



## CHAPTER x.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Dudley, Stourbridge, and Kingswinford Tramways, Great Grimsby Street Tramways (Cleethorpes Extension), Halifax and Districts Tramways, Jarrow and Hebburn and District Tramways, and North Staffordshire Tramways. A.D. 1886.  
[25th September 1886.]

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

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

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

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

1. This Act may be cited as "The Tramways Orders Confirmation (No. 1) Act, 1886." Short title.

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

A.D. 1886.

Protection of  
houses of  
labouring  
classes.

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

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

## SCHEDULE.

---

A.D. 1886.

---

### LIST OF ORDERS.

---

**DUDLEY, STOURBRIDGE, and KINGSWINFORD TRAMWAYS :—**

Order amending the Dudley, Stourbridge, and Kingswinford Tramways Order, 1881.

**GREAT GRIMSBY STREET TRAMWAYS (CLEETHORPES EXTENSION) :—**

Order authorising the Great Grimsby Street Tramways Company to construct additional tramways in the hamlet of Cleethorpes in the parish of Old Clee and county of Lincoln.

**HALIFAX and DISTRICTS TRAMWAYS :—**

Order authorising the abandonment of the tramways authorised by the Halifax and Districts Tramways Order, 1883, and the release of the deposit fund paid into court on the application for the said Order.

**JARROW and HEBBURN and DISTRICT TRAMWAYS :—**

Order authorising the abandonment of the tramways authorised by the Jarrow and Hebburn and District Tramways Order, 1881, and the release of the deposit fund paid into court on the application for the said Order.

**NORTH STAFFORDSHIRE TRAMWAYS :—**

Order authorising the abandonment of certain of the tramways authorised by the North Staffordshire Tramways Order, 1880, and the North Staffordshire Tramways (Extensions) Order, 1881, and the release of portions of the deposit funds paid into court on the applications for the said Orders respectively.

---

### DUDLEY, STOURBRIDGE, AND KINGSWINFORD TRAMWAYS.

*Dudley, Stour-  
bridge, and  
Kingswinford.*

*Order amending the Dudley, Stourbridge, and Kingswinford  
Tramways Order, 1881.*

1. This Order may be cited as the "Dudley, Stourbridge, and Kingswinford Tramways Order, 1881, Amendment Order, 1886." Short title.

2. Whereas the tramways authorised by the Dudley, Stourbridge, and Kingswinford Tramways Order, 1881, (herein-after referred to as "the Order of 1881") were not completed and opened for public traffic within the prescribed period, and such period was prolonged by the special direction of the Board of Trade, and the said tramways were completed but not opened for public traffic within the time so prolonged :

Amendment of  
Dudley, Stour-  
bridge, and  
Kingswinford  
Tramways  
Order, 1881,  
with respect to  
the opening for  
public traffic of  
the tramways.



[Ch. x.] *Tramways Orders Confirmation (No. 1) Act, 1886.* [50 VICT.]

A.D. 1886.

Dudley, Stour-  
bridge, and  
Kingswinford.

And whereas shortly after the expiration of the time so prolonged as aforesaid the said tramways were opened and the same are now open for public traffic, and it is expedient that in relation thereto the Order of 1881 should be amended, and that the provisions following should be in force and have effect. Therefore:—

(1.) The powers conferred by the Order of 1881 upon the Promoters of the said Order shall be deemed to have been and to be unaffected by the failure to open for public traffic the tramways thereby authorised within the time so prolonged as aforesaid, and the Order of 1881 shall have effect in all respects as though the opening for public traffic of the said tramways had taken place within the time so prolonged as aforesaid.

(2.) The Chancery Division of the High Court of Justice shall on the application of the Promoters of the Order of 1881 order the sum of five hundred and fifty pounds, which, pursuant to the provisions of the Tramways Act, 1870, and of the Rules of the Board of Trade made under the authority of the said Act, was paid, in relation to the tramways authorised by the said Order, into the Chancery Division of the High Court of Justice, to the credit of ex parte the Dudley, Stourbridge, and Kingswinford Tramways, together with any interest or dividends due and payable thereon, to be paid out or transferred to the said Promoters, or as they shall direct, and thereupon such sum, together with any such interest or dividends, shall be so paid out or transferred as aforesaid.

For protection  
of the Post-  
master-  
General.

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

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

(2.) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by the Board of Trade, whose decision shall be final; and sections thirty to thirty-two, both inclusive, of the Regulation of Railways Act, 1868, shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.

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

[50 Vict.] *Tramways Orders Confirmation (No. 1) Act, 1886.* [Ch. x.]

is wilfully interrupted, not exceeding fifty pounds for every day on which such interruption continues.

A.D. 1886.

