

THE HUDDERSFIELD TRAMWAYS AND IMPROVEMENT ACT 1890.

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AN ACT

To enable the Mayor Aldermen and Burgesses of the County Borough of Huddersfield to construct Additional Tramways and Street and Road Improvements and to make further Provision for the good Government of the Borough and for other purposes.

[ROYAL ASSENT 4TH JULY 1890.]

WHEREAS the Borough of Huddersfield in the West Riding of the county of York is a County Borough subject to the Acts relating to Municipal Corporations and the Mayor Aldermen and Burgesses of the said Borough (hereinafter called “the Corporation”) acting by the Council are the Urban Sanitary Authority for the district thereof: Preamble.

And whereas the following among other Acts are in force within the Borough (that is to say) :—

	The Huddersfield Improvement Act 1871 ;	34 & 35 Vict. cap. cli.
10	The Huddersfield Waterworks and Improvement Act 1876 ;	39 & 40 Vict. cap. c.
	The Huddersfield Improvement Act 1880 ; and	43 & 44 Vict. cap. xcix
7	B	

2 *The Huddersfield Tramways and Improvement Act 1890.*

45 & 46 Vict.
cap. ccxxxvi.

The Huddersfield Corporation Act 1882 ;

which Acts are in this Act collectively referred to as “ the former Acts ” and each of them separately as an Act of the year in which it was passed :

And whereas the Corporation under the powers of the Act of 5 1880 and the Act of 1882 have constructed various Tramways in the Borough :

And whereas by the Act of 1882 the time limited for the completion of certain of the Tramways authorised by the Act of 1880 was extended to the second day of August one thousand eight 10 hundred and ninety :

And whereas it is expedient that the Corporation be empowered to construct and maintain additional Tramways in the Borough and that the time for the completion of certain of the Tramways authorised by the Act of 1880 should be further 15 extended :

And whereas it was by the Act of 1882 provided that if the Corporation were unable to demise the Tramways then or by that Act authorised upon such terms as would in the opinion of the Board of Trade yield an adequate rent therefor the Board of Trade 20 might grant the Corporation license to work the said Tramways whereupon the Corporation might provide the plant requisite for the purpose :

And whereas the Corporation having been so unable the Board of Trade did grant the Corporation a license for the working of the 25 said Tramways which expired in the month of December one thousand eight hundred and eighty-nine and was in the like circumstances renewed by the Board of Trade for another period of seven years :

And whereas the Tramways authorised by this Act are 30 extensions within the borough of the Tramway system of the Corporation which are intended to be constructed as the circumstances of the borough from time to time require and it is expedient that the provisions as to the working of the existing authorised Tramways of the Corporation be extended to the Tramways by this 35 Act authorised :

And whereas it is expedient that the Corporation be authorised to make the street and road improvements hereinafter described :

And whereas the Corporation are the owners of the markets and fairs authorised to be held in and for the Borough :

5 And whereas it is expedient that the Corporation be authorised to acquire additional lands for street improvement and market purposes :

And whereas the Corporation are the owners of the Undertaking whereby the Borough and adjacent places are supplied 10 with gas.

And whereas it is expedient that further borrowing and other powers be conferred upon the Corporation :

And whereas by the Act of 1882 the Corporation were empowered to exercise their statutory borrowing powers for the 15 time being by means of the creation and issue of Corporation stock :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

And whereas estimates have been prepared by the Corporation 20 for the purchase of land and for the execution of the various works by this Act authorised and for the construction and completion of works by the former Acts of the Corporation authorised and such estimates are as follows :

For Tramway purposes sixty-four thousand pounds ;

25 For street improvement purposes two hundred and twenty thousand pounds ;

For market purposes fifty thousand pounds ;

For hospital purposes sixty thousand pounds ;

For gas works purposes one hundred thousand pounds ;

30 And whereas the several works included in such estimates respectively are permanent works within the meaning of the two hundred and thirty-fourth section of The Public Health Act 1875 :

And whereas the Corporation have unexercised borrowing powers not required for the purposes for which the same were granted and available for the purposes of this Act :

And whereas an absolute majority of the whole number of the Council at a meeting held on the third day of December 5 one thousand eight hundred and eighty-nine after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Huddersfield Chronicle a newspaper published and circulating in the Borough (such notice being in addition to the ordinary notices required for summoning such meeting) resolved 10 that the expense in relation to promoting the Bill for this Act should be charged on the Borough Fund and Borough Rate of the Borough :

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government 15 Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the nineteenth day of February one 20 thousand eight hundred and ninety being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the Borough by resolution in the manner provided in the Third Schedule of The Public Health Act 1875 consented to the promotion of the Bill 25 for this Act :

And whereas plans and sections showing the lines situation and levels of the tramways and works by this Act authorised and plans showing the lands which may be acquired under the powers of this Act and a book of reference to those plans containing the 30 names of the owners or reputed owners lessees or reputed lessees and of the occupiers of and describing such lands have been deposited with the Clerk of the Peace for the West Riding of the county of York and are in this Act referred to as the deposited plans sections and book of reference :

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be Enacted and be it 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 (that is to say) :—

PART I.—PRELIMINARY.

1. This Act may be cited as “The Huddersfield Tramways Short title. and Improvement Act 1890.”

10 2. This Act is divided into parts as follows :—

Act divided into parts.

Part I.—Preliminary ;

Part II.—Tramways ;

Part III.—Street works ;

Part IV.—Lands ;

15 Part V.—Finance ;

Part VI.—Miscellaneous.

3. The following Acts and parts of Acts (that is to say) :—

Incorporation of Acts.

The Lands Clauses Acts ;

20 Section 3 (Interpretation of terms) Section 19 (Local authority may lease or take tolls) and Parts II. and III. of The Tramways Act 1870 ;

as far as they are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act.

25 4. In this Act unless the subject or context otherwise Interpretation. require—

Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings ;

“The Borough ” means the County Borough of Huddersfield ; 5

“The Corporation ” means the Mayor Aldermen and Burgesses of the Borough ;

“The Council ” means the Town Council of the Borough ;

“The Mayor ” means the Mayor of the Borough ;

“The Town Clerk ” “the Medical Officer of Health ” “the 10 Borough Surveyor” and “the Borough Accountant” respectively mean the Town Clerk the Medical Officer of Health the Borough Surveyor and the Borough Accountant of the Borough ;

“The Borough Fund ” and “the Borough Rate ” mean respectively the Borough Fund and the Borough Rate of the 15 Borough ;

“Tramway Revenue ” means all net moneys received for or in relation to the Tramways other than borrowed moneys and other moneys which ought to be carried to the account of capital ; 20

“Gas revenue ” means all net moneys received for or in relation to the supply of gas other than borrowed moneys and other moneys which ought to be carried to capital account ;

“Market revenue ” means all net moneys received for or in relation to the markets and fairs of the Corporation other than 25 borrowed moneys and other moneys which ought to be carried to capital account ;

“The Municipal Corporations Acts ” means The Municipal Corporations Act 1882 and any Act amending the same ;

“The Public Health Acts ” means The Public Health Act 30 1875 and any Act amending the same.

The term "Sir John Ramsden" shall have the meaning attached thereto by Section 4 of the Act of 1871.

5. Subject to the express provisions of this Act nothing in this Act contained shall extend to or be deemed construed or taken as in
5 anywise extending to extinguish prejudice diminish affect or disturb or as authorising anything to be done or omitted to be done so as to extinguish prejudice diminish affect or disturb any right privilege franchise incorporeal hereditament or profit belonging to the lord or lords of the manors of Huddersfield and Almondbury respec-
10 tively for the time being or belonging to the person or persons for the time being in receipt of or entitled to the rents and profits of the estates from time to time subject to the subsisting uses of the will of Sir John Ramsden baronet deceased or of any settlement or re-settlement thereof or of any Act of Parliament relating to
15 the same or reserved or conferred by the Act of Parliament passed in the seventh and eighth years of the reign of King George the Fourth intituled "An Act for supplying with Water the Town and Neighbourhood of Huddersfield in the West Riding of the County of York" or by the Act of Parliament passed in the
20 eighth and ninth years of the reign of Her present Majesty intituled "An Act to alter enlarge and amend an Act for supplying with Water the Town and Neighbourhood of Huddersfield in the West Riding of the County of York" or by The Huddersfield Improvement Act 1848 or any of them but such rights privileges
25 incorporeal hereditaments and profits respectively subject as afore- said shall remain continue and be used exercised enjoyed and taken in the same manner in all respects as if this Act had not been passed.

Saving of rights of lord or lords of the manors of Huddersfield and Almondbury.

6. This Act except where otherwise expressed or implied shall
30 apply exclusively to the Borough. Limits of Act.

7. This Act shall be carried into execution by the Corporation
acting by the Council. Act to be executed by Council.

PART II.—TRAMWAYS.

