead Improvement Commissioners.

34. Whereas the consent of the Local Board for the district of Tranmere to the application of the Promoters for this Order was given subject to certain terms and conditions which are set forth in the schedule to this Order annexed, therefore the Promoters and the said Local Board shall duly observe all and every the terms and conditions in the said schedule set forth on their respective parts, and shall give effect to the same as if the same were in this Order expressly set forth; and all and each of the powers and privileges by this Order conferred upon the Promoters shall only be exercised and may only be enjoyed by the Promoters subject in every respect to the said terms and conditions. Order to be subject to terms and conditions in the schedule.

35. With respect to notices and the delivery thereof by or to the Promoters, the following provisions shall have effect; namely, 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 local authority or any road authority shall be sufficiently authenticated by being signed by their clerk or secretary :

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

A.D. 1874.

be delivered by being left at the principal office of that 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.

36. Nothing herein contained shall be deemed or construed to exempt the tramways from the provisions of any general Act relating to tramways now in force, or which may hereafter pass during this or any future session of Parliament.

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The SCHEDULE.

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The Promoters shall so lay down, make, and maintain the single line of tramway by the foregoing Order authorised in or along the New Chester Road, in the township of Tranmere, that the centre of such tramway shall be in the centre of the street or road, measuring from the curbstones on either side.

The Promoters shall not make tramway No. 3 without the consent in writing of the Local Board for the district of Tranmere, herein-after referred to as "the Local Board," under their seal first had and obtained.

The Promoters shall, on demand, repay to the Local Board all charges and expenses incurred by them for the supervision and inspection of any work done by the Promoters in connexion with the tramway, or in consequence of the tramway being laid in the township of Tranmere, and the Local Board is hereby authorised to order such supervision and inspection of the work as they may deem proper.

Section 30 of "The Tramways Act, 1870," shall apply to the Local Board with reference to the water mains and pipes belonging to them, in like manner as the same applies to a company or person being the owners of water mains or pipes.

The Promoters shall, on demand, reimburse and repay to the Local Board all costs, charges, and expenses of and incident to the removal and relaying, alteration, repair, or renewal of any water mains or pipes, services, valves or hydrants, which, in the opinion of the Local Board, should be removed, relaid, altered, or repaired, in consequence of the laying down of the tramway, or any part thereof.

Whenever the tramway or passing-place or siding is required to be constructed over any man-hole or entrance connected with a sewer of the Local Board, or so close to any such man-hole or entrance as to make the use thereof dangerous or inconvenient, in the opinion of the Local Board, the Promoters shall, if required by the Local Board, construct man-holes or side entrances in lieu thereof in such a position and according to such plan or plans as the Local Board shall approve of, before the tramway is laid over, or close to



such man-holes as aforesaid; or the Local Board may elect to do the work themselves, and in case of such election the Promoters shall repay the Local Board all costs, charges, and expenses incurred by them in connexion with such work. A.D. 1874.

The whole of the macadam excavated by the Promoters along the line of rails within the township of Tranmere shall become the property of the Local Board, and shall be filled into carts provided and placed by the Local Board at such places as the macadam is from time to time being excavated. In lieu of such macadam the Local Board shall supply the Promoters, at such place or places as the same may be from time to time required, with good and proper shingle, along the lines of rails within the district of the Local Board, for the purpose of making the concrete that may be required for the foundation under the rails and paving within the district of the Local Board; but the shingle so to be supplied shall not exceed the quantity of macadam excavated, nor shall any shingle supplied by the Local Board be used anywhere but within the township of Tranmere. Should any dispute arise in reference to the quality of the shingle supplied, the matter shall be determined by reference to Mr. Edward Mills, surveyor, of Birkenhead, or, failing him, shall be settled in the manner provided for by section 33 of the Tramways Act.

During the construction of any works under the authority of the foregoing Order within the district of the Local Board, the Promoters shall so arrange and carry on the work that a clear space of not less than eight feet from each curb on each side of the street shall be left free and without any obstruction whatever during the whole progress of the works.

The Promoters shall, at their own expense, upon the request of the surveyor for the time being of the Local Board, remove or divert the tramway from the whole or any part or parts of the street, for permitting repairs to sewers, or for any other purpose of the Local Board, or of public convenience; and if the Promoters shall omit to remove or divert the tramway, or any part thereof, within such time as the surveyor of the Local Board shall require, and in case such rails or tramway shall be removed or diverted by the Local Board, who are hereby authorised to remove or divert them, the Promoters shall and will repay and reimburse the Local Board all costs, charges, and expenses that may be incurred by the Local Board in or about such removal or diversion: Provided always, that in every case in which it shall become necessary to remove and divert any such rails or tramway, the rails may be temporarily laid, while such repairs are being made, on some other part or parts of the street, if practicable.

The Promoters shall and will save, defend, keep harmless, and indemnify the Local Board, and their estate and effects, of, from, and against all actions, suits, indictments, or other proceedings, damages, costs, expenses, claims, and demands whatsoever, for or by reason or on account of the said tramway, or any part thereof, being laid down, constructed, or maintained in the district of the Local Board.

Nothing herein-before contained shall be considered or taken as preventing the Local Board and the Promoters, by mutual consent, from altering or modifying any of the matters herein-before contained, so far as such alteration may

[Ch. clxxxiii.] - *The Tramways Orders Confirmation Act, 1874.* [37 & 38 VICT.]

A.D. 1874. be in accordance with the provisions of the foregoing Order; such alteration or modification to be sanctioned by a resolution of a meeting of the Local Board specially summoned for the purpose of considering such alteration or modification.

All costs in respect of this agreement and a duplicate thereof shall be borne by the Promoters.

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