*Dudley, Stour-  
bridge, and  
Kingswinford.*

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

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

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

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

Carrying of  
mails by  
Promoters.

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

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

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

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

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

(c.) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the Promoters in or upon a carriage conveying



A.D. 1886.

*Dudley, Stour-  
bridge, and  
Kingswinford.*

or intended to convey passengers, but not goods or parcels, except in charge of an officer of the Post Office travelling as a passenger.

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

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

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

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

*Great Grimsby  
Street.*

## GREAT GRIMSBY STREET TRAMWAYS (CLEETHORPES EXTENSION).

*Order authorising the Great Grimsby Street Tramways Company to  
construct additional tramways in the hamlet of Cleethorpes, in  
the parish of Old Clee, and county of Lincoln.*

Short title.

1. This Order may be cited as "The Great Grimsby Street Tramways (Cleethorpes Extension) Order, 1886."

Incorporation  
of Acts.

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

Interpretation.

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

The expression "the Act of 1879" means the Great Grimsby Street Tramways Act, 1879:

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

The term "person" includes corporation.

*Promoters.*

A.D. 1886.

4. The Great Grimsby Street Tramways Company incorporated by the Act of 1879 shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

*Great Grimsby  
Street.  
The Promoters.*

5. The Promoters may, by agreement from time to time, purchase, take on lease, and acquire for the purposes of the undertaking, such lands as they may require, and may, from time to time, sell, let, or dispose of any such lands which may not be necessary for such purposes, provided that they shall not at any time hold for such purposes more than three acres of land.

*Lands by  
agreement.*

6. The Promoters may, from time to time, apply towards any of the purposes of this Order, being purposes to which capital is properly applicable, any moneys which they have raised or are authorised to raise under the Act of 1879, and which are not required for the purposes of the said Act to which 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 at the office of the Board of Trade, as the same have been amended previous to the passing of the Act confirming this Order (which amended plans and sections are in this Order respectively referred to as "the deposited plans" and "the deposited sections"), 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.

*Construction of  
tramways.*

The Tramways authorised by this Order are—

A Tramway (No. 1), 1 mile 13·50 chains or thereabouts in length, of which 15 chains will be double line and 78·50 chains will be single line, wholly in the hamlet of Cleethorpes, and parish of Old Clee, in the county of Lincoln, commencing in Cleethorpes Road at the boundary of the said parish of Old Clee by a junction with the Promoters existing tramway in that road, passing thence eastwardly along Cleethorpes Road, and terminating in that road at a point about 40 links west of the junction of Cleethorpes Road with the road leading from Old Clee to Cleethorpes Railway Station.

Tramway No. 1 shall be laid as a single line throughout, except at the following places, at which it shall be laid as a double line :

- (A.) Between two points respectively about 4 chains and 7 chains east of the eastern corner of the Clee Tavern :
- (B.) Between two points respectively about 2 furlongs 4·70 chains and 2 furlongs 7·70 chains south-east of the termination of the said existing tramway :
- (C.) Between two points respectively about 9 and 6 chains north-west of Suggit's Lane :
- (D.) Between two points respectively about 7·40 chains and 4·40 chains north-west of Pelham Road :
- (E.) Between two points respectively about 4 chains and 1 chain north-west of the point of termination of Tramway No. 1.

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

*Provisions as  
to construction  
of tramways.*



[Ch. x.] *Tramways Orders Confirmation (No. 1) Act, 1886.* [50 VICT.]

A.D. 1886.

Great Grimsby  
Street.

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

As to rails of  
tramways.

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

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

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

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

Penalty for not  
maintaining  
tramways to  
satisfaction of  
road authority.

11. In addition to any other provision of this Order the Promoters shall maintain and keep the tramways in good condition and repair to the satisfaction of the road authority of the district within which the tramways or any portion thereof are or is situate, and if the Promoters at any time fail to maintain and



keep the same in good condition and repair to such satisfaction as aforesaid, they shall for every such default be subject to a penalty not exceeding five pounds for every day on which such default continues, and such penalty may be recovered in manner provided by section fifty-six of the Tramways Act, 1870, but by the said road authority only.

A.D. 1886.

Great Grimsby  
Street.

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

Local authority  
to have access  
to sewers.

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

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

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

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

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

Temporary  
tramways may  
be made when  
necessary.

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

16. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of the

Application of  
road materials  
excavated in

[Ch. x.] *Tramways Orders Confirmation (No. 1) Act, 1886.* [50 VICT.]

A.D. 1886.  
*Great Grimsby*  
*Street.*  
construction of  
works.

road authority shall be riddled by the Promoters through a sieve with a one inch mesh, and the material passing through such sieve may be used by the Promoters for concrete in constructing the tramways and paving such portions of road as they are by this Order required to maintain, and the remainder of such paving, metalling, or material shall belong to the road authority, and shall be deposited by the Promoters on the side of the road where it shall be at the risk of and may be removed by the road authority. Any difference between the Promoters and any road authority or surveyor or other person, with reference to any of the matters aforesaid, shall be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Promoters and any road authority.