Power to make
Tramways.

8. Subject to the provisions of this Act the Corporation may make form lay down use and maintain wholly within the Borough the Tramways hereinafter described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all such rails plates sleepers junctions turntables turnovers crossings passing places stables carriage-houses sheds works and conveniences connected therewith as may be necessary or proper therefor and for connecting and using the same with the authorised Tramways of the Corporation.

The Tramways hereinbefore referred to and authorised by this Act will be of the gauge of four feet eight and a half inches and will be wholly laid as single lines except at the passing places where they will be double lines and are those following (that is to say):

Tramway No. 1 (5 furlongs 7·30 chains in length whereof 5 furlongs 2·09 chains are single and 5·21 chains are double lines) wholly in the township and parish of Almondbury commencing at the boundary of the Municipal Borough of Huddersfield in Woodhead Road and terminating in Parkgate by a junction with Tramway No. 1 (authorised by the Act of 1880) at its commencement;

Tramway No. 1a (a passing place) wholly in Woodhead Road and connected with and subsidiary to Tramway No. 1;

Tramway No. 1b (a short junction connected with and subsidiary to Tramway No. 1) commencing in Woodhead Road by a junction with that Tramway and terminating in Parkgate by a junction with Tramway No. 1a authorised by the Act of 1880 at its commencement;

Tramway No. 2 (9·39 chains in length whereof 7·89 chains are single and 1·50 chains are double lines) wholly in the town-

ship and parish of Almondbury commencing in Woodhead Road by a junction with the said authorised Tramway No. 1 and terminating by a junction with the constructed portion of the said authorised Tramway No. 1;

- 5 Tramway No. 2a (a short junction connected with and subsidiary to Tramway No. 2) commencing in Woodhead Road by a junction with Tramway No. 1b authorised by the Act of 1880 and terminating by a junction with Tramway No. 2;

- 10 Tramway No. 3 (6 furlongs 6·46 chains in length whereof 6 furlongs and 3·46 chains are single and 3 chains are double lines) wholly in the township and parish of Huddersfield commencing in Northumberland Street by a junction with the constructed portion of the said authorised Tramway No. 1 in Northgate and terminating at a point in Leeds Road North at
15 its junction with Bradley Mills Road by a junction with another portion of the authorised Tramway No. 1;

Tramway No. 3a (a passing place) in Leeds Road North connected with and subsidiary to Tramway No. 3;

- 20 Tramway No. 4 (2 furlongs 9·09 chains in length whereof 2 furlongs 7·59 chains are single and 1·50 chains are double lines) wholly in the township and parish of Huddersfield commencing in Leeds Road North by a junction with the authorised Tramway No. 1 at its termination and terminating on the bridge called or known by the name of Cooper Bridge;

- 25 Tramway No. 4a (a short junction connected with and subsidiary to Tramway No. 4) wholly in Leeds Road North commencing at the termination of Tramway No. 1j authorised by the Act of 1880 and terminating by a junction with Tramway No. 4;

- 30 Tramway No. 4b (2·27 chains in length) part of a reversing place connected with and subsidiary to Tramway No. 4;

Tramway No. 4c (1·27 chains in length) part of the said reversing place commencing by a junction with Tramway No. 4b and terminating by a junction with Tramway No. 4;

Tramway No. 5 (3 furlongs 4·20 chains in length) commencing in the township and parish of Huddersfield in Leeds Road North by a junction with the authorised Tramway No. 1 and terminating at the sewage lands belonging or claimed to belong to the Corporation ;

5.

Tramway No. 6 (5·75 chains in length) commencing in the township and parish of Huddersfield in Leeds Road North by a junction with the authorised Tramway No. 1 and terminating in the township of Dalton and parish of Kirkheaton by a junction with Tramway No. 5.

10.

Tramway No. 7 (1 mile 4 furlongs 1·65 chains in length whereof 1 mile 3 furlongs and 8·65 chains are single and 3 chains are double lines) wholly in the township and parish of Huddersfield commencing by a junction with Tramway No. 2 authorised by the Act of 1880 in Bradford Road North and terminating in 15 Leeds Road North by a junction with the said authorised Tramway No. 1 ;

Tramway No. 7a (1·69 chains in length) part of a reversing place commencing by a junction with Tramway No. 7 in Ash Brow Road and terminating about 33 yards north-east of its 20 commencement ;

Tramway No. 7b (1 chain in length) part of the said reversing place commencing about sixteen yards south of the termination of Tramway No. 7a by a junction with that Tramway and terminating in Ash Brow Road by a junction with Tramway 25. No. 7 ;

Tramway No. 7c (a passing place) wholly in Deighton Road connected with and subsidiary to Tramway No. 7.

Tramway No. 8 (2 furlongs 3·12 chains in length) wholly in the township and parish of Huddersfield commencing at a point 30 in Cherry Nook Road by a junction with Tramway No. 7 and terminating in Leeds Road North by a junction with the authorised Tramway No. 1 ;

Tramway No. 9 (1 mile 1 furlong 3·63 chains in length) whereof 1 mile 1 furlong ·63 chains are single and 3 chains are double lines) wholly in the township and parish of Huddersfield in Bradford Road North commencing by a junction with the said authorised
5 Tramway No. 2 at its termination and terminating in Bradford Road North at the boundary of the Borough ;

Tramway No. 9a (a passing place) wholly in the township and parish of Huddersfield in Bradford Road North and connected with and subsidiary to Tramway No. 9 ;

10 Tramway No. 10 (1 mile 3 furlongs 7·44 chains in length whereof 1 mile 2 furlongs 9·90 chains are single and 7·54 chains are double lines) wholly in the township and parish of Huddersfield commencing by a junction with the constructed portion of the said authorised Tramway No. 1 in John William Street and terminating in the Bradford Road by a junction with the existing
15 portion of the authorised Tramway No. 2 ;

Tramway No. 10a (a passing place) wholly in Saint John's Road and connected with and subsidiary to Tramway No. 10 ;

20 Tramway No. 10b (a passing place) wholly in Spaines Road and connected with and subsidiary to Tramway No. 10 ;

Tramway No. 10c (1·24 chains in length) commencing by a junction with the said Tramway No. 10 in Wasp Nest Road and terminating by a junction with the said existing Tramway No. 2 ;

25 Tramway No. 11 (1 furlong 9·77 chains in length) wholly in the township and parish of Huddersfield commencing by a junction with the said Tramway No. 10 in John William Street and terminating in Bradford Road ;

30 Tramway No. 12 (5 furlongs 4·76 chains in length whereof 5 furlongs 1·76 chains are single and 3 chains are double lines) wholly in the township of Lindley-cum-Quarmby and parish of Huddersfield commencing in Halifax Road at the boundary of the Municipal Borough and terminating at the junction of Holly Bank Road with the said Halifax Road by a junction
35 with the existing Tramway (No. 8) authorised by the Act of 1880 ;

12 *The Huddersfield Tramways and Improvement Act 1890.*

Tramway No. 12a (a passing place) wholly in Halifax Road and connected with and subsidiary to Tramway No. 12;

Tramway No. 13 (1 mile 3 furlongs ·81 chains in length whereof 1 mile 2 furlongs 4·81 chains are single and 6 chains are double lines) wholly in the township of Lindley-cum-Quarmby and parish of Huddersfield in New Hey Road commencing at the boundary of the Municipal Borough and terminating by a junction with the existing Tramway No. 7 authorised by the Act of 1880; 5 10

Tramways No. 13a and 13b passing places in New Hey Road connected with and subsidiary to Tramway No. 13;

Tramway No. 14 (1 mile 1 furlong 1·81 chains in length whereof 1 mile 8·81 chains are single and 3 chains are double lines) wholly in the township of Lindley-cum-Quarmby and parish of Huddersfield commencing in Quarmby Road by a junction with the existing Tramway No. 6 authorised by the Act of 1880 at its termination and terminating at a point in New Hey Road by a junction with Tramway No. 13; 15

Tramway No. 14a (a passing place) in Quarmby Road connected with and subsidiary to Tramway No. 14; 20

Tramway No. 16 (1 mile ·09 chains in length whereof 7 furlongs 7·09 chains are single and 3 chains are double lines) wholly in the township of Lockwood and parish of Almondbury commencing in Dryclough Road and terminating by a junction with Tramway No. 5 authorised by the Act of 1880 at its commencement; 25

Tramway No. 16a (·90 chains in length) part of a reversing place commencing in Dryclough Road by a junction with Tramway No. 16 and terminating in Woodside Road by a junction with Tramway No. 16b; 30

Tramway No. 16b (1·63 chains in length) part of the said reversing place commencing in Woodside Road and terminating in Dryclough Road by a junction with Tramway No. 16;

Tramway No. 16c (·66 chains in length) part of another reversing place commencing in Barton Road by a junction with Tramway 35

No. 16 and terminating about 14·52 yards east of its commencement by a junction with Tramway No. 16d ;

5 Tramway No. 16d (1·42 chains in length) part of the last-named reversing place commencing at a point about 16·66 yards south-east of the termination of Tramway No. 16c and terminating by a junction with Tramway No. 16 ;

10 Tramway No. 17 (1 mile 7 furlongs 1·57 chains in length) commencing in the township and parish of Huddersfield in Buxton Road by a junction with the existing Tramway No. 1 authorised by the Act of 1880 and terminating in the township and parish of Almondbury in Newsome Road (new portion).

15 Tramway No. 17a (3·33 chains in length) part of a reversing place commencing in Newsome Road (new portion) by a junction with Tramway No. 17 and terminating in Birch Road ;

Tramway No. 17b (1·21 chains in length) part of the said reversing place commencing in Birch Road by a junction with Tramway No. 17a and terminating in Newsome Road by a junction with Tramway No. 17.

20 Provided as follows :

25 The working by steam or other mechanical power of such portion of Tramway No. 4 as lies between the termination of Tramway No. 4c and the end of Tramway No. 4 shall where the width of the road is less than 10 feet 6 inches on each side be subject to the consent of the Board of Trade ;

Tramway No. 5 shall be used for goods traffic only ;

30 Tramway No. 10 shall be made a double single line from the termination of Tramway No. 10b to the end of the Tramway No. 10 ;

35 Tramway No. 14 shall for the distance of about 20 chains from its commencement be so constructed that there shall be between the nearest rail of the Tramways and the outside of the Footway a space of 10 feet 6 inches on the one side and 9 feet 6 inches on the other side of the road :

Tramway No. 7 from its commencement in Bradford Road North to the junction of Victoria Street and Cherry Nook Road Deighton also from the junction of Whitacre Street and Deighton Road to its termination in Leeds Road North Tramways No. 7a and 7b Tramway No. 10 5 from Wheathouse Road to Halifax Old Road Tramway No. 11 Tramway No. 14 from a point 2 furlongs and 6·59 chains west of its commencement in Quarmby Road to its termination in New Hey Road and Tramway No. 14a shall not be laid until the streets along which 10 those Tramways and parts of Tramways are to be respectively laid shall have been so widened or constructed (in any case where not already constructed) as that when the respective Tramways are laid therein respectively there will not at any such part of any such 15 street be a less space than 10 feet 6 inches between the outside of the footpath on either side of that street and the nearest rail of the Tramway.

Unless and until the roads along which the said Tramway No. 17 will be constructed shall be widened so as to 20 leave a space of not less than 10 feet 6 inches between the outside of the footpath on either side of the road and the nearest rail of the Tramway the Corporation shall not use on the said Tramway carriages or trucks adapted for use on Railways and 25 the mode of working that Tramway shall be subject to the license of the Board of Trade.

Period for completion of Tramways.

9. If the Tramways by this Act authorised be not completed within six years from the passing of this Act then on the expiration of that period the powers by this Act granted to the 30 Corporation for constructing the same or otherwise in relation thereto shall cease except as to so much of the said Tramways respectively as is then completed.

Extending time for completion of certain of the authorised Tramways.

10. The time for the completion of the following parts of the following Tramways authorised by the Act of 1880 (that is to 35 say) :—

Part of Tramway No. 1 from Park Gate Berry Brow to a point near Emmanuel Church Salford and from Bradley Mills Road to Woodman Inn ;

Part of Tramway No. 2 from the termination of the Tramway in Bradford Road North to the junction with that road and Lister's Road;

5 Part of Tramway No. 3 from the boundary of the Borough in Woodfield Road to the termination of the Tramway near Dungeon Cottages;

Part of Tramway No. 4 from its commencement to the junction of Manchester Road and Thornton Road;

10 Part of Tramway No. 11 from the termination of the existing Tramway in Town End Almondbury to the termination of that Tramway.

the time for the completion of which several Tramways was extended by the Act of 1882 to the second day of August one thousand eight hundred and ninety is further extended to the 15 second day of August one thousand eight hundred and ninety-six after which date the powers for the completion of those Tramways shall cease.

11. The Corporation may from time to time alter and maintain the level of the rails of any Tramway so that they shall correspond with the level of the street wherein such Tramway is laid. Power to alter level of rails.

12. The provisions of Sections 15 to 43 both inclusive of the Act of 1880 and the regulations with respect to use of steam or mechanical power on Tramways contained in the First Schedule to that Act and the provisions of Section 17 (Corporation may in 25 certain cases work Tramways) of the Act of 1882 shall extend and apply mutatis mutandis to and in relation to the Tramways by this Act authorised. Certain Tramway provisions of Acts of 1880 and 1882 extended to Tramways by this Act authorised.

13. In the event of any of the tramways of the Corporation being worked by electricity, the following provisions shall have 30 effect:— Provision for protection of the Postmaster General.

1. The Corporation or any Company body or person working the tramways (who are hereinafter in this section included in the term "the Corporation") shall construct their electric lines and other works of all descriptions and shall work their undertaking 35 in all respects with due regard to the telegraphic lines from time

to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction 5 or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Corporation have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Corporation shall be 10 bound to make any alterations in or additions to their system which may be directed by the arbitrator ;

2.—(A) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General 15 (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 Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the 20 work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the 25 Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;

(B) Any difference which arises between the Postmaster-General and the Corporation or their agents with respect to any 30 requirements so made shall be determined by arbitration ;

3. In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non- 35 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 Corporation or their agents to a fine under this section if they satisfy the Court having cognisance 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 Act as if the Corporation were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section ;

7. The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 ;

8. Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and Sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act ;

9. Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against

the Corporation by indictment action or otherwise in relation to any of the matters aforesaid.

Carrying of mails
by Corporation.

14.—(1.) The Corporation or any Company body or person working the tramways (who are hereinafter in this section included in the term “the Corporation”) if required by the Postmaster- 5 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- 10 General to require mails in excess of the following weights to be carried by the Corporation 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 15 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 20 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 25 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 pas- 30 sengers 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- 35 General to require any mails to be carried by the Corporation 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 ;

5 (D) If the Corporation 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 Corporation were a railway company and the tramway were a railway.

10 (2.) The remuneration for any services which have been performed by the Corporation 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 Corporation 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
11 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
12 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-
13 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.

14 15. In addition to the requirements of Section 26 of The Tramways Act 1870 the Corporation before they proceed to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the Tramways authorised by this Act shall lay before the Board of Trade a plan showing the pro-
15 posed mode of constructing laying down maintaining and renewing such Tramways and a statement of the materials intended to be used therein and the Corporation shall not commence the con-

Further provision
as to construction
of Tramways.

struction laying down maintenance and renewal of any of such Tramways or part of any of such 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 5 plan and statement Provided always that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of The Tramways Act 1870 or this Act.

As to rails of Tramways.

16. The rails of the Tramways authorised by this Act shall 10 be such as the Board of Trade approve.

PART III.—STREET WORKS.

Power to make street improvements.

17. Subject to the provisions of this Act the Corporation may if they think fit in the lines and situation and upon the lands in that behalf delineated on the deposited plans and described in the 15 deposited book of reference make and maintain the street improvements and works and do the things following wholly within the Borough (that is to say):—

No. 1.—The improving of the junction of Upperhead Row with Macaulay Street on the east and north-east sides of those 20 streets respectively commencing at Threadneedle Street and terminating at the south-west corner of "The Plumbers' Arms;"

No. 2.—The improving of the junction of Macaulay Street and Manchester Street on the south-west and north-west sides of those streets respectively commencing six yards north-west of 25 the south-east corner of Macaulay Street and terminating 6 yards south-west of the same point ;

No. 3.—The widening and improving of Victoria Lane on both sides thereof commencing on the east side at the junction of that street or road with Ramsden Street and terminating at 30

its junction with Victoria Street and commencing on the west side 24 yards north-east of the north-east corner of Albert Yard and terminating 6 yards north-east of that point ;

5 No. 4.—The widening of Viaduct Street on the south-east side thereof commencing in Fountain Street and terminating in Northgate ;

10 No. 5.—The improving of John William Street and of the junction of that street with Fountain Street on the north-east and south-east sides of those streets respectively commencing at the north side of Brook Street and terminating 34 yards east of the south-west corner of Fountain Street ;

No. 6.—A new street or road commencing by a junction with Saint John's Road and terminating by a junction with Viaduct Street ;

15 No. 7.—A new street or road being a continuation of Newtown Row commencing by a junction with the proposed new street or road No. 6 and terminating by a junction with the said Newtown Row ;

20 No. 8.—The improving of Longroyd Lane and Manchester Road on the north side thereof commencing about 65 yards west of the south-west corner of Well Street and terminating about 42 yards west of the south-west corner of Bankfield Road ;