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

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

*Traffic and Tolls.*

Applying pro-  
visions of Act  
of 1879 as to  
tolls, &c.

18. The tramways by this Order authorised shall, for the purposes of traffic thereon, and of the tolls and charges to be demanded and taken thereon, be deemed to form part of the tramways authorised by the Act of 1879, and sections forty-seven to fifty-two (both inclusive) of the Act of 1879 shall, as far as the same are applicable, apply to the tramways by this Order authorised, and to the traffic thereon, and to the tolls and charges authorised to be demanded and taken in respect of such traffic, in like manner and in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Act of 1879, and for the purposes of such application the expressions "the tramways," "the company," and "this Act," in the said sections, shall be construed to mean respectively the tramways as defined by this Order, the Promoters of this Order, and this Order.

*Miscellaneous.*

Orders to be  
signed, &c.

19. All orders made by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board of Trade, and, when so signed, the same shall be deemed to have been duly made in accordance with the provisions of this Order, and the production of a written or printed copy of any such order purporting to be signed as aforesaid shall be *prima facie* evidence of such order in all courts of justice, and in all legal proceedings.

Provisions as  
to arbitration.

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



relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation. A.D. 1886.

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

*Great Grimsby Street.*  
Form and delivery of notices.

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

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

22. The Promoters and the road authority may, subject to the provisions of this Order, from time to time enter into any agreements with respect to the construction, maintaining, removing, renewing, repairing, and using of the tramways, and the rails, plates, sleepers, and works connected therewith, and the facilitating of the passage of the traffic over the same.

Agreements between Promoters and road authority.

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

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

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

Saving as to powers of borrowing on mortgage.

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

Carrying of mails by Promoters.

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

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

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

[Ch. x.] *Tramways Orders Confirmation (No. 1) Act, 1886.* [50 VICT.]

A.D. 1886.

Great Grimsby  
Street.

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

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

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

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

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

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

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

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

Saving for  
general Acts.

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



HALIFAX AND DISTRICTS TRAMWAYS.

A.D. 1886.

*Halifax and  
Districts.*

*Order authorising the abandonment of the tramways authorised by the Halifax and Districts Tramways Order, 1883, and the release of the deposit fund paid into court on the application for the said Order.*

1. This Order may be cited as "The Halifax and Districts Tramways (Release of Deposit) Order, 1886." Short title.

2. Whereas by the Halifax and Districts Tramways Order, 1883 (herein-after referred to as "the Order of 1883"), the Promoters of the said Order were authorised to construct the tramways therein described :

Abandonment  
of tramways  
authorised by  
Order of 1883,  
and release of  
deposit made in  
respect thereof.

And whereas by the Order of 1883 it was provided that the carriages used on the said tramways might be moved (among other means) by mechanical power, including haulage by means of wire ropes placed underground, and worked by stationary engine power upon the system known as "the Hallidie system of cable tramways," which system, owing to the steep character of the streets of Halifax, is considered to be the only known mode of traction applicable to them :

And whereas, owing to technical difficulties unforeseen at the time when the Order of 1883 was applied for, it has been deemed impracticable to work the said tramways upon the said cable system, if constructed in accordance with the Order of 1883, and the plans deposited for the purposes thereof, and it is therefore expedient that the construction of the said tramways should be abandoned, and that provision should be made for the payment or transfer to the Promoters of the Order of 1883 of the deposit fund paid into court on the application for the said Order. Therefore,

(1.) The Promoters of the Order of 1883 shall abandon the construction of the tramways authorised by the said Order :

(2.) The Chancery Division of the High Court of Justice shall, on the application of the Promoters of the Order of 1883, order the sum of one thousand six hundred and fifty-one pounds, which, pursuant to the provisions of the Tramways Act, 1870, and the regulations of the Board of Trade made under the authority of the said Act, was paid, in relation to the tramways authorised by the Order of 1883, into the Chancery Division of the High Court of Justice to the credit of ex parte the undertaking of the Halifax and Districts Tramway, 1883, together with any interest or dividends due and payable thereon to be paid out or transferred to the said Promoters, or as they shall direct, and thereupon such sum, together with any such interest or dividends, shall be so paid out or transferred as aforesaid.

A.D. 1886. JARROW AND HEBBURN AND DISTRICT TRAMWAYS.

*Jarrow and  
Hebburn and  
District.*

*Order authorising the abandonment of the tramways authorised by the Jarrow and Hebburn and District Tramways Order, 1881, and the release of the deposit fund paid into court on the application for the said Order.*

Short title.