25 No. 9.—The improving of West Parade on the south side thereof commencing at a point about 35 yards west of the north-west corner of Upperhead Row and terminating at a point about 8.66 yards south-east of the said corner ;

30 No. 10.—The widening of Beast Market on the south-east side thereof commencing about 6 yards north of the north-west corner of Rosemary Lane and terminating 16 yards south-west of the north-west corner of the recently-constructed Silk Street ;

No. 11.—The improving of New Silk Street at the north-east corner thereof by the pulling down of certain property at the

junction of Lowerhead Row and Silk Street and being No. 117 on the deposited plans wholly within the township and parish of Huddersfield ;

No. 12.—A new street or road commencing by a junction with Kirkgate and terminating by a junction with King Street ; 5

No. 13.—The widening and improving of Kirkgate and Denton Lane on the north-east and south-east sides thereof respectively commencing in the said Kirkgate and terminating in Denton Lane ;

No. 14.—The improving of the junction of the said Kirkgate 10 and Bradley Street North on the south-west and north-west sides thereof respectively commencing about 6 yards south-west of the north-west corner of the said Bradley Street North and terminating about 6 yards north-west of the said corner ;

No. 15.—The widening of Bradley Passage on the west side 15 thereof commencing about 15 yards north-west of the Foresters' Arms Kirkgate and terminating about 27 yards south-west of the north-east corner of Bradley Passage ;

No. 16.—The widening and improving of Hillhouse Road on both sides thereof the removal of the present bridge carrying that 20 road over the canal and towing path belonging or reputed to belong to the London and North Western Railway Company and the erecting of a new girder bridge over the said canal and towing path commencing on the north side of the said road at a point about 2 yards north-west of the south-west corner of the parapet 25 wall on the north side of the said bridge and terminating about 12 yards north-east of the north-east corner of the said Hillhouse Road and commencing on the south side of the said road at a point about 28 yards west of the north-west corner of the parapet wall on the south side of the said bridge and terminating 30 at a point about 19 yards south-west of the south-east corner of the said Hillhouse Road ;

No. 17.—A new street or road in continuation of Dale Street commencing by a junction with Manchester Road and terminating by a junction with Dale Street ;

No. 18.—The improving of Westgate commencing about 2 yards south of the north-east corner of the Plough Inn and terminating about 6 yards east of the said corner ;

5 No. 19.—A new street or road in continuation of William Street commencing by a junction with Union Street and terminating by a junction with Back Union Street ;

No. 20.—A new street or road in continuation of Great Northern Street commencing by a junction with Union Street and terminating by a junction with Back Union Street ;

10 No. 21.—A new street or road commencing by a junction with Manchester Street and terminating by a junction with Upper-head Row ;

15 No. 22.—The improving of Thomas Street at its east end and on both sides thereof commencing on the north side of the said street about 14 yards north-west of its north-east corner and terminating about six yards north of the said corner and commencing on the south side of the said street about 33 yards west of its south-east corner and terminating about 5 yards south-west of the last-named corner ;

20 No. 23.—The widening of Bradley Lane on both sides thereof commencing on the west side of the said lane 42 yards north of the lamp-post at the junction of New North Road and Fitzwilliam Street and terminating at the south side of the Back Street at the rear of Belgrave Terrace and commencing on the
25 east side of the said lane at its junction with Fitzwilliam Street and terminating 25 yards north-west of the north side of Bath Street ;

No. 24.—A new street or road in continuation of York Place commencing by a junction with Portland Street and terminating
30 by a junction with the said York Place ;

No. 25.—A new street or road in continuation of Lord Street commencing by a junction with Brook Street and terminating by a junction with Fitzwilliam Street :

No. 26.—The widening of Greenhead Road on both sides thereof commencing on the north side of the said road about 63 yards west of the junction of that road with Trinity Street and terminating at the said junction and commencing on the south side of the said road at a point opposite the south end of 5 Park Avenue and terminating at the principal entrance to the Huddersfield Parish Church Vicarage ;

No. 28.—A new street or road and a new bridge to carry the same over the River Colne in continuation of Queen Street South commencing in the township and parish of Huddersfield 10 by a junction with Colne Road and terminating in the township and parish of Almondbury by a junction with Whitehead Lane.

No. 29.—The removal of the present bridge carrying Turnbridge Road over the canal belonging to the London and North Western Railway Company the erecting of a new girder bridge over the 15 said canal and the towing path connected therewith and the widening and improving of Turnbridge Road on its south side wholly in the said township and parish of Huddersfield commencing in Quay Street about 56 yards west of the centre of the said present bridge and terminating at the junction of Turn- 20 bridge Road with St. Andrew's Road ;

No. 29a.—A new street or road commencing by a junction with Aster Street at the west end thereof and terminating by a junction with Turnbridge Road ;

No. 30.—The improving of Somerset Road by the removing of 25 so much of the Graybottom Dye Works as projects into the said road wholly in the township and parish of Almondbury ;

No. 31.—The widening and improving of Riley Street on both sides thereof commencing on the west side of the said street at a point about 29 yards north of its junction with Malvern 30 Road and terminating at its junction with Damside Road and commencing on the east side at a point about 62 yards north of the junction with Malvern Road and terminating at the junction of the said Riley Street with Damside Road ;

No. 32.—The widening of King's Mill Road on the east side thereof near its junction with Wakefield road commencing about 36 yards south of the said junction and terminating about 12·5 yards east of the north-east corner of King's Mill Road ;

5 No. 33.—A new street or road in continuation of Albert Street commencing by a junction with Bridge Street and terminating by a junction with Water Street ;

No. 34.—The widening of Lockwood Bridge on both sides thereof and the improving of the approaches thereto :

10 No. 35.—The improving of Woodhead Road on both sides thereof commencing on the north-west side of the said road at the north-east corner of the White Lion Inn Salford and terminating about 75 yards south-west of the south-west corner of the said White Lion Inn and commencing on the east side of
15 the said Woodhead Road at the entrance to Lathe fields foot-path and terminating at Lockwood Scar Road about 11 yards east of the junction of that road with the said Woodhead Road ;

No. 36.—The widening of Northgate Almondbury on both sides thereof commencing on the south-west side about 57 yards
20 north-west of the north-west corner of the Rose and Crown Hotel and terminating at the junction of Northgate with Westgate and commencing on the north-east side of Northgate about 59 yards south-east of the south-west corner of Back Lane and terminating at about 130 yards south-east of that point ;

25 No. 37.—The widening of Westgate Almondbury on the north-west side thereof commencing about 82 yards north-east of the entrance to the Almondbury Cemetery and terminating at the junction of Westgate with Northgate ;

30 No. 38.—The widening of School Lane Berry Brow on the west side thereof commencing at the junction of that lane with Station Road and terminating about 143 yards south-east of that point ;

No. 39.—The improving of Towngate Berry Brow on both sides thereof commencing on the north side about 60 yards west

of the west side of the bridge carrying the Penistone Branch of the Lancashire and Yorkshire Railway over Lady House Lane and terminating about 38 yards east of that point and commencing on the south side of Towngate at its junction with Waingate and terminating about 20 yards west of the west side 5
of the said bridge.

Provided that the Corporation shall not enter upon take or use any of the privies on the south side of Town Gate Berry Brow numbered respectively 536 and 537 on the deposited plans unless and until the Corporation have either acquired all interests in the properties 10
on the north side of Town Gate Berry Brow in connection with which the said privies are held or shall have provided proper privy accommodation for such properties in as convenient a position as the privies so taken.

No. 40.—The improving of Waingate Berry Brow on the 15
north-west side thereof commencing at the junction of Waingate with Woodhead Road and terminating about 129 yards north-east of its commencement ;

No. 41.—The widening and improving of Townend Newsome on both sides thereof commencing on the north-west side of 20
Townend about 67 yards south-west of the south-west corner of the Wellington Inn and terminating at the junction of Townend with Lockwood Scar Road and commencing on the south-east side about 38 yards south-west of the said corner of the Wellington Inn and terminating about 19 yards north-east 25
of the north-east corner of the Fountain Inn ;

No. 42.—A new street or road commencing by a junction with Bradford Road North about 76 yards south of the lamp-post at the junction of Lister's Road with the said Bradford Road North and terminating by a junction with Ash Brow Road 30
about 93 yards south of the south-west corner of Ash Brow Mills ;

No. 43.—The widening of Ash Brow Road on both sides thereof commencing on the north side about 20 yards south of the aforesaid corner of Ash Brow Mills and terminating at the 35
junction of the said Ash Brow Road with Sheepridge Road and

on the south side commencing about 23 yards south-west of the said corner of Ash Brow Mills and terminating about 24 yards south-east of the south-west corner of Belle Vue Hotel ;

5 No. 44.—A new street or road in continuation of the aforesaid Ash Brow Road commencing by a junction with Woodhouse Hill and terminating by a junction with Cherry Nook Road ;

10 No. 45.—The widening of Cherry Nook Road Deighton on both sides thereof commencing on the north-west side about 17 yards north-west of the public footpath leading from Cherry Nook Road to Woodhouse Hill and terminating about 21 yards south of the lamp-post at the junction of Cherry Nook Road and Victoria Street and commencing on the south-east side at the said entrance to the above-mentioned public footpath and terminating about 19 yards east of the said lamp-
15 post ;

20 No. 46.—The widening of Deighton Road on both sides thereof commencing on the north side about 43 yards north-east of the south-east corner of the Deighton Chapel Burial Ground and terminating about 100 yards west of the north-west corner of the Old Weigh House in Leeds Road North and commencing on the south side about 2 feet south of the north-west corner of Deighton School and terminating about 26 yards north-west of the said corner of the Old Weigh House ;

25 No. 47.—The improving of the junction of Halifax Old Road and Hillhouse Road commencing on the north-east side of the said Halifax Old Road about 18 yards south-east of the lamp-post at the junction of the said roads and terminating about 36 yards south-east of the south-east corner of Saint John's Schools ;

30 No. 48.—The improving of Back Willow Lane on the south side thereof commencing about 7 yards west of the junction of the said street with the said Halifax Old Road and terminating at the said junction ;

No. 49.—The improving of the junction of Halifax Old Road

and Bradford Road commencing on the north-side of Halifax Old Road about 46 yards north-west of the lamp-post at the junction of that road with Bradford Road and terminating on the west side of the said Bradford Road about 27 yards north-east of the said lamp-post ;

5

No. 50.—A new street or road commencing by a junction with Wheathouse Road and terminating by a junction with the last-named road at a point about 20 yards north-east of its point of commencement ;

No. 51.—The widening of Birkby Hall Road on both sides thereof commencing on the north side of the said road opposite the front entrance gateway to North Bank and terminating about 207 yards east of its commencement and commencing on the south side of the said road about 6 yards south of the north-east corner of Birkby Old Brewery and terminating about 83 15 yards east of its commencement ;

No. 52.—A new street or road commencing by a junction with Birkby Hall Road about 90 yards north-east of the north-west corner of Birkby Crescent and terminating by a junction with Halifax Old Road opposite the west end of Spaines Road. 20

Provided that whenever the Corporation shall acquire the land necessary for making the said new street they shall also at the same time acquire a triangular piece of land containing one acre or thereabouts lying south of the proposed road shown on the deposited plans and bounded on the west by a stream on the north by a 25 portion of the said intended road on the east partly by Corporation lands partly by certain houses and premises held by lessees of the Ramsden Estate and partly by a plantation on the bank of Jack Brigg Avenue which said triangular piece of land when so acquired by the Corporation shall forthwith be laid out and for ever 30 maintained by them as a plantation or open space.

No. 53.—The improving of Park Road West on the south-west side thereof commencing at the junction of that road with Pinfold Lane and terminating about 110 yards south-east of the said junction ;

35

No. 54.—The widening of Saint Thomas's Road at its east end and on both sides thereof commencing on the north side of the said road at its junction with Lockwood Road and terminating about 114 yards west of its commencement and commencing on the south side about 9 yards west of the south-east corner of the said Saint Thomas's Road and terminating at the junction of that road with Hope Street Deadwaters ;

No. 55.—The widening of Saint Thomas's Road at its west end and on both sides thereof commencing on the north side thereof about 85 yards east of the junction of that road with Thornton Road and terminating at the said junction and commencing on the south side thereof at the north-east corner of Spring Dale and terminating in the said Thornton Road about 63 yards west of its commencement ;

No. 56.—The improving of Lockwood Road on the north-west side thereof by the removal of a projecting building midway or thereabouts between Saint Stephen's Road and Garden Street ;

No. 57.—A new street or road commencing by a junction with Moor End Road about 35 yards south-west of the south-west corner of Nab Croft Lane and terminating by a junction with Thornton Road about 47 yards west of the bridge carrying the Penistone branch of the Lancashire and Yorkshire Railway over that road ;

No. 58.—The widening of Rashcliffe Hill Road on both sides thereof commencing on the north side of the said road about 190 yards east of the western end of the said Rashcliffe Hill Road and terminating about 38 yards from the eastern end of the said road and commencing on the south side about 28 yards east of the north-east corner of the public footpath known as Fifty Steps and terminating about 17 yards east of that point ;

No. 59.—The widening and improving of Holly Bank Road on both sides thereof commencing on the north side of the said road at the junction of that road with Lidgit Street and terminating at its junction with Halifax Road and the improving of the junction of the said Holly Bank Road with Lidgit Street

commencing at a point in Lidgit Sreet on the east side thereof in line with the northern gable of the Fleece Inn and terminating about 14 yards east of the south-west corner of Holly Bank Road ;

No. 60.—The improving of New Hey Road on the north side thereof commencing about 69 yards north-west of the entrance gateway to Marsh House and terminating about 92 yards south-east of the said entrance gateway ; 5

No. 61.—The improving of Westbourne Road on both sides thereof commencing on the north side of the said road about 9 yards east of the boundary dividing the said township from the township of Lindley-cum-Quarmby, and terminating about 34 yards east of the south-east corner of Croft House Lane and commencing on the south side 2·5 yards south of the north-east corner of Bloomfield Road and terminating at the entrance gateway to the Marsh Memorial School ; 15

No. 62. — The widening of Plover Road on the east side thereof commencing in New Hey Road about 16 yards south-east of the south-east corner of the said Plover Road and terminating in Wellington Street about 8 yards east of the south-east corner of that street ; 20

No. 63. —The widening of Baker Street on the north side thereof commencing in Gibson Street about 10 yards north of the north-west corner of Baker Street and terminating in Acre Street about 22 yards north-west of the north-east corner of Baker Street ; 25

No. 64.—The improving of Cowrakes Road Lindley on the north side thereof commencing in that road about 41 yards west of the entrance gateway to Gatesgarth and terminating in Weatherhill Road at the north-east corner of the Old Pinfold ;

No. 65.—The widening and improving of West Street Lindley on both sides thereof commencing on the north side of the said street in Fernlee Road about 5 yards north of its junction with West Street and terminating in West Street about 4 yards east 30

of the east side of the Old School and commencing on the south side about 41 yards west of the public watering trough opposite the said school and terminating about 29 yards west of the junction of the said West Street with Thornhill Street ;

5 No. 66.—The widening and improving of East Street Lindley on both sides thereof commencing on the north side of the said street at the junction of the said East Street with Birchencliffe Road and terminating in Halifax Road about 15 yards south-west of the entrance gateway to Royd's Steam Brewery and
10 commencing on the south side about 36 yards south-west of the north-west corner of George Street and terminating about 43 yards west of the south-east corner of the said East Street ;

15 No. 67.—The widening of Acre Street Lindley on the north-east side thereof commencing about 12 yards north-west of the junction of the said Acre Street with Daisy Lea Road and
terminating about 10 yards north-west of the entrance gateway to Green Lea ;

20 No. 68.—The widening of Victoria Street Lindley on the south-east side thereof commencing about 98 yards south-west of the junction of that street with Acre Street and terminating at
its junction with Occupation Road ;

25 No. 69.—The widening and improving of Quarmby Road on both sides thereof commencing on the south-west side thereof about 64 yards south-east of the north-east corner of Schofield's
Buildings at the junction of the said Quarmby Road with a
30 private road and terminating about 38 yards south of the south-east corner of Quarmby School and commencing on the north-east side about 75 yards east of the north-east corner of Harp road and terminating in Oakes Road about 47 yards south-west
of the north-west corner of Burfits Road ;

35 No. 70.—The widening of Oakes Road Lindley on both sides thereof commencing on the north-west side of the said road at its junction with Haughs Road and terminating about 57 yards south of the junction of the said Oakes Road with New Hey
Road and commencing on the south-east side at the junction of

Burfits Road with the said Oakes Road and terminating about 237 yards north-east of its point of commencement ;

No. 71.—The widening of Sparks Road Lindley on both sides thereof commencing on both sides by a junction of the said road with Oakes Road and proceeding thence in a north-easterly 5 direction to the junction of the said Sparks Road with New Hey Road ;

No. 72.—The widening of School Lane Paddock on the west side therefore commencing at its junction with Market Street and terminating at its junction with New Street. A new street 10 in continuation of School Lane as so widened commencing at its junction with New Street and terminating by a junction with Mark Street ;

No. 73.—The widening of Allen Row Paddock on the north-east side thereof commencing at its junction with East Street 15 and terminating about three yards west of Allen Row by a junction with Mark Street ;

And in addition to and in connection with the foregoing improvements the Corporation may make and maintain all necessary approaches retaining walls piers abutments embankments 20 arches goits culverts conveniences and works.