1. This Order may be cited as "The Jarrow and Hebburn and District Tramways (Release of Deposit) Order, 1886."

Abandonment of tramways authorised by the Jarrow and Hebburn and District Tramways Order, 1881.

2. The Promoters of the Jarrow and Hebburn and District Tramways Order, 1881, shall abandon the construction of the tramways by the said Order authorised.

Release of the deposit under the Jarrow and Hebburn and District Tramways Order, 1881.

3. The Chancery Division of the High Court of Justice shall, on the application of the Promoters of the Jarrow and Hebburn and District Tramways Order, 1881, order the sum of eight hundred and twenty-five pounds consolidated three pounds per centum annuities which, pursuant to the provisions of the Tramways Act, 1870, and of the rules of the Board of Trade made under the authority of the said Act, was paid, in relation to the tramways authorised by the said Order, into the Chancery Division of the High Court of Justice to the credit of ex parte the Jarrow and Hebburn and District Tramways, together with any dividends or interest due and payable thereon to be paid out or transferred to the said Promoters, or as they shall direct, and thereupon such sum, together with any such dividends or interest, shall be so paid out or transferred as aforesaid.

*North  
Staffordshire.*

NORTH STAFFORDSHIRE TRAMWAYS.

*Order authorising the abandonment of certain of the tramways authorised by the North Staffordshire Tramways Order, 1880, and the North Staffordshire Tramways (Extensions) Order, 1881, and the release of portions of the deposit funds paid into court on the applications for the said Orders respectively.*

Short title.

1. This Order may be cited as "The North Staffordshire Tramways (Release of Deposit) Order, 1886."

The Promoters.

2. The North Staffordshire Tramways Company, Limited, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Abandonment of certain authorised tramways.

3. The Promoters shall abandon the construction of the following tramways and portions of tramways, viz. :—

So much of Tramway No. 3 authorised by the North Staffordshire Tramways Order, 1880, as is situate in Marsh Street and Great York Street, Hanley, and also so much thereof as extends from the present terminus in Market Place, Burslem, to its termination.

Tramway No. 5 authorised by the North Staffordshire Tramways Order, 1880. Tramways Nos. 4, 5, 6, 7, and 8, authorised by the North Staffordshire Tramways (Extensions) Order, 1881.



4. Whereas, pursuant to the Tramways Act, 1870, and the rules made by the Board of Trade under the authority of the said Act, a sum of two thousand five hundred and fifteen pounds seventeen shillings and ninepence consolidated three pounds per centum annuities was paid, in relation to the tramways authorised by the North Staffordshire Tramways Order, 1880, into the Chancery Division of the High Court of Justice to the credit of ex parte the North Staffordshire Tramways, 1880, and a further sum of two thousand three hundred and seventy pounds was paid in relation to the tramways authorised by the North Staffordshire Tramways (Extensions) Order, 1881, into the said Chancery Division to the credit of ex parte the North Staffordshire Tramways, 1881, therefore the Chancery Division of the High Court of Justice shall, on the application of the Promoters, and upon production of a certificate signed by a secretary or an assistant secretary of the Board of Trade specifying the lengths of the tramways and portions of tramways so authorised to be abandoned as aforesaid, and the portion of the sum so deposited in relation to the tramways authorised by the said Order of 1880 which bears to the whole of the said sum the same proportion as the length of such tramways and portions of tramways so authorised to be abandoned bears to the entire length of such tramways, and the portion of the sum so deposited in relation to the tramways authorised by the said Order of 1881 which bears to the whole of the said sum the same proportion as the length of such tramways so authorised to be abandoned bears to the entire length of such tramways, order such portions so specified of the said sums so deposited respectively, together with any dividends or interest due and payable thereon respectively, to be paid out or transferred to the Promoters, or as they shall direct, and thereupon such portions of the said sums respectively, together with any such dividends or interest, shall be so paid out or transferred as aforesaid.

A.D. 1886.

*North  
Staffordshire.*  
Release of  
deposit in  
respect of  
abandoned  
tramways.

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

For protection  
of the Post-  
master-  
General.

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

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

[Ch. x.] *Tramways Orders Confirmation (No. 1) Act, 1886.* [50 Vict.]

A.D. 1886.

*North  
Staffordshire.*

Act, 1868, shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.

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

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

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

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

Carrying of  
mails by  
Promoters.

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

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

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

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

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



[50 VICT.] *Tramways Orders Confirmation (No. 1) Act, 1886.* [Ch. x.]

A.D. 1886.

North  
Staffordshire.

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

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

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

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

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

36 & 37 Vict.  
c. 48.

45 & 46 Vict.  
c. 74.

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

---

LONDON: Printed by EYRE and SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1886.