For the protection of the London and North Western Railway Company.

18. Whenever any of the Tramways or works by this Act authorised shall cross over or under any Railway sidings canal towing-path or works respectively of or belonging to the London and North Western Railway Company (hereinafter called “the 25 North Western Company”) the following provisions shall unless otherwise agreed between that Company and the Corporation apply and have effect :—

1. The Tramways shall be laid down and constructed under the superintendence and to the reasonable satisfaction of the 30 principal engineer of the North Western Company and in all cases at the expense of the Corporation and by such means only as shall not interfere with the free uninterrupted and safe user of the Railway or canal or the **working** conduct or passage of the traffic thereon ;

2. Whenever any of the Tramways shall be constructed over any bridge across any such Railway siding canal towing-path or work the Corporation shall not in any way alter or interfere with the structure of such bridge or the approaches thereto or with the walls buttresses retaining-walls or supports of such bridge and they shall so construct and maintain such Tramways as not to injuriously affect such bridge walls buttresses retaining-walls or supports of such bridge or the approaches thereto and in the event of any injury being occasioned to such bridge walls buttresses retaining-walls supports or approaches or any part or parts thereof respectively by the construction of the said Tramways in or over the same (whether such injury occur either during or after such construction or in working or maintaining the said Tramways) the said Railway Company may at the expense of the Corporation restore such bridge walls buttresses retaining walls supports and approaches or any part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Corporation shall recoup to and indemnify the said Railway Company against all costs and expenses which they may reasonably pay or be put to in such restoration as aforesaid and also in maintaining and repairing so much of the road over any such bridge or approaches as the Corporation are liable to maintain and repair under the twenty-eighth section of the Tramways Act 1870 and the said Railway Company may recover from the Corporation all such costs and expenses as are in this sub-section mentioned together with the costs of recovering the same as if the same had been a simple contract debt ;

3. The Corporation in relation to the execution of their Tramway works shall be responsible for and make good to the Railway Company all costs losses damages and expenses from time to time occasioned to the said Company or to any of their works and property or to the traffic on the said Railways or canal or to any Company or person using the same respectively or otherwise by reason of the execution or failure of any of such works or incidental thereto or by any act or omission of the Corporation or any of the persons in their employment or their contractors or others and the Corporation shall effectually

indemnify and hold harmless the said Railway Company from all claims and demands upon or against them by reason of any such execution or failure or of any such act or omission as aforesaid ;

4. In case the principal engineer of the North Western 5 Company and the borough surveyor shall at any time or times hereafter be of opinion that it is necessary that any one or more of the bridges over which any of the Tramways may be carried across any of their Railways or the said canal shall by reason of the construction of or the 10 working and user of the Tramways thereover and whether by steam or other mechanical power require to be strengthened or altered and as to the bridges over the said canal and towing path strengthened altered or rebuilt for more safely bearing the additional weight which will thereby be imposed 15 thereon the North Western Company at the reasonable expense in all things of and to be recoverable from the Corporation as aforesaid may strengthen alter or rebuild such bridge or bridges accordingly the Corporation repaying to the North Western Company any additional cost which that Company may be put 20 to in maintaining the said bridges as so altered or rebuilt under the provisions of this subsection and if it shall be necessary for effecting such strengthening altering or rebuilding that the working and use of the Tramways over any such respective bridges shall be wholly or in part stopped or delayed and the 25 North Western Company shall give to the Corporation five clear days' notice in writing requiring such stoppage or delay the working and user of the said respective Tramways shall be stopped or delayed accordingly but only for so long as shall be absolutely necessary and that Company shall not be liable for 30 any compensation claims demands damages costs or expenses for or in respect of such stoppages or delay ;

5. No additional crossing passing-place siding junction turnout or other work shall be made for or in connection with so much of Tramway No. 8 as will extend over the distance in front 35 of the entrance to the Deighton passenger station of the North Western Company or of the entrance to that Company's goods-yard and sidings at Deighton and as will extend for a length of

10 yards at each end of such respective distances and no tram-car or other carriage or vehicle used on the said Tramway No. 8 shall without the consent of the North Western Company under their common seal be stopped or permitted to be stopped within
5 such respective distances or lengths except for and only for so long as may be absolutely necessary for the purposes of setting down and taking up passengers ;

6. In constructing the said new streets and improvements Nos. 6 and 17 the Corporation shall not take use or interfere
10 with any lands or property of the North Western Company without the previous consent in writing of that Company under their common seal ;

7. The bridge and other works for carrying the proposed improvements Nos. 16 29 and 29A over and alongside the canal
15 of the North Western Company and its towing-path shall be constructed and executed and thereafter maintained in all things at the cost of the Corporation and only according to plans sections and specifications as shall be previously reasonably approved in writing by the principal engineer of that Company
20 and under his superintendence and so that the conduct or passage of traffic on the canal shall not be unnecessarily impeded and in case any such impediment shall occur the Corporation shall make full compensation in respect thereof to that Company or the party or parties entitled thereto to be recoverable as aforesaid
25 together with the costs of recovering the same.

8. The span of the bridges carrying the said improvements Nos. 16 and 29 over the said canal shall be of such width on the square as to leave at the points of crossing the full width of the waterway of the canal and of its towing-path undiminished and
30 each of such bridges shall have a clear headway in every part of not less than 10 feet above the top water level of the canal and in case the Corporation shall not at all times duly maintain the said bridges and other works for such crossings over the said canal and towing-path that Company may effect such main-
35 tenance and recover as aforesaid from the Corporation the amount of their reasonable expenditure in that behalf together with the costs of recovering the same.

9. The Corporation shall bear and on demand pay to the North Western Company the expense of the employment by that Company during the execution of any works affecting their Railways and Canal of a sufficient number of inspectors and watchmen to be appointed by that Company for watching their said 5 Railways and Canal and the works connecting therewith respectively with reference to and during the execution of such intended works and for preventing so far as may be all interference obstruction danger and accidents from any of the operations or from the acts or defaults of the Corporation or their contractors or any 10 person in the employ of the Corporation or of their contractors with reference thereto or otherwise.

10. If by reason of the execution of any of the works or any proceedings of the Corporation or the failure of any such works or any act or omission of the Corporation or of their contractors 15 or of any person in the employ of the Corporation or of their contractors or otherwise the said Railway and Canal of the North Western Company or any of the works connected therewith shall be injured or damaged such injury or damage shall be forthwith made good by the Corporation at their own expense or in the 20 event of their failing to do so then the North Western Company may make good the same and recover the expense thereof with full costs against the Corporation in any Court of competent jurisdiction and if any interruption shall be occasioned to the traffic on the said Railway and Canal by reason of any of the 25 matters or causes aforesaid the Corporation shall pay to that Company all costs and expenses to which that Company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption such costs and expenses and compensation to be recoverable with full costs 30 by the North Western Company in any Court of competent jurisdiction.

11. The Corporation and the North Western Company may agree for any variation or alteration in works in this section provided for or the manner in which the same shall be 35 executed ;

12. Nothing in this Act contained shall prejudice take away diminish or interfere with any of the property rights interests

powers and privileges of the North Western Company otherwise than is hereby expressly provided;

13. If any difference shall arise under any of foregoing provisions of this section between the Corporation on the one
5 hand and the North Western Company on the other hand or their respective engineers such difference shall unless hereinbefore otherwise provided be referred to and determined by an engineer to be mutually nominated by the said
10 engineers or failing agreement to be appointed by the president for the time being of the Institution of Civil Engineers on the application of either of the parties in difference and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration shall so far as they are applicable apply to any such arbitration.

15 19. The Corporation shall construct on either side of any new street by this Act authorised so far as such new street will be situate upon or bounded by any lands for the time being belonging to Sir John Ramsden a good and sufficient fence for protecting such lands from trespass and preventing cattle from straying
20 thereout on to the said street either during the construction or after the completion thereof and shall thereafter maintain such fences in good and substantial repair until the land abutting on the said street shall have been leased by Sir John Ramsden for building purposes.

New streets to be fenced.

25 20. Notwithstanding anything in this Act the new streets and improvements numbers 42 43 44 and 45 and the Tramways numbers 7 7a and 7b by this Act authorised if constructed by the Corporation shall be constructed completed and opened for public traffic simultaneously Provided that if Sir John Ramsden
30 at any time within the period of six years from the passing of this Act shall at his own cost construct or partially construct the said streets and improvements fit for the laying of the Tramways therein the Corporation shall if they lay the Tramways therein repay to Sir John Ramsden the said cost so incurred by him
35 including in such cost the expense of any fencing erected by Sir John Ramsden on either side of the said new streets and improvements.

Certain new streets and Tramways to be constructed simultaneously.

38 *The Huddersfield Tramways and Improvement Act 1890.*

Extension of
certain powers of
former Acts to
street improve-
ments.

21. The following sections of the former Acts (that is to say) :—

Of the Improvement Act of 1871—

Section 17 (Alteration of level of pavements &c.) ;

Section 18 (Streets may be stopped for temporary pur- 5
poses) ;

Section 85 (Power to make minor works connected with new
streets &c.) ;

Section 86 (Alterations of sewers gas and water pipes) ;

Section 88 (Agreements with Sir John Ramsden for streets) ; 10

Section 96 (Power to deviate from levels &c.) ; and

Section 97 (Time for completion of works).

And of the Act of 1876—

Section 26 (Elevation of buildings fronting streets to be as
Corporation approve) ; 15

shall (except as hereinafter provided) extend and apply mutatis
mutandis to and in relation to the street improvements and works
(other than Tramways) by this Act authorised.

Provided that the Corporation shall not raise sink or otherwise
alter the position of any pipe tube wire or other apparatus laid 20
down for telegraphic or other purposes and belonging to or used by
Her Majesty's Postmaster-General except in accordance with and
subject to the provisions of the Telegraph Act 1878.

Provided further that Section 97 of the said Act of 1871 shall
not extend or apply to the street improvements numbered 25
respectively 42 43 44 45 46 and 52 but if such improvements are
not completed within six years from the date of the passing of this
Act then on the expiration of that period the powers granted to
the Corporation for the making of the same shall cease except as
to so much of the respective improvements as is then completed. 30

PART IV.—LANDS.

22. Subject to the provisions of this Act the Corporation may enter upon take and use for the purposes of the works by this Act authorised all or any part of the lands delineated on the deposited plans and described in the deposited book of reference in connection therewith respectively and also for the following purposes the following additional lands delineated and described as aforesaid wholly in the said township and parish of Huddersfield (that is to say) :

Power to Corporation to take certain of the lands referenced.

10 For Street Improvements—

Certain lands on the north-east side of the Halifax Old Road ;

For Market Purposes—

15 Certain properties and the sites thereof (other than those belonging to the Corporation) bounded on the north by King Street on the south by Victoria Street on the west by Shambles Lane and on the east by Queen Street ;

and the Corporation may roof over Shambles Lane for the whole length thereof.

20 Provided that the Corporation shall not for the purposes of Improvement No. 11 by this Act authorised enter upon take or use any of the properties numbered 118 to 134 (both inclusive) on Sheet 46 of the deposited plans.

23. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Limitation of time for compulsory purchase of lands.

24. If it shall be necessary for the purposes of any of the improvements by this Act authorised to remove any human remains from any burial ground acquired under the powers or for the purposes of this Act the Corporation shall take all such precautions for the public health and decency and for the security of the men employed in such removal as Her Majesty's Secretary of State for the Home Department may direct and any remains so removed shall be removed and re-interred under the superintendence of the Medical Officer of Health in some burial ground which may now be lawfully used for interment And the Corporation shall

As to removal of human remains.

cause any monuments tablets and tombstones in any burial ground so acquired to be removed to and fixed or re-erected in such last-mentioned burial ground Provided that the heirs executors administrators relations or friends of any person whose remains are interred or deposited in or under the burial ground so acquired 5 may if they so prefer at the cost of the Corporation (not exceeding in any case ten pounds) and under such superintendence as afore-said remove the remains of such person to any burial ground which may be now lawfully used for interment and remove the monument tablet or tombstone erected to the memory of such person to any 10 place they may think fit.

Provided also that in the case of human remains removed by the Corporation from any consecrated burial ground the re-interment by this section directed shall be in some other consecrated burial ground. 15

Power to acquire additional lands by agreement.

25. The Corporation may (in addition to the lands they are authorised to acquire and hold under the powers of the former Acts and under the other powers of this Act) from time to time by agreement acquire in fee either by purchase or by way of exchange or otherwise any land not exceeding in the whole for the purposes 20 of this Act five acres or any easement power or privilege therein thereunder thereover or thereupon (not being an easement or privilege of water) which shall be deemed necessary by the Corporation but the Corporation shall not deal with any such lands so as to create or permit a nuisance. 25

Consideration for such acquisition.

26. The consideration for any such acquisition may be either money or land or a mixed consideration of money and land and on any exchange the Corporation may give or take any money for equality of exchange.

Restriction on displacing persons of labouring class.

27. (1) The Corporation shall not under the powers of this 30 Act purchase or acquire 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 unless and until :

(a) They shall have obtained the approval of the Local 35 Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary

having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of
5 employment of such persons and to all the circumstances of the case; and

(b) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any
10 scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions
15 prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced.

20 Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions if any as they may see fit.

(4) Any provisions of any scheme under this section or
any conditions subject to which the Local Government Board
25 may have approved of any scheme under this section or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court.

30 (5) If the Corporation acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in

respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom.

Provided that the Court may if it think fit reduce such 5 penalty.

(6) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands for the time being belonging to them or which they have power to acquire. Provided that nothing in this section shall relieve the Corporation 10 from the necessity of obtaining the approval of the Local Government Board for such appropriation or use of their corporate land as would require such approval under The Municipal Corporations Act 1882 (as amended by Section 72 of the Local Government Act 1888) or any other general Act. 15

(7) Subject to the provisions of this section the Corporation and the Local Government Board and their inspectors shall have and may exercise for any purpose in connection with any scheme under this section all or any of the powers vested in them under The Public Health Act 1875 in the same manner in all respects as 20 if the preparation and carrying into effect of such scheme were one of the purposes of that Act.

Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty-five years 25 from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment.

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub- 30 section subject to such conditions if any as they may see fit.

8) The Corporation shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries 35 under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed

by that Board not exceeding three guineas a day for the services of such inspector.

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

28. And whereas in the construction of the works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the lands houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding Section 92 of The Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the lands houses or other buildings or manufactories described or referred to in the Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the Jury Arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Corporation the portions only of the premises so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise If for twenty-one days after the service of notice to sell and convey any portion or portions of the said property any owner or other person shall fail to notify to the Corporation that he alleges such portion or portions cannot be severed from the remainder of the property without causing the material detriment mentioned then the Corporation may proceed to take such portion or portions

Owners may be required to sell parts only of certain lands and buildings.

only but if within such twenty-one days he shall by notice to the Corporation allege that such portion or portions cannot be severed from the remainder without causing such material detriment as aforesaid then the tribunal to whom the question of disputed compensation shall be submitted shall determine the matter of the 5 said allegation in addition to the other questions required to be determined by them.

Provided always that if in the opinion of such tribunal any such portions cannot be severed from the remainder of such property without material detriment thereto the Corporation may 10 withdraw their notice to treat for the portion of the property required by them and thereupon they shall pay to the owners of and other persons interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such 15 notice.

Provided also that if in the opinion of such tribunal any such portions can notwithstanding the allegation of such owner or other person be severed from the remainder without such material detriment then such tribunal may in its absolute discretion deter- 20 mine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person.

The provisions of this section shall be stated in every notice given by the Corporation to sell and convey a part only of any 25 property.

Provisions as to
sale and lease of
lands.

29. The provisions of the following sections of the Act of 1880 (that is to say) :

Section 95 (Power to stop up footways) ;

Section 99 (Power to take easements &c., by agreement) ; 30

Section 102 (Corporation may use their own lands for purposes of Act) ;

And the provisions of the following sections of the Act of 1871 (that is to say) :

Section 321 (Correction of errors omissions, &c.) as amended by Section 104 of the Act of 1880 ;

Section 326 (Power to grant building leases of lands near Park &c.);

5 Section 327 (Power to make agreements as to building leases &c.);

Section 328 (Sale of lands subject to building leases &c.);

Section 329 (Power to sell without previous grant of building lease);

10 Section 330 (Sales to be made within limited time);

Section 331 (Power to sell &c. lands not wanted) as explained by Section 103 of the Act of 1880 ;

Section 332 (Application of purchase-money of land); and

15 Section 333 (Lands in certain cases not to be sold without consent of Treasury)

shall (so far as they are not inconsistent with the provisions of this Act) extend and apply mutatis mutandis to the acquisition lease and sale of lands acquired by the Corporation under the powers of this Act.

20 Provided that this section or the foregoing section of this Act the marginal note whereof is " consideration for such acquisition " shall not be taken to dispense with the consent of the Local Government Board to any disposition of land in any case in which the consent of that Board would have been required if this Act
25 had not been passed.

PART V.—FINANCE.

Power to borrow.

30. The Corporation may from time to time (in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under any other Act passed in this present session of Parliament) borrow at interest on the following securities and for the following purposes being purposes to which capital is properly applicable and not otherwise the following sums (that is to say) :

For Tramway purposes on the security of the Tramway revenue and the Borough fund and Borough rate any sum not exceeding forty thousand five hundred pounds ;

For street works and improvements on the security of the Borough fund any sum not exceeding one hundred and sixty-four thousand four hundred pounds ;

For hospital purposes on the security of the Borough fund and Borough rate any sum not exceeding fifty-four thousand pounds ;

For market purposes on the security of the Market Revenue undertaking and the Borough fund and Borough rate any sum not exceeding twenty-five thousand pounds ;

For gasworks purposes on the security of the gas revenue Borough fund and Borough rate any sum not exceeding one hundred thousand pounds ;

and in calculating the sum the Corporation may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Corporation as to borrowing and re-borrowing shall not be restricted by any of the provisions of the Municipal Corporations Acts or of The Public Health Act 1875 or of The Local Government Act 1888.

31. The following enactments (that is to say) :

Certain provisions
of former Acts
extended to this
Act.

Of the Act of 1876 :

Section 125 (Provisions as to borrowing) ;

Section 126 (Priority of existing mortgages) ;

5 Section 135 (Corporation not to regard trusts) ;

Of the Act of 1882 :

Part XI. (Corporation stock) ;

shall subject to the provisions of this Act extend and apply mutatis
mutandis to and in relation to all moneys borrowed under the
10 powers of this Act and to any assessments and rates made for the
purposes of this Act.

Provided as follows :—

(1) The repayment of moneys borrowed under the powers of
this Act shall be effected

15 By equal yearly or half-yearly instalments of principal or of
principal and interest ;

Or by means of sinking funds ;

Or partly by such instalments and partly by means of sinking
funds.

20 (2) The Corporation shall repay moneys borrowed under the
powers of this Act within the following periods from the date of
the borrowing of the said moneys respectively (that is to say) :—

For the purpose of paying the costs of this Act within any
period not exceeding ten years ;

25 For tramway purposes within any period not exceeding thirty
years ;

For all other purposes within any period not exceeding sixty
years ;

(3) The first payment to a sinking fund shall be made on the thirty-first day of March next following the expiration of one clear year after the date of the borrowing of the money in respect of which such payment is to be made ;

(4) The sums to be annually appropriated and set apart to any sinking fund exclusive of accumulations shall be equal throughout the whole period allowed for repayment ;

(5) The Corporation shall not create or issue any irredeemable stock ;

(6) The Corporation shall not invest any sinking fund created under this Act in any statutory security of the Corporation.

Reduction of sum to be accumulated in hands of bankers under Section 129 of the Act of 1876.

32. The sum which the Corporation may accumulate in the hands of the bankers of the Corporation under the provisions of Section 129 of the Act of 1876 shall be the sum of £5,000 instead of the sum of £10,000 as in that section mentioned. 15

Power to re-borrow.

33. If the Corporation pay off any part of any money borrowed by them under the powers of this Act otherwise than by means of a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account they may re-borrow the same and so from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing. 25

Application of moneys from sale etc. of land.

34. The Corporation shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands and premises by this Act authorised or by way of fine or premium on any lease in or towards paying off moneys 30

borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Corporation Provided that such proceeds
5 when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the Sinking Fund except to such extent and upon such terms as may be approved by the Local Government Board.

35. If the Corporation out of the proceeds of the sale or
10 disposition of lands or other moneys received on capital account repay any principal moneys borrowed under the powers of this Act the payments to any sinking fund applicable to the repayment of such principal moneys may be reduced to such extent and upon such terms as may from time to time be approved by the Local
15 Government Board.

Sinking funds may be adjusted in certain events.

36. The Corporation may apply to the purposes of the tramways and street works by this Act authorised respectively being purposes to which capital is properly applicable and not otherwise any moneys authorised by any of the former Acts to be raised for
20 the like purposes respectively and which have not been applied as by those Acts respectively authorised.

Application of moneys under former Acts.

37. The Corporation may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of The Local Loans
25 Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed by the Corporation in manner by this section authorised for any of the purposes of the former Acts or any one or more
30 of them shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under the powers of the Act authorising the borrowing thereof and such funds and rates shall in each case be deemed to be the local rate as defined by The Local Loans Act
35 1875 Every such loan shall be discharged within the time prescribed in that behalf by the Act under the authority of which

Power to borrow under Local Loans Act 1875.

the same shall have been borrowed The forms set forth or referred to in the Fifth Schedule to the Act of 1876 may be used by the Corporation for the purposes of The Local Loans Act 1875.

Annual return to Local Government Board with respect to sinking funds etc.

38. The Borough Accountant shall within twenty-one days after the expiration of each year during which any sum is 5 required to be set apart for a sinking fund or any instalment under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instal- 10 ment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof 15 have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the Borough Accountant shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by 20 that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or 25 to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default 30 shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

The provisions of this section shall extend and apply mutatis 35 mutandis to appropriations and to annual repayments.

39. Subject to the provisions of The Customs and Inland Revenue Act 1887 the Corporation may agree with the Commissioners of Inland Revenue for payment to them of composition for the stamp duty on transfers of stock issued under the powers of this Act.

Composition for stamp duty.

40. All moneys borrowed by the Corporation under this Act shall be applied to the several purposes of this Act in respect of which the same were respectively borrowed and to which capital is properly applicable and to no other purpose.

Application of moneys borrowed.

10 41. All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such of those expenses as are to be paid out of borrowed moneys or as are incurred in relation to Corporation Stock) shall be paid as follows (that is to say) :—

Expenses of executing Act.

15 Expenses of and connected with tramways out of tramway revenue ;

Expenses of and connected with the markets out of market revenue ;

All other expenses out of the Borough fund ;

20 And all deficiencies in either of the said revenues shall be met out of the Borough Fund and all moneys payable to or receivable by the Corporation under this Act or any bye-law thereunder shall be carried to the Borough Fund and to the proper account therein.

25 42. Section 341 of the Act of 1871 (“ Assessments for tithes Railways &c. in certain cases”) shall be incorporated with and form part of this Act and shall extend and apply to any increase or addition made under the authority of this Act to any Borough rate levied for purposes other than purposes
30 with respect to which the partial exemption is not at present applicable.

As to rating of Railways for certain purposes.

43. In the case of any demand on any Railway Company entitled to partial exemption for payment of the Borough or other rate to the Corporation it shall be the duty of the Town Clerk on

Particulars to be furnished with reference to differential rates.

the application of such Railway Company to furnish within seven days full particulars in writing of the purpose or purposes (if more than one) to which the rate demanded is applicable and the amount in the pound required for each of such purposes and such particulars shall also show the proportion of the amounts in the pound required for each of such purposes in respect of which such Railway Company is entitled to the partial exemption aforesaid. 5

PART VI.—MISCELLANEOUS.

Auditors.

44. If the Corporation at any time by resolution of the Council determine to appoint an accountant or accountants to be the Borough auditor or Borough auditors in lieu of the Borough auditors then in office the following provisions shall have effect (that is to say) :—

(1) The Corporation may on the expiration of the term of office of the Borough auditors or Borough auditor then in office and so from time to time on the expiration by effluxion of time or otherwise of the term of office of any auditor or auditors appointed under this section appoint an accountant or accountants to be the Borough auditor or Borough auditors in substitution for the auditors to be appointed in accordance with the provisions of The Municipal Corporations Act 1882; 15 20

(2) From and after the first appointment of an auditor or auditors under this section the provisions of Section 25 of the said Act shall cease to apply within the Borough ;

(3) Every appointment of an auditor or auditors under this section shall be in writing under the seal of the Corporation and may be for such term and subject to such conditions as the Corporation think fit ; 25

(4) The Corporation may from time to time and at any time appoint an auditor or auditors in addition to the auditor or auditors for the time being in office : 30

(5) It shall not be obligatory on the Corporation to fill any vacancy in the office of auditors so long as there shall be one auditor in office under this section ;

5 (6) The Corporation may pay any auditor or auditors appointed by them under this section such salary or remuneration as the Corporation may think fit.

10 **45.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of moneys to be borrowed for the purpose under the provisions of this Act. Expenses of Act.

THE SCHEDULE REFERRED TO IN THE FOREGOING
ACT.

LANDS AND BUILDINGS OF WHICH PORTIONS ONLY ARE REQUIRED.

Parish.	Numbers on deposited Plans all inclusive.
Almondbury . . .	391 699 701 720.
Huddersfield . . .	4 56 354 355 621 643 664 666 776A 778A 779A 871 874 925 927.

THE HUDDERSFIELD TRAMWAYS
AND IMPROVEMENT ACT 1890.

A N A C T

To enable the Mayor Aldermen and Burgesses of the County Borough of Huddersfield to construct Additional Tramways and Street and Road Improvements and to make further Provision for the good Government of the Borough and for other purposes.

[ROYAL ASSENT 4TH JULY 1890.]

53 & 54 VICT.—SESSION 1890.

GEORGE B. NALDER,
Town Clerk,
Huddersfield.